

# The City Record

Official Publication of the Council of the City of Cleveland



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May the Twenty-Fourth, Two Thousand and Seventeen

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**Frank G. Jackson**  
Mayor

**Kevin J. Kelley**  
President of Council

**Patricia J. Britt**  
City Clerk, Clerk of Council

**Ward Name**

- 1 Terrell H. Pruitt
- 2 Zachary Reed
- 3 Kerry McCormack
- 4 Kenneth L. Johnson
- 5 Phyllis E. Cleveland
- 6 Blaine A. Griffin
- 7 TJ Dow
- 8 Michael D. Polensek
- 9 Kevin Conwell
- 10 Jeffrey D. Johnson
- 11 Dona Brady
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Brian J. Cummins
- 15 Matthew Zone
- 16 Brian Kazy
- 17 Martin J. Keane

The City Record is available online at  
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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

| Ward | Name                 | Residence                 |       |
|------|----------------------|---------------------------|-------|
| 1    | Terrell H. Pruitt    | 16920 Throckley Avenue    | 44128 |
| 2    | Zack Reed            | 3734 East 149th Street    | 44120 |
| 3    | Kerry McCormack      | 1429 West 38th Street     | 44113 |
| 4    | Kenneth L. Johnson   | 2948 Hampton Road         | 44120 |
| 5    | Phyllis E. Cleveland | 2369 East 36th Street     | 44105 |
| 6    | Blaine A. Griffin    | 11810 Larchmere Boulevard | 44120 |
| 7    | TJ Dow               | 7715 Decker Avenue        | 44103 |
| 8    | Michael D. Polensek  | 17855 Brian Avenue        | 44119 |
| 9    | Kevin Conwell        | 10647 Ashbury Avenue      | 44106 |
| 10   | Jeffrey D. Johnson   | 9024 Parkgate Avenue      | 44108 |
| 11   | Dona Brady           | 1272 West Boulevard       | 44102 |
| 12   | Anthony Brancatelli  | 6924 Ottawa Road          | 44105 |
| 13   | Kevin J. Kelley      | 5904 Parkridge Avenue     | 44144 |
| 14   | Brian J. Cummins     | 3104 Mapledale Avenue     | 44109 |
| 15   | Matthew Zone         | 1228 West 69th Street     | 44102 |
| 16   | Brian Kazy           | 4300 West 143rd Street    | 44135 |
| 17   | Martin J. Keane      | 15907 Colletta Lane       | 44111 |

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840

**MAYOR** – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer

Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs

Martin J. Flask, Executive Assistant to the Mayor of Special Projects

Monyka S. Price, Executive Assistant to the Mayor, Chief of Education

Matt Gray, Executive Assistant to the Mayor, Chief of Sustainability

Natoya J. Walker Minor, Executive Assistant to the Mayor, Chief of Public Affairs

Edward W. Rybka, Executive Assistant to the Mayor, Chief of Regional Development

Duane Deskins, Executive Assistant to the Mayor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults

Dan Williams, Media Relations Director

**OFFICE OF CAPITAL PROJECTS** – Matthew L. Spronz, Director  
DIVISIONS:

Architecture and Site Development – \_\_\_\_\_ Manager

Engineering and Construction – Richard J. Switalski, Manager

Real Estate – James DeRosa, Commissioner

**OFFICE OF EQUAL OPPORTUNITY** – Melissa K. Burrows, Ph.D., Director

**OFFICE OF QUALITY CONTROL AND PERFORMANCE MANAGEMENT** – Sabra T. Pierce-Scott, Director

**DEPT. OF LAW** – Barbara A. Langhenry, Director, Gary D. Singletary, Chief Counsel,

Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,

Victor R. Perez, Chief Assistant Prosecutor, Room 106; Robin Wood, Law Librarian,

Room 100

**DEPT. OF FINANCE** – Sharon Dumas, Director, Room 104;

Natasha Brandt, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – James Hartley, Interim Treasurer, Room 115

Financial Reporting and Control – James Gentile, Controller, Room 18

Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue

Purchases and Supplies – Tiffany White, Commissioner, Room 128

Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue

Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

**DEPT. OF PUBLIC UTILITIES** – Robert L. Davis, Director, 1201 Lakeside Avenue

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner

Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer

Water – Alex Margevicius, Commissioner

Water Pollution Control – Rachid Zoghhaib, Commissioner

**DEPT. OF PORT CONTROL** – Robert Kennedy, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive

DIVISIONS:

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

**DEPT. OF PUBLIC WORKS** – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Jeffrey Brown, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Kim Johnson, Interim Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Samuel Gissentaner, Interim Commissioner

Streets – Frank D. Williams, Interim Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Randall T. Scott, Interim Commissioner

**DEPT. OF PUBLIC HEALTH** – Merle Gordon, Director, 75 Erieview Plaza

DIVISIONS:

Air Quality – David Hearn, Interim Commissioner

Environment – Brian Kimball, Commissioner, 75 Erieview Plaza

Health – Persis Sosiak, Commissioner, 75 Erieview Plaza

**DEPT. OF PUBLIC SAFETY** – Michael C. McGrath, Director, Room 230

DIVISIONS:

Animal Control Services – Edward Jamison, Chief Animal Control Officer, 2690 West 7th Street

Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.

Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive

Fire – Patrick Kelly, Chief, 1645 Superior Avenue

Police – Calvin D. Williams, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

**DEPT. OF COMMUNITY DEVELOPMENT** – Michael Cosgrove, Director

DIVISIONS:

Administrative Services – Jesus Rodriguez, Commissioner

Fair Housing and Consumer Affairs Office – John Mahoney, Manager

Neighborhood Development – Chris Garland, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

**DEPT. OF BUILDING AND HOUSING** – Ayonna Blue Donald, Interim Director, Room 500

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner

Construction Permitting – Narid Hussain, Commissioner

**DEPT. OF HUMAN RESOURCES** – Nycole West, Director, Room 121

**DEPT. OF ECONOMIC DEVELOPMENT** – David Ebersole, Interim Director, Room 210

**DEPT. OF AGING** – Mary McNamara, Director, Room 122

**COMMUNITY RELATIONS BOARD** – Room 11, \_\_\_\_\_, Director, Mayor

Frank G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Eugene R. Miller (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Gary Johnson, Sr., Daniel McNea, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Peter Whitt.

**CIVIL SERVICE COMMISSION** – Room 119, Rev. Gregory E. Jordan, President; Michael Flickinger, Vice-President; Barry A. Withers, Interim Secretary; Members: Daniel J. Brennan, India Pierce Lee.

**SINKING FUND COMMISSION** – Frank G. Jackson, President; Council President Kevin J. Kelley; Betsy Hruby, Asst. Sec’y.; Sharon Dumas, Director.

**BOARD OF ZONING APPEALS** – Room 516, Carol A. Johnson, Chairman; Members: Henry Bailey, Kelley Britt, Joan Shaver Washington, Tim Donovan, Elizabeth Kukla, Secretary.

**BOARD OF BUILDING STANDARDS AND BUILDING APPEALS** – Room 516, Joseph F. Denk, Chairman; Howard Bradley, Patrick M. Gallagher, Robert Maschke, Halim M. Saab, P.E., Alternate Members – D. Cox, P. Frank, E. P. O’Brien, Richard Pace, J.F. Sullivan.

**BOARD OF REVISION OF ASSESSMENTS** – Law Director Barbara A. Langhenry, President; Finance Director Sharon Dumas, Secretary; Council President Kevin J. Kelley.

**BOARD OF SIDEWALK APPEALS** – Capital Projects Director Matthew Spronz, Law Director Barbara A. Langhenry; Council Member Kenneth L. Johnson.

**BOARD OF REVIEW** – (Municipal Income Tax) – Law Director Barbara A. Langhenry; Public Utilities Director Robert L. Davis; Council President Kevin J. Kelley.

**CITY PLANNING COMMISSION** – Room 501 – Freddy L. Collier, Jr., Director; Anthony J. Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

**FAIR HOUSING BOARD** – Charles See, Chair; Lisa Camacho, Daniel Conway, Robert L. Render, Genesis O. Brown.

**HOUSING ADVISORY BOARD** – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton.

**CLEVELAND BOXING AND WRESTLING COMMISSION** – Robert Jones, Chairman; Clint Martin, Mark Rivera.

**MORAL CLAIMS COMMISSION** – Law Director Barbara A. Langhenry; Chairman; Finance Director Sharon Dumas; Council President Kevin J. Kelley; Councilman Kevin Kelley.

**CLEVELAND LANDMARKS COMMISSION** – Room 519 – Julie Trott, Chair; Giancarlo Calicchia, Vice Chair; Laura M. Bala, Freddy L. Collier, Jr., Allan Dreyer, Council Member Terrell H. Pruitt, Robert Strickland, Donald Petit, Secretary.

**AUDIT COMMITTEE** – Yvette M. Itu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Kevin J. Kelley; Law Director Barbara A. Langhenry.

## CLEVELAND MUNICIPAL COURT

### JUSTICE CENTER – 1200 ONTARIO STREET

#### JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A

Judge Pinkey S. Carr – Courtroom 15C

Judge Marilyn B. Cassidy – Courtroom 13A

Judge Janet Rath Colaluca – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 14C

Judge Emanuella Groves – Courtroom 14B

Judge Jimmy L. Jackson, Jr. – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

Judge Charles L. Patton, Jr. – Courtroom 13D

Judge Ronald J.H. O’Leary (Housing Court Judge) – Courtroom 13B

Judge Michael R. Sliwinski – Courtroom 13C

Judge Suzan Marie Sweeney – Courtroom 12C

Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Robert J. Furda – Chief Bailiff; Dean Jenkins – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate.

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 104

WEDNESDAY, MAY 24, 2017

No. 5398

## CITY COUNCIL

MONDAY, MAY 22, 2017

The City Record  
Published weekly by the City Clerk,  
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of the Charter of the  
City of Cleveland  
The City Record is available  
online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)  
Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

### The following Committees meet at the Call of the Chair:

**Mayor's Appointments Committee:**  
Kazy (CHAIR), Brady, Cleveland,  
Dow, Kelley.

**Operations Committee:** Pruitt  
(CHAIR), Griffin, Kelley, Keane,  
Zone.

**Rules Committee:** Kelley  
(CHAIR), Cleveland, Keane,  
Polensek, Pruitt.

by Council, Allan Dreyer as Council  
Clerk Pro Tempore for May 17, 2017.  
Received.

**File No. 677-17.**

May 22, 2017

Allen Dreyer  
Deputy Clerk  
Cleveland City Council  
601 Lakeside Avenue, Room 220  
Cleveland, Ohio 44114

Dear Mr. Dreyer:

You are requested, without objec-  
tion of Cleveland City Council, to  
serve as Clerk of Council Pro Tem-  
pore for all matters requiring the  
Clerk's signature from May 22, 2017,  
to May 26, 2017.

Your assistance is appreciated.

Sincerely,  
Kevin J. Kelley  
Council President

Received.

### OATH OF OFFICE

**File No. 678-17.**

Khalid Bahhur, Interim Commis-  
sioner of Cleveland Hopkins Inter-  
national Airport. Received.

### PLAT

**File No. 640-17.**

Dedication Plat for Nina Subdi-  
vision, Columbus Road and Freeman  
Avenue. Approved by Committees on  
Municipal Services and Properties,  
and Development Planning and Sus-  
tainability. Without objection, Plat  
approved.

### FROM OHIO DIVISION OF LIQUOR CONTROL

**File No. 637-17.**

RE: #4652696. New License Appli-  
cation, C1. King Deli LLC, 8331  
Superior Ave. (Ward 7). Received.

**File No. 638-17.**

RE: #0263185. Stock Application,  
D5J D6. Aringa LLC, 15710 Waterloo  
Rd. (Ward 8). Received.

**File No. 639-17.**

RE: #4127729. New License Appli-  
cation, D5J. IlRione Pizzeria LLC,  
1303 West 65th St. (Ward 15).  
Received.

**File No. 670-17.**

RE: #9164152. Temporary License  
Application, F8. University Circle,  
Inc., 10820 East Blvd. (Ward 9).  
Received.

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL MAY 15, 2017

#### MONDAY — Alternating

9:30 A.M. — **Health and Human  
Services Committee:** Cummins  
(CHAIR), Griffin (VICE-CHAIR),  
Brady, Cleveland, Conwell, J. John-  
son, McCormack.

9:30 A.M. — **Municipal Services  
and Properties Committee:** K. John-  
son (CHAIR), Dow (VICE-CHAIR),  
Brancatelli, Cummins, J. Johnson,  
Kazy, Reed.

#### MONDAY

2:00 P.M. — **Finance Committee:**  
Kelley (CHAIR), Cleveland (VICE-  
CHAIR), Brady, Brancatelli, Con-  
well, Griffin, Keane, Pruitt, Zone.

#### TUESDAY

9:30 A.M. — **Development, Plan-  
ning and Sustainability Committee:**  
Brancatelli (CHAIR), Cleveland  
(VICE-CHAIR), Cummins, Dow,  
McCormack, Pruitt, Zone.

#### TUESDAY — Alternating

1:30 P.M. — **Utilities Committee:**  
Pruitt (CHAIR), Brady (VICE-  
CHAIR), Brancatelli, Cummins, Grif-  
fin, Keane, Polensek.

1:30 P.M. — **Workforce and Com-  
munity Benefits Committee:** Cleve-  
land (CHAIR), Zone (VICE-CHAIR),  
J. Johnson, Kazy, Polensek, Pruitt,  
Reed.

#### WEDNESDAY — Alternating

10:00 A.M. — **Safety Committee:**  
Zone (CHAIR), Conwell (VICE-  
CHAIR), Griffin, Kazy, Keane,  
McCormack, Polensek.

10:00 A.M. — **Transportation Com-  
mittee:** Keane (CHAIR), Dow  
(VICE-CHAIR), Conwell, J. Johnson,  
K. Johnson, Kazy, Reed.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
May 22, 2017

The meeting of the Council was  
called to order at 7:05 p.m. with the  
President of Council, Kevin J. Kel-  
ley, in the Chair.

Council Members present: Dona  
Brady, Anthony Brancatelli, Phyllis  
E. Cleveland, Kevin Conwell, Brian  
J. Cummins, TJ Dow, Blaine A. Grif-  
fin, Jeffrey D. Johnson, Kenneth L.  
Johnson, Brian Kazy, Kevin J. Kel-  
ley, Martin J. Keane, Kerry McCor-  
mack, Michael D. Polensek, Terrell  
H. Pruitt, Zack Reed, and Matthew  
Zone.

Also present were: Mayor Frank  
G. Jackson, Chief of Staff Ken Sil-  
liman, Chief Operating Officer Dar-  
nell Brown, Chief of Regional Devel-  
opment Edward W. Rybka, Chief of  
Education Momyka S. Price, Media  
Relations Director Dan Williams,  
Chief of Sustainability Matt Gray,  
Chief of Prevention, Intervention and  
Opportunity for Youth and Young  
Adults Duane Deskins, and Direc-  
tors Langhenry, Davis, Kennedy,  
Spronz, Gordon, Cox, Cosgrove, Don-  
ald, West, Ebersole, Collier, McNa-  
mara, Burrows and Pierce Scott.

#### MOTION

Council Members, Administration,  
Staff, and those in the audience rose  
for a moment of silent reflection,  
and the Pledge of Allegiance.

#### MOTION

On the motion of Council Member  
Cummins, the reading of the min-  
utes of the last meeting was dis-  
pensated with and the journal  
approved. Seconded by Council Mem-  
ber Griffin.

#### COMMUNICATIONS

**File No. 636-17.**  
From Council President Kevin J.  
Kelley appointing, without objection

**File No. 671-17.**

RE: #7036175. Economic Development Transfer Application, D5. P & P Hospitality Group LLC, 1801 East 9th St. (Ward 5). Received.

**CONDOLENCE RESOLUTIONS**

The rules were suspended and the following Resolutions were adopted by a rising vote:

**Res. No. 680-17** — Naomi D. (nee Green) Croom.

**Res. No. 686-17** — Charles Perry.

**RECOGNITION RESOLUTIONS**

The rules were suspended and the following Resolutions were adopted without objection:

**Res. No. 681-17** — Andre Martin.

**Res. No. 682-17** — Harlrel Jones Street Dedication.

**Res. No. 683-17** — 8th Annual Cleveland Asian Festival.

**Res. No. 684-17** — Karamu House.

**APPRECIATION RESOLUTION**

The rules were suspended and the following Resolution was adopted without objection:

**Res. No. 685-17** — Tammy Tucker, M.Ed.

**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 641-17.**

**By Council Members Cleveland, K. Johnson and Brancatelli (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), to encroach into the public right-of-way at 7218 Euclid Avenue by installing, using, and maintaining a bronze historical place marker that would sit on a pole with foundation.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), 3135 Euclid Ave, Cleveland, Ohio, 44114 ("Permittee"), to encroach into the public right-of-way at 7218 Euclid Avenue by installing, using, and maintaining a 45" x 42" bronze historical place marker on a 7' pole with foundation at the following location:

Located in front of 7218 Euclid Avenue in the tree-lawn area

**Section 2.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, the prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

**Section 3.** That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the City's Division of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

**Section 4.** That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability.

**Ord. No. 642-17.**

**By Council Members Dow, Conwell, K. Johnson and Brancatelli (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Case Western Reserve University to encroach into the public right-of-way of East 101st Street and East 105th Street by installing, using, and maintaining utility crossings.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Case Western Reserve University, 10900 Euclid Avenue, Cleveland, Ohio 44106-7228 ("Permittee"), to encroach into the public right-of-way of East 101st Street and East 105th Street by installing, using, and maintaining utility crossings at the following locations:

**20' WIDE WATER LINE ENCROACHMENT THROUGH EAST 105TH STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 402, and further bounded and described as follows:

Beginning at a stone monument marking the centerline of East 105th Street (60 feet wide) with the westerly prolongation of the northerly line of Park Lane N.E. Perpetual 30 foot Right of Way;

Thence N 01°06'01" W, along said centerline of East 105th Street, a distance of 275.81 feet to the principal point of beginning of the encroachment herein intended to be described;

Course No. 1:

Thence S 82°39'11" W, a distance of 21.41 feet to a point;

Course No. 2:

Thence N 07°20'49" W, a distance of 20.00 feet to a point;

Course No. 3:

Thence N 82°39'11" E, a distance of 53.78 feet to a point on the easterly line of said East 105th Street;

Course No.4:

Thence S 01°06'01" E, along said easterly line of East 105th Street, a distance of 20.12 feet to a point;

Course No. 5:

Thence S 82°39'11" W, a distance of 30.18 feet to the principal point of beginning and containing 0.0242 acres of land (1054 sq. ft.) as calculated and described by John E. Jansky, Registered Surveyor No. 6440 of Garrett and Associates in November 2016.

Bearings are of an assumed meridian and are to indicate angles only.

**20' WIDE STORM SEWER ENCROACHMENT THROUGH EAST 101ST STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 402, and further bounded and described as follows:

Beginning at centerline intersection of East 101st Street (72 feet wide) and Woodward Avenue (40 feet wide);

Thence S 0°34'36" W, along said centerline of East 101st Street, a distance of 225.43 feet to the principal point of beginning of the encroachment herein intended to be described;

Course No. 1:

Thence S 79°34'45" E, parallel to and 10 feet by rectangular measurement from the proposed 8" storm sewer, a distance of 36.54 feet to a point on the easterly line of said East 101st Street;

Course No. 2:

Thence S 0°34'36" W, along said easterly line of East 101st Street, a distance of 20.30 feet to a point;

Course No. 3:

Thence N 79°34'45" W, a distance of 49.45 feet to a point;

Course No. 4:

Thence N 10°25'15" E, a distance of 20.00 feet to a point;

Course No. 5:

Thence S 79°34'45" E, a distance of 9.45 feet to the principal point of beginning and containing 0.0219 acres of land (954 sq. ft.) as calculated and described by John E. Jansky, Registered Surveyor No. 6440 of Garrett and Associates in November 2016. Bearings are of an assumed meridian and are to indicate angles only.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

**Section 2.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, the prospective Permittee has properly indemnified



the City against any loss that may result from the encroachment(s) permitted.

**Section 3.** That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the City's Division of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

**Section 4.** That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability.

**Ord. No. 643-17.**  
**By Council Members McCormack, K. Johnson and Brancatelli (by departmental request).**

**An emergency ordinance to vacate a portion of West 20th Street.**

Whereas, under Resolution No. 1415-13, adopted July 16, 2014, this Council declared its intention to

vacate a portion of West 20th Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on November 20, 2014, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That this Council declares that the following described real property is vacated:

Being all that portion of West 20th Street (66.00 feet wide) extending from the northerly line of that vacated portion of Franklin Avenue N.W. (60.00 feet wide) and West 20th Street (66 feet wide) as shown in Volume 202 of Maps, Page 59 of Cuyahoga County Records, northerly to a line drawn from a point on the west line of said West 20th Street (66 feet wide) being 100.72 feet from the intersection of the north line of said vacated Franklin Avenue N.W. (60.00 feet wide) to a point on the east line of said West 20th Street (66 feet wide) being 132.66 feet from the intersection of the north line

of said vacated Franklin Avenue N.W. (60.00 feet wide).

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for The Illuminating Company, Division of Water and the Northeast Ohio Regional Sewer District.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by The Illuminating Company, Division of Water, Northeast Ohio Regional Sewer District, and the City of Cleveland;

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 644-17.**  
**By Council Member Kelley (by departmental request).**

**An emergency ordinance to amend Section 35 of Ordinance No. 323-15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That Section 35 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 1022-16, passed September 26, 2016, and Ordinance No. 189-17, passed March 20, 2017, is amended to read as follows:

**Section 35.** That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

|  | <b>Minimum</b>   | <b>Maximum</b>    |
|--|------------------|-------------------|
| 1. Aging Services Administrator.....                                 | \$27,325.56      | \$96,798.67       |
| 2. Air Pollution Control, Engineer IV.....                           | 20,800.00        | 69,713.09         |
| 3. <b>Airport Operations Superintendent.....</b>                     | <b>53,682.00</b> | <b>114,986.00</b> |
| 4. Airport Safety Shift Commander.....                               | 20,800.00        | 79,225.56         |
| 5. <b>Animal Control Supervisor I.....</b>                           | <b>40,000.00</b> | <b>60,000.00</b>  |
| 6. <b>Animal Control Supervisor II.....</b>                          | <b>45,000.00</b> | <b>70,000.00</b>  |
| 7. Assistant Administrator.....                                      | 20,800.00        | 72,000.00         |
| 8. Assistant Aging Services Administrator.....                       | 20,800.00        | 68,738.75         |
| 9. Assistant Manager of Marketing.....                               | 20,800.00        | 64,468.16         |
| 10. Assistant Security Manager.....                                  | 20,800.00        | 68,175.93         |
| 11. Central Payroll Supervisor.....                                  | 20,800.00        | 92,276.53         |
| 12. Chief Building Inspector.....                                    | 20,800.00        | 75,084.85         |
| 13. Chief Electrical Inspector.....                                  | 20,800.00        | 75,084.85         |
| 14. Chief Elevator Inspector.....                                    | 20,800.00        | 75,084.85         |
| 15. Chief Heating Inspector.....                                     | 20,800.00        | 75,084.85         |
| 16. Chief Rehabilitation Supervisor.....                             | 20,800.00        | 79,225.56         |
| 17. Chore Services Coordinator.....                                  | 20,800.00        | 57,417.83         |
| 18. Contract Supervisor - Division of Purchases<br>and Supplies..... | 20,800.00        | 69,383.29         |
| 19. Data Processing Supervisor.....                                  | 20,800.00        | 64,468.16         |
| 20. Deputy Central Payroll Supervisor.....                           | 20,800.00        | 69,668.31         |
| 21. Manager of Public Utilities - Building Maintenance....           | 20,800.00        | 86,124.77         |

|     |  |           |            |
|-----|--|-----------|------------|
| 22. | Performance Auditor.....                 | 40,000.00 | 90,000.00  |
| 23. | Quality Control Inspector.....           | 25,000.00 | 65,000.00  |
| 24. | Senior Systems Analyst.....              | 20,800.00 | 87,543.86  |
| 25. | Shift Supervisor Operations.....         | 20,800.00 | 64,468.16  |
| 26. | Superintendent of Distribution.....      | 20,800.00 | 79,972.99  |
| 27. | Superintendent of Purchase Power.....    | 27,325.56 | 102,352.02 |
| 28. | Supervising Tax Auditor.....             | 20,800.00 | 67,000.00  |
| 29. | Supervisor of Civil Service Records..... | 20,800.00 | 64,468.16  |

**Section 2.** That existing Section 35 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 1022-16, passed September 26, 2016, and Ordinance No. 189-17, passed March 20, 2017, is repealed.

**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Human Resources, Finance, Law; Committee on Finance.

**Ord. No. 645-17.**

**By Council Members Keane and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide general planning, engineering, and design services, for a period of one year, executed by December 31, 2018, with three one-year options to renew, the second of which requires additional legislative authority.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide general planning, engineering, and design services on an as-needed basis, for a period of one year, executed by December 31, 2018, with three one-year options to renew, for the various divisions of the Department of Port Control. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 2.** That the cost of contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 115, 60 SF 116, 60 SF 122, 60 SF 126, 60 SF 128, 60 SF 130, 60 SF 141, 60 SF 160, from the fund

or subfunds to which are credited the proceeds of any grants received or passenger facility charges if authorized for the purposes of this ordinance, Request No. RQS 3001, RL 2017-53.

**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Port Control, Finance, Law; Committees on Transportation, Finance.

**Ord. No. 646-17.**

**By Council Members Pruitt and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA 2015-75 with Paladin Protective Systems Inc. to provide labor and materials to test, inspect, maintain, repair, enhance or replace electronic security systems including software and components.**

Whereas, under the authority of Ordinance No. 1340-13, passed November 11, 2013, the Director of Public Utilities entered into Contract No. MA 2015-75 with Paladin Protective Systems Inc. to provide labor and materials to test, inspect, maintain, repair, enhance or replace electronic security systems including software and components; and

Whereas, Ordinance No. 1340-13 requires further legislation before exercising the first option to renew on this contract; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Utilities is authorized to exercise the first option to renew Contract No. MA 2015-75 for an additional year, with Paladin Protective Systems Inc. for the requirements of labor and materials to test, inspect, maintain, repair, enhance or replace electronic security systems including software and components. This ordinance constitutes the additional legislative authority required by Ordinance No. 1340-13 to exercise this option. (RQN 2002, RL 2017-26)

**Section 2.** That this ordinance is declared to be an emergency measure and, provided it receives the

affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Utilities, Finance.

**Ord. No. 647-17.**

**By Council Members Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Greater Cleveland Sports Commission to provide financial assistance to organize and administer programs for marketing the City of Cleveland as a venue for sporting events and to actively market the Public Auditorium as a premier site for the hosting of major events.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Economic Development is authorized to enter into a grant agreement with The Greater Cleveland Sports Commission to provide financial assistance to organize and administer programs for marketing the City of Cleveland as a venue for sporting events and to actively market the Public Auditorium as a premier site for the hosting of major events.

**Section 2.** That the costs of the grant shall not exceed an amount of \$25,000 and shall be paid from Fund No. 10 SF 501, RQS 9501, RL 2017-54.

**Section 3.** That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Economic Development, Finance, Law; Committees on Development Planning and Sustainability, Finance.

**Ord. No. 648-17.**  
**By Council Members Brancatelli and Kelley (by departmental request).**  
**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Greater Cleveland Media Development Corporation dba Greater Cleveland Film Commission to assist with the operations of the organization.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Economic Development is authorized to enter into a grant agreement with the Greater Cleveland Media Development Corporation dba Greater Cleveland Film Commission to assist with the operations of the organization.

**Section 2.** That the costs of the grant shall not exceed \$225,000 and shall be paid from Fund No. 10 SF 501, Request No. RQS 9501, RL 2017-55.

**Section 3.** That the Director of Law is authorized to prepare the grant agreement and other documents that may be appropriate to complete the transaction.

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Economic Development, Finance, Law; Committees on Development Planning and Sustainability, Finance.

**Ord. No. 649-17.**  
**By Council Members K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to execute a deed of easement granting to the City of Cleveland Heights certain easement rights in property located along the south side of Cedar Road between Ambleside Road and Harcourt Drive; to accept the improvements when complete; to memorialize Cleveland Heights' obligation to maintain the grounds and improvements; and declaring that the easement rights granted are not needed for public use.**

Whereas, the City of Cleveland Heights ("Cleveland Heights") will construct and maintain a multi-purpose trail as part of its Cedar Fairmount streetscape project being funded by the Ohio Department of Transportation; and

Whereas, a portion of the trail will be constructed or property owned by the City of Cleveland; and

Whereas, a permanent easement to the City of Cleveland Heights is necessary in order to allow it to construct and maintain the entire multi-purpose trail; and

Whereas, the easement rights to be granted are not needed for the City's public use and the alignment and design of the multi-purpose trail has been approved by the appropriate City of Cleveland officials; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for the City's public use:

**MULTI PURPOSE PATH  
 EASEMENT  
 CEDAR GLEN PARKWAY**

Situated in the City of Cleveland and City of Cleveland Heights, County of Cuyahoga and State of Ohio and being an easement over the southeasterly portion of Cedar Glen Parkway now owned by The City of Cleveland (Cuyahoga County Parcel No. 68519010 as recorded in Deed Volume 689, Page 252 of the Cuyahoga County Records) and (Cuyahoga County Parcel No. 68522004 and 12106031 per The Cuyahoga County Auditor), being more fully described as follows:

Beginning at a centerline monument found at the intersection of Cedar Road (as set forth on the "Plan of Cedar Glen" of the Cuyahoga County Engineers office, dated July, 1930) and the easterly Corporation Line of The City of Cleveland; Thence southeasterly along said easterly line of the City of Cleveland, S-01°09'31"-E (bearings reference to the Ohio Coordinate System, North Zone, NAD 83), 48.72 feet to the southerly line of Cedar Road as shown on said Plan of Cedar Glen; Thence southeasterly along the southerly line of Cedar Road and along the arc of a circle curving to the left (central angle = 0°22'52", radius = 2332.00', chord = 15.51', chord bearing = S-83°54'45"-E) 15.51 feet to the southeasterly line of Ambleside Drive and the True Place of beginning for the easement hereinafter described;

Thence along the southerly line of Cedar Road as shown on said Plan of Cedar Glen the following six courses:

- 1) Along the arc of a circle curving to the left (central angle = 8°04'40", radius = 2332.00', chord = 328.50', chord bearing = S-88°08'31"-E) 328.77 feet to a point of compound curve;
- 2) Along the arc of a circle curving to the left (central angle = 17°37'04", radius = 836.36', chord = 256.16', chord bearing = N-79°00'39"-E) 257.17 feet to a point of compound curve;
- 3) Along the arc of a circle curving to the left (central angle = 28°54'08", radius = 632.31', chord = 315.59', chord bearing = N-55°45'03"-E) 318.96 feet to a point of tangent;
- 4) N-41°17'59"-E, 420.21 feet to a point of curve;
- 5) Along the arc of a circle curving to the right (central angle = 23°47'27", radius = 471.50', chord = 194.38', chord bearing = N-53°11'43"-E) 195.78 feet to a point of compound curve;
- 6) Along the arc of a circle curving to the right (central angle = 82°34'34", radius = 40.41', chord = 53.33', chord bearing = S-73°37'17"-E) 58.24 feet to a point of tangent;

Thence, S-28°02'41"-E, 2.50 feet to the northwesterly line of Harcourt Drive;

Thence southwesterly along the northwesterly line of said Harcourt

Drive and along the arc of a circle curving to the left (central angle = 32°43'43", radius = 532.40', chord = 300.00', chord bearing = S-40°36'29"-W) 304.12 feet to a point;

Thence, N-44°20'28"-W, 61.25 feet to the southerly line of said Cedar Glen Parkway as recorded in Deed Volume 689, Page 252;

Thence along the southerly line of said Cedar Glen Parkway the following eight courses:

- 1) S-41°37'26"-W, 231.11 feet to a point of curve;
- 2) Along the arc of a circle to the left non-tangent to the previous course (central angle = 58°24'28", radius = 212.00', chord = 206.88', chord bearing = S-18°15'44"-W) 216.11 feet to a point of tangent;
- 3) S-47°27'55"-W, 100.82 feet to a point;
- 4) N-53°20'06"-W, 42.51 feet to a point;
- 5) S-56°08'08"-W, 201.49 feet to a point;
- 6) S-71°18'34"-W, 260.20 feet to a point;
- 7) S-83°26'54"-W, 134.40 feet to a point;
- 8) N-67°50'36"-W, 322.06 feet to the southeasterly line of Ambleside Drive;

Thence northeasterly along the southeasterly line of said Ambleside Drive,

N-57°01'04"-E, 100.65 feet to the True Place of Beginning for the easement hereinbefore described and containing 3.5701 acres of land as surveyed by Daniel C. Kalstrom, Professional Surveyor (Reg. No. 6302) in March, 2017.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

**Section 2.** That the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to Cleveland Heights subject to any conditions stated in this ordinance. The consideration to be paid for this property shall not exceed \$1.00 and other valuable consideration, which is determined to be fair market value.

**Section 3.** That the easement shall be non-exclusive and the purpose of the easement shall be to construct and maintain a multi-purpose trail and maintain the grounds.

**Section 4.** That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Public Works; that the easement shall require that Cleveland Heights provide reasonable insurance or self-insurance; maintain any Cleveland Heights' improvements located within the easement; pay any applicable taxes and assessments; and shall contain such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City.

**Section 5.** That the Director of Public Works is authorized to accept the trail improvements when completed.

**Section 6.** That the conveyance referenced above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect this ordinance.



**Section 7.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Works, City Planning Commission, Finance, Law; Committees in Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 650-17.**

**By Council Members K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to renew its Lease with the Cleveland Heights - University Heights City School District for use of City of Cleveland property located in the City of Cleveland Heights at 2470 West St. James Parkway adjacent to the Roxboro Middle School for recreational purposes, for a term of ninety-nine years.**

Whereas, in 1974, the City entered into a 40-year lease with the Cleveland Heights - University Heights City School District (the "District") for the use of City of Cleveland property located in the City of Cleveland Heights at 2470 West St. James Parkway adjacent to the Roxboro Middle School for recreational purposes; and

Whereas, the land contains deed restrictions limiting the use for park purposes, such restrictions being imposed by both John D. Rockefeller and the Shaker Heights Land Company; and

Whereas, in 1974, the City's lease and the District's proposed recreational use were approved by the Rockefeller Brothers Fund, Inc. which has since vested its power of approval in The Cleveland Foundation; and

Whereas, the City and the District wish to renew their lease for the Roxboro Middle School's recreational playing fields for a 99-year term at \$1.00 per year and The Board of Directors of The Cleveland Foundation has approved the request; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That, notwithstanding Section 183.03 or any other provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Works is authorized to renew the Lease with the District for property known as 2470 West St. James Parkway adjacent to the Roxboro Middle School for recreational purposes ("Renewal"), as is more fully described as follows:

Legal Description for Portion of PPN 685-35-001

Lease to Cleveland Heights-University Heights City School District for Roxboro Middle School Recreation Fields

The following described portions of the lands conveyed by said deed recorded in Volume 660, page 288, of Cuyahoga County Deed Records,

which premises are located at 2470 West St. James Parkway in the City of Cleveland Heights:

Situated in the City of Cleveland Heights, County of Cuyahoga and State of Ohio, and known as being parts of Original 100 Acre Lots Nos. 413, 414, 421 and 422, and bounded and described as follows:

Bounded on the north by the Westerly extension of the southerly line of West St. James Parkway; bounded westerly by the southerly extension of the easterly line of Grand View Road; bounded Southwesterly by the northeasterly line of North Park Boulevard; bounded southeasterly by the southwesterly extension of the northwesterly line of Roxboro Road and bounded northeasterly by the northeasterly limits of land owned by the City of Cleveland.

**Section 2.** That the term of the Renewal authorized by this ordinance for the Lease shall not exceed ninety-nine years at \$1.00 per year. All other terms and conditions of the 1974 lease shall remain the same.

**Section 3.** That the Renewal shall be prepared by the Director of Law.

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Works, City Planning Commission, Finance, Law; Committees in Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 651-17.**

**By Council Members Dow, Conwell, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to enter into one or more license agreements with Case Western Reserve University, to facilitate pedestrian crossing and traffic safety improvements and to make utility connections to the Nord Family Greenway project at or under certain city park drives in Wade Park.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Works is authorized to enter into one or more license agreements with Case Western Reserve University ("CWRU") to allow CWRU to facilitate improved pedestrian crossings and traffic safety and to make utility connections to the Nord Family Greenway project at and under city park drives in Wade Park, in the areas of East Boulevard and Martin Luther King Jr. Drive, across portions of PPN 120-36-001. CWRU is requesting access for the installation and connection of underground utilities, including electric, telecommunications, water, storm / sanitary lines and outlets; the installation of curbs, paving, and striping pertaining to the enhanced crossings; and the installation of traffic related

items and devices including but not limited to traffic and pedestrian signs, hybrid beacons, flashing and signal head beacons, for crossing the street, all as approved by appropriate City officials. The affected areas are more fully described as follows:

**LEGAL DESCRIPTION OF A GENERAL LICENSE AREA ENCOMPASSING AN AREA WITHIN EAST BOULEVARD CITY OF CLEVELAND - CUYAHOGA COUNTY, OHIO**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot Number 402 and further bounded and described as follows:

Beginning at the northeasterly corner of Parcel "A" conveyed to The Cleveland Museum of Art by deed recorded in Volume 12328 Page 601 of Cuyahoga County Deed Records, said northeasterly corner also being the principal point of beginning of the premises herein intended to be described;

Course No. 1:

Thence along an easterly line of land conveyed to the Cleveland Museum of Art, along the arc of a curve deflecting to the right, 111.78 feet, said curve having a radius of 1831.00 feet, a delta angle of 3°29'53" and a chord which bears N 00°35'33" E, a distance of 111.77 feet to its intersection with a northerly Limit of Work Line (Phase 1);

Thence along said northerly Limit of Work Line by the following two (2) courses and distances:

Course No. 2:

Thence N 88°39'42" E, a distance of 40.75 feet to a point;

Course No. 3:

Thence along the arc of a curve deflecting to the right, 15.39 feet, said curve having a radius of 21.75 feet, a delta angle of 40°31'56" and a chord which bears N 49°21'11" E, a distance of 15.07 feet to a point;

Course No. 4:

Thence N 88°39'42" E, a distance of 13.25 feet to its intersection with the northerly extension of the easterly line of said East Boulevard;

Course No. 5:

Thence S 00°48'52" W, along said northerly extension of the easterly line of East Boulevard and the easterly line of East Boulevard (passing through at 14.56 feet, the southerly line of Bellflower Road) a distance of 30.55 feet to a point;

Thence along said easterly line of East Boulevard by the following seven (7) courses and distances:

Course No. 6:

Thence S 01°19'40" W, a distance of 50.36 feet to a point;

Course No. 7:

Thence S 00°21'53" E, a distance of 48.61 feet to a point;

Course No. 8:

Thence S 02°00'53" E, a distance of 50.10 feet to a point;

Course No. 9:

Thence S 03°57'30" E, a distance of 50.02 feet to a point;



**Course No. 10:**

Thence S 05°13' 06" E, a distance of 50.00 feet to a point;

**Course No. 11:**

Thence S 06°56' 13" E, a distance of 50.01 feet to a point;

**Course No. 12:**

Thence S 09°27' 10" E, a distance of 5.71 feet to its intersection with a southerly Limit of Work Line (Phase 1);

Thence along said southerly Limit of Work Line by the following two (2) courses and distances:

**Course No. 13:**

Thence S 81°22' 57" W, a distance of 72.76 feet to a point;

**Course No. 14:**

Thence S 25°58' 05" W, a distance of 20.57 feet to a point on the easterly line of a sublease area to Case Western Reserve University from within Parcel "B" leased to The Cleveland Museum of Art;

Thence along said easterly line of the sublease area by the following three (3) courses and distances:

**Course No. 15:**

Thence N 07°08' 57" W, a distance of 13.83 feet to a point;

**Course No. 16:**

Thence N 05°22' 46" W, a distance of 102.74 feet to a point;

**Course No. 17:**

Thence N 04°10' 26" W, a distance of 82.50 feet to a point on the southerly line of said Parcel "A" conveyed to The Cleveland Museum of Art;

Thence along the southerly and easterly lines of Said Parcel "A" conveyed to the Cleveland Museum of Art by the following three (3) courses and distances:

**Course No. 18:**

Thence N 81°40' 22" E, a distance of 4.95 feet to a point of curve;

**Course No. 19:**

Thence along the arc of a curve deflecting to the right, 19.27 feet, said curve having a radius of 11.56 feet, a delta angle of 95°30' 34" and a chord which bears S 50°34' 21" E, a distance of 17.12 feet to a point;

**Course No. 20:**

Thence along the arc of a curve deflecting to the right, 52.98 feet, said curve having a radius of 1831.00 feet, a delta angle of 01°39' 28" and a chord which bears N 01°59' 23" W, a distance of 52.98 feet to the principal point of beginning and containing 0.5720 acres of land (24,917 sq. ft.) as calculated and described by John E. Jansky, Registered Surveyor Number 6440 of Garrett & Associates, Inc., in January, 2017, be the same or less, but subjected to all legal highways.

Bearings used herein are based on assumed meridian and are used to indicate angles only.

**LEGAL DESCRIPTION OF A  
GENERAL LICENSE AREA  
ENCOMPASSING AN AREA WITHIN  
MARTIN LUTHER KING JR. DRIVE  
CITY OF CLEVELAND -  
CUYAHOGA COUNTY, OHIO**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 402, and

further bounded and described as follows:

Beginning at the southeasterly corner of a 1.3713 acre parcel of land subleased to Case Western Reserve University from The Cleveland Museum of Art, said southeasterly corner also being the principal point of beginning of the area herein intended to be described;

**Course No. 1:**

Thence S 67°27' 00" E, along a southerly line of Parcel B leased to The Cleveland Museum of Art, a distance of 46.23 feet to an angle point therein;

**Course No. 2:**

Thence S 61°14' 57" E, continuing along said southerly line of said Parcel B, a distance of 16.58 feet to its intersection with an easterly Limit of Work Line (Phase 1) for The Nord Family Greenway Project;

**Course No. 3:**

Thence S 70°52' 29" W, along said easterly Limit of Work Line, a distance of 68.48 feet to an angle point therein;

**Course No. 4:**

Thence S 21°37' 21" W, continuing along said easterly Limit of Work Line, a distance of 10.56 feet to its intersection with the southeasterly extension of an easterly line of Parcel C, leased to Case Western Reserve University;

Thence along the said southeasterly extension and the easterly lines of said Parcel C by the following four (4) courses and distances:

**Course No. 5:**

Thence N 67°27' 15" W, a distance of 95.24 feet to a point;

**Course No. 6:**

Thence N 62°34' 19" W, a distance of 20.00 feet to a point;

**Course No. 7:**

Thence N 27°46' 04" E, a distance of 15.64 feet to a point;

**Course No. 8:**

Thence along the arc of a curve deflecting to the right, 177.26 feet, said curve having a radius of 775.12 feet, a delta angle of 13°06' 11", and a chord which bears N 56°01' 38" W, a distance of 176.88 feet to a point;

**Course No. 9:**

Thence along the arc of a curve deflecting to the right, 77.31 feet, said curve having a radius of 775.12 feet, a delta angle of 5°42' 53", and a chord which bears N 46°37' 07" W, a distance of 77.27 feet to a point on said easterly line of Parcel C;

**Course No. 10:**

Thence along said easterly line of Parcel C, along the arc of a curve deflecting to the right, 129.06 feet, said curve having a radius of 775.12 feet, a delta angle of 9°32' 24", and a chord which bears N 38°59' 29" W, a distance of 128.91 feet to its intersection with a northerly Limit of Work Line (Phase 1) for said Nord Family Greenway Project;

**Course No. 11:**

Thence N 81°50' 04" E, along said northerly Limit of Work Line, a distance of 49.34 feet to a point on a westerly line Parcel A, leased to The Cleveland Museum of Art;

Thence along said westerly line of Parcel A, and the westerly lines of said 1.3713 acre parcel subleased to Case Western Reserve University by the following three (3) courses and distances:

**Course No. 12:**

Thence along the arc of a curve deflecting to the left, 340.09 feet, said curve having a radius of 731.12 feet, a delta angle of 26°39' 08", and a chord which bears S 49°14' 45" E, a distance of 337.04 feet to a point;

**Course No. 13:**

Thence S 62°34' 19" E, a distance of 37.93 feet to a point;

**Course No. 14:**

Thence S 67°27' 00" E, a distance of 60.57 feet to the principal point of beginning and containing 0.5447 acres of land (23,726 sq. ft.) as calculated and described by John E. Jansky, Registered Surveyor No. 6440 of Garrett and Associates in January 2017.

Bearings are of an assumed meridian and are to indicate angles only.

Legal descriptions approved by Greg Esber, Section Chief, Plants, Surveys and House Numbering Section

**Section 2.** That the term of the license agreement shall be automatically renewed from year to year unless terminated by either party. That the license shall be at no cost to CWRU and that the improvements shall be made at no cost to the City.

**Section 3.** That the license agreement shall be prepared by the Director of Law.

**Section 4.** That the Director of Public Works and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other action as may be necessary or appropriate to effect the license agreement authorized by this ordinance.

**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Works, City Planning Commission, Finance, Law; Committees in Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 652-17.**

**By Council Members Griffin, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to execute various deeds of easement and various temporary deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property located in Ambler Park for its Doan Valley tunnel project and declaring the easement rights not needed for the City's public use.**

Whereas, the Northeast Ohio Regional Sewer District ("NEORS") has requested the Director of Public Works to convey certain easement rights and temporary

easement rights across portions of Permanent Parcel No. 121-28-001, known as Ambler Park ("Ambler Park") for their Doan Valley tunnel project; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that easement interests in the following described properties are not needed for the City's public use:

**Permanent Subterranean Easement DVT-P22 Across Parcel No. 121-28-001 0.3377 Acre (14,710 square feet)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 411. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 605, Page 301 and Volume 616, Page 480 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Murray Hill Road (60 feet wide) and the centerline of Cedar Avenue (width varies);

Thence, along the centerline of Cedar Avenue, North 82° 49' 57" West, 545.66 feet;

Thence, leaving the centerline of Cedar Avenue, South 07° 10' 03" West, 70.50 feet to the southerly right of way of Cedar Avenue and the easterly line of land conveyed to GCRTA as recorded in Volume 13869, Page 547 of the Cuyahoga County Records;

Thence, along GCRTA's easterly line, South 28° 55' 18" West, 167.92 feet to the northerly line of said land conveyed to the City of Cleveland;

Thence, along the northerly line of said land conveyed to the City of Cleveland, South 22° 34' 20" East, 2.06 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along the northerly line of said land conveyed to the City of Cleveland, South 22° 34' 20" East, 36.36 feet;

Thence, leaving the northerly line of said land conveyed to the City of Cleveland, South 20° 52' 01" West, 575.20 feet;

Thence North 69° 07' 59" West, 25.00 feet;

Thence North 20° 52' 01" East, 601.60 feet to the point of beginning.

Containing within said bounds of land 0.3377 acre of land (14,710 square feet) and having a lower elevation of 585.00 and an upper elevation of 675.00 as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in January, 2016. Bearings are based on Ohio State Plane, North Zone NAD83 (2011) Grid North. Elevations are based on the NAVD88 vertical datum.

**Permanent Easement DVT-P23 Across Parcel No. 121-28-001 1.1525 Acre (50,201 square feet)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 411. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 605,

Page 301 and Volume 616, Page 480 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a 1" iron pin monument found at the intersection of the centerline of Stokes Boulevard (width varies) and the centerline of Baldwin Road (vacated)

Thence, along the centerline of Stokes Boulevard, North 42° 31' 54" West, 295.09 feet;

Thence, leaving said centerline of Stokes Boulevard, North 47° 28' 06" East, 50.00 feet to the northerly right of way of Stokes Boulevard and the True Point of Beginning for the easement herein described;

Thence North 60° 09' 37" East, 5.23 feet;

Thence North 47° 36' 14" East, 28.69 feet;

Thence, along the arc of a curve which deflects to the left, 17.51 feet, said curve having a radius of 35.00 feet, a central angle of 28° 39' 30", and a chord of 17.32 feet which bears North 33° 16' 29" East;

Thence North 18° 56' 44" East, 48.25 feet;

Thence, along the arc of a curve which deflects to the right, 20.45 feet, said curve having a radius of 209.50 feet, a central angle of 5° 35' 34", and a chord of 20.44 feet which bears North 21° 44' 31" East;

Thence North 24° 32' 18" East, 54.03 feet;

Thence, along the arc of a curve which deflects to the right, 166.87 feet, said curve having a radius of 200.00 feet, a central angle of 47° 48' 22", and a chord of 162.08 feet which bears North 48° 26' 29" East;

Thence North 72° 20' 40" East, 23.75 feet;

Thence North 61° 17' 37" East, 16.38 feet;

Thence North 72° 20' 40" East, 83.50 feet;

Thence South 69° 07' 59" East, 25.00 feet;

Thence South 20° 52' 01" West, 96.53 feet;

Thence South 57° 40' 20" East, 72.80 feet;

Thence South 33° 00' 22" West, 73.86 feet;

Thence South 57° 00' 00" East, 66.13 feet;

Thence South 32° 54' 51" West, 66.93 feet;

Thence South 57° 05' 09" East, 48.85 feet;

Thence South 33° 50' 00" West, 75.00 feet;

Thence North 56° 10' 00" West, 160.00 feet;

Thence North 17° 19' 03" West, 87.27 feet;

Thence North 44° 56' 36" East, 43.63 feet;

Thence North 45° 14' 16" East, 38.31 feet;

Thence North 04° 37' 04" East, 34.22 feet;

Thence North 16° 18' 51" West, 59.33 feet;

Thence, along the arc of a curve which deflects to the left, 18.99 feet, said curve having a radius of 35.00 feet, a central angle of 31° 04' 58", and a chord of 18.76 feet which bears South 89° 33' 18" West;

Thence, along the arc of a curve which deflects to the left, 153.70 feet, said curve having a radius of 178.00 feet, a central angle of 49° 28' 31", and a chord of 148.97 feet which bears South 49° 16' 33" West;

Thence South 24° 32' 18" West, 54.03 feet;

Thence, along the arc of a curve which deflects to the left, 18.30 feet, said curve having a radius of 187.50 feet, a central angle of 5° 35' 34", and a chord of 18.29 feet which bears South 21° 44' 31" West;

Thence South 18° 56' 44" West, 48.21 feet;

Thence, along the arc of a curve which deflects to the left, 7.83 feet, said curve having a radius of 35.00 feet, a central angle of 12° 48' 53", and a chord of 7.81 feet which bears South 12° 32' 17" West;

Thence South 06° 07' 51" West, 12.45 feet;

Thence, along the arc of a curve which deflects to the right, 18.10 feet, said curve having a radius of 25.00 feet, a central angle of 41° 28' 23", and a chord of 17.70 feet which bears South 26° 52' 03" West;

Thence South 47° 36' 14" West, 23.60 feet;

Thence South 35° 10' 28" West, 5.33 feet;

Thence North 42° 31' 54" West, 36.28 feet to the point of beginning.

Containing within said bounds of land 1.1525 acre of land (50,201 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in January, 2016. Bearings are based on Ohio State Plane, North Zone NAD83 (2011) Grid North. Elevations are based on the NAVD88 vertical datum.

**Permanent Subterranean Easement DVT-P24 Across Parcel No. 121-28-001 0.0741 Acre (3,228 square feet)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 411. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 605, Page 301 and Volume 616, Page 480 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a 1" iron pin monument found at the intersection of the centerline of Stokes Boulevard (width varies) and the centerline of Baldwin Road (vacated)

Thence, along the centerline of Stokes Boulevard, North 42° 31' 54" West, 544.93 feet;

Thence, leaving said centerline of Stokes Boulevard, North 47° 28' 06" East, 50.00 feet to the northerly right of way of Stokes Boulevard at the southeasterly corner of land conveyed to GCRTA as recorded in Volume 13869, Page 547 of the Cuyahoga County Records;

Thence, along GCRTA's easterly line, North 56° 25' 46" East, 182.66 feet;

Thence, continuing along GCRTA's easterly line, North 47° 16' 21" East, 252.47 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along GCRTA's easterly line, North 47° 16' 21" East, 17.86 feet;

Thence, leaving said GCRTA's easterly line, South 16° 18' 51" East, 203.95 feet;

Thence South 61° 17' 37" West, 16.38 feet;

Thence North 16° 18' 51" West, 199.52 feet to the point of beginning.

Containing within said bounds of land 0.0741 acre of land (3,228 square feet) and having a lower elevation of 606.00 and an upper elevation of 648.00 as surveyed by KS Associates, Inc. under the supervision of Trevor A.

Bixler, Professional Surveyor No. 7730 in January, 2016. Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North. Elevations are based on the NAVD88 vertical datum.

**Permanent Subterranean Easement DVT-P25 Across Parcel No. 121-28-001 0.1366 Acre (5,950 square feet)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 411. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 605, Page 301 and Volume 616, Page 480 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a 1" iron pin monument found at the intersection of the centerline of Stokes Boulevard (width varies) and the centerline of Baldwin Road (vacated)

Thence, along the centerline of Stokes Boulevard, North 42° 31' 54" West, 9.55 feet;

Thence, leaving said centerline of Stokes Boulevard, North 47° 28' 06" East, 50.00 feet to the northerly right of way of Stokes Boulevard and the True Point of Beginning for the easement herein described;

Thence, along the arc of a curve which deflects to the left, 137.73 feet, said curve having a radius of 751.72 feet, a central angle of 10° 29' 53", and a chord of 137.54 feet which bears North 20° 59' 52" East;

Thence North 15° 30' 30" East, 60.83 feet;

Thence South 56° 10' 00" East, 50.23 feet;

Thence South 32° 52' 18" West, 96.07 feet;

Thence South 57° 58' 21" East, 8.56 feet;

Thence South 25° 53' 22" West, 103.11 feet to the northerly right of way of Stokes Boulevard;

Thence, along said northerly right of way, North 42° 31' 54" West, 25.69 feet to the point of beginning.

Containing within said bounds of land 0.1366 acre of land (5,950 square feet as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in January, 2016. Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North. Elevations are based on the NAVD88 vertical datum.

**Legal Descriptions approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section Section 2.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that temporary easement interests in the following described properties are not needed for the City's public use:

**Temporary Easement DVT-T01.1 Across Parcel No. 121-28-001 5.5693 Acres (242,600 square feet)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 411. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 605, Page 301 and Volume 616, Page 480 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a 1" iron pin monument found at the intersection of the centerline of Stokes Boulevard

(width varies) and the centerline of Baldwin Road (vacated)

Thence, along the centerline of Stokes Boulevard, North 42° 31' 54" West, 544.93 feet;

Thence, leaving said centerline of Stokes Boulevard, North 47° 28' 06" East, 50.00 feet to the northerly right of way of Stokes Boulevard at the southeasterly corner of land conveyed to GCRTA as recorded in Volume 13869, Page 547 of the Cuyahoga County Records and the True Point of Beginning for the easement herein described;

Thence, along GCRTA's easterly line, North 56° 25' 46" East, 182.66 feet;

Thence, continuing along GCRTA's easterly line, North 47° 16' 21" East, 312.14 feet;

Thence, continuing along GCRTA's easterly line, along the arc of a curve which deflects to the left, 190.16 feet, said curve having a radius of 1452.69 feet, a central angle of 7° 30' 00", and a chord of 190.02 feet which bears North 43° 31' 21" East;

Thence, continuing along GCRTA's easterly line, South 50° 13' 39" East, 30.00 feet;

Thence, leaving said GCRTA's easterly line, North 87° 00' 26" East, 35.32 feet;

Thence South 47° 13' 45" East, 38.80 feet;

Thence, South 44° 44' 03" East, 27.59 feet;

Thence, South 43° 42' 54" East, 26.11 feet;

Thence, South 40° 25' 12" East, 47.11 feet;

Thence, South 38° 19' 37" East, 36.73 feet;

Thence, South 36° 38' 22" East, 65.55 feet;

Thence, along the arc of a curve which deflects to the right, 83.52 feet, said curve having a radius of 426.57 feet, a central angle of 11° 13' 07", and a chord of 83.39 feet which bears South 31° 33' 18" East;

Thence, South 23° 31' 14" East, 9.32 feet;

Thence, South 59° 13' 12" West, 175.91 feet;

Thence, South 34° 07' 12" East, 64.24 feet;

Thence, South 07° 50' 04" East, 125.34 feet;

Thence, South 22° 44' 00" East, 169.01 feet;

Thence, South 32° 55' 25" West, 121.21 feet;

Thence, North 61° 51' 07" West, 183.27 feet;

Thence, North 33° 50' 00" East, 75.00 feet;

Thence, North 57° 05' 09" West, 48.85 feet;

Thence, North 32° 54' 51" East, 66.93 feet;

Thence, North 57° 00' 00" West, 66.13 feet;

Thence, North 33° 00' 22" East, 73.86 feet;

Thence, North 57° 40' 20" West, 72.80 feet;

Thence, North 20° 52' 01" East, 96.53 feet;

Thence, North 69° 07' 59" West, 25.00 feet;

Thence, South 72° 20' 40" West, 83.50 feet;

Thence, South 61° 17' 37" West, 16.38 feet;

Thence, South 72° 20' 40" West, 23.75 feet;

Thence, along the arc of a curve which deflects to the left, 166.87 feet, said curve having a radius of 200.00 feet, a central angle of 47° 48' 22", and

a chord of 162.08 feet which bears South 48° 26' 29" West;

Thence, South 24° 32' 18" West, 54.03 feet;

Thence, along the arc of a curve which deflects to the left, 20.45 feet, said curve having a radius of 209.50 feet, a central angle of 05° 35' 34", and a chord of 20.44 feet which bears South 21° 44' 31" West;

Thence, South 18° 56' 44" West, 48.25 feet;

Thence, along the arc of a curve which deflects to the right, 17.51 feet, said curve having a radius of 35.00 feet, a central angle of 28° 39' 30", and a chord of 17.32 feet which bears South 33° 16' 29" West;

Thence, South 47° 36' 14" West, 28.69 feet;

Thence, South 60° 09' 37" West, 5.23 feet to the northerly right of way of Stokes Boulevard;

Thence, along said northerly right of way, North 42° 31' 54" West, 249.84 feet to the point of beginning.

Containing within said bounds of land 5.5693 acres of land (242,600 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in January, 2016.

Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North.

**Temporary Easement DVT-T01.2 Across Parcel No. 121-28-001 0.9223 Acres (40,177 square feet)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 411. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 605, Page 301 and Volume 616, Page 480 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a 1" iron pin monument found at the intersection of the centerline of Stokes Boulevard (width varies) and the centerline of Baldwin Road (vacated)

Thence, along the centerline of Stokes Boulevard, North 42° 31' 54" West, 258.81 feet;

Thence, leaving said centerline of Stokes Boulevard, North 47° 28' 06" East, 50.00 feet to the northerly right of way of Stokes Boulevard and the True Point of Beginning for the easement herein described;

Thence, leaving said northerly right of way, North 35° 10' 28" East, 5.33 feet;

Thence, North 47° 36' 14" East, 23.60 feet;

Thence, along the arc of a curve which deflects to the left, 18.10 feet, said curve having a radius of 25.00 feet, a central angle of 41° 28' 23", and a chord of 17.70 feet which bears North 26° 52' 03" East;

Thence, North 06° 07' 51" East, 12.45 feet;

Thence, along the arc of a curve which deflects to the right, 7.83 feet, said curve having a radius of 35.00 feet, a central angle of 12° 48' 53", and a chord of 7.81 feet which bears North 12° 32' 17" East;

Thence, North 18° 56' 44" East, 48.21 feet;

Thence, along the arc of a curve which deflects to the right, 18.30 feet, said curve having a radius of 187.50 feet, a central angle of 05° 35' 34", and a chord of 18.29 feet which bears North 21° 44' 31" East;

Thence, North 24° 32' 18" East, 54.03 feet;



Thence, along the arc of a curve which deflects to the right, 153.70 feet, said curve having a radius of 178.00 feet, a central angle of 49° 28' 31", and a chord of 148.97 feet which bears North 49° 16' 33" East;

Thence, along the arc of a curve which deflects to the right, 18.99 feet, said curve having a radius of 35.00 feet, a central angle of 31° 04' 58", and a chord of 18.76 feet which bears North 89° 33' 18" East;

Thence South 16° 18' 51" East, 59.33 feet;

Thence South 04° 37' 04" West, 34.22 feet;

Thence South 45° 14' 16" West, 38.31 feet;

Thence South 44° 56' 36" West, 43.63 feet;

Thence North 14° 55' 47" East, 109.02 feet;

Thence North 04° 51' 56" West, 33.10 feet;

Thence, along the arc of a curve which deflects to the left, 142.12 feet, said curve having a radius of 168.06 feet, a central angle of 48° 27' 04", and a chord of 137.92 feet which bears South 48° 46' 06" West;

Thence South 24° 32' 18" West, 54.03 feet;

Thence, along the arc of a curve which deflects to the left, 17.33 feet, said curve having a radius of 177.50 feet, a central angle of 5° 35' 34", and a chord of 17.32 feet which bears South 21° 44' 31" West;

Thence South 18° 56' 44" West, 82.21 feet;

Thence South 43° 20' 08" East, 50.63 feet;

Thence South 29° 59' 37" East, 110.54 feet;

Thence North 20° 13' 31" East, 180.35 feet;

Thence South 17° 19' 03" East, 25.56 feet;

Thence South 56° 10' 00" East, 132.77 feet;

Thence South 34° 58' 05" West, 141.33 feet;

Thence South 62° 04' 55" East, 78.77 feet;

Thence South 24° 23' 12" West, 58.66 feet to the northerly right of way of Stokes Boulevard;

Thence, along said northerly right of way, North 66° 21' 40" West, 69.09 feet;

Thence, continuing along said northerly right of way, North 42° 31' 54" West, 297.76 feet to the point of beginning.

Containing within said bounds of land 0.9223 acres of land (40,177 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in January, 2016. Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North.

Legal Descriptions approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section

**Section 3.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive easement interests and the exclusive temporary easements to the NEORS subject to any conditions stated in this ordinance at an appraised price of \$211,000, which is determined to be fair market value.

**Section 4.** That the purpose of the easements shall be for the implementation of NEORS's Doan Valley tunnel project.

**Section 5.** That the duration of the easements described in Section 1 shall be perpetual; that the duration of the temporary easements shall be four years; that the easements and temporary easements may include reasonable right of entry rights to the City; that the easements and temporary easements shall not be assignable without the consent of the Director of Public Works; that the easements and temporary easements shall require that the NEORS provide reasonable insurance, and pay any applicable taxes and assessments.

**Section 6.** That the conveyances referred to above shall be made by official deeds of easement and official deeds of temporary easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deeds of easement and the deeds of temporary easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect this ordinance.

**Section 7.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Works, City Planning Commission, Finance, Law; Committees in Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 653-17.  
By Council Members McCormack, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to execute a deed of easement and a temporary deed of easement granting to the Ohio Department of Transportation certain easement rights in property needed to secure the right of way necessary for the improvement and rehabilitation of the Hope Memorial Bridge and declaring the easement rights not needed for the City's public use.**

Whereas, the Ohio Department of Transportation ("ODOT") has requested the Director of Public Works to convey certain easement rights and temporary easement rights in property needed to secure the right of way necessary for the improvement and rehabilitation of the Hope Memorial Bridge; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that a permanent easement interest in the following described property is not needed for the City's public use:

**Parcel 19-SH  
CUY-10-16.13  
PERPETUAL EASEMENT**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being a part of Township 7, Range 13, Connecticut Western Reserve, and being a part of a 1.9425, 4.7636 and 0.3720 acre parcels of land now or formerly owned by the City of Cleveland, a municipal corporation, as recorded in A.F.N. Number 201409230510 of the Cuyahoga County recorder's records and being more particularly described as follows:

Being a parcel of land lying on the left and right side of the centerline of State Route 10 (Carnegie Avenue);

Commencing at a monument box with a stone found, said monument box being State Route 10 (Carnegie Avenue) centerline of right of way station 29 + 95.40;

Thence North 48 Degrees 42 Minutes 49 Seconds East along the centerline of State Route 10 (Carnegie Avenue), a distance of 153.90 feet to the Point of Beginning, said point being State Route 10 (Carnegie Avenue) centerline of right of way station 31 + 46.30;

Thence North 11 Degrees 23 Minutes 05 Seconds West a distance of 152.00 feet to a point, said point being 131.77 feet left of State Route 10 (Carnegie Avenue) centerline of right of way station 32 + 25.07;

Thence North 67 Degrees 01 Minutes 24 Seconds East a distance of 17.03 feet to a point on the Grantor's/Owner's east property line also being the west dock line of the Cuyahoga River, said point being 126.42 feet left of State Route 10 (Carnegie Avenue) centerline of right of way station 32 + 41.25;

Thence South 00 Degrees 25 Minutes 55 Seconds West along the Grantor's/Owner's east property line also being the west dock line of the Cuyahoga River, a distance of 8.24 feet to a point, said point being 120.27 feet left of State Route 10 (Carnegie Avenue) centerline of right of way station 32 + 35.76;

Thence South 11 Degrees 23 Minutes 05 Seconds East continuing along the Grantor's/Owner's east property line also being the west dock line of the Cuyahoga River, a distance of 196.35 feet to a point, said point being 49.95 feet right of State Route 10 (Carnegie Avenue) centerline of right of way station 31 + 37.88;

Thence South 08 Degrees 59 Minutes 31 Seconds East continuing along the Grantor's/Owner's east property line also being the west dock line of the Cuyahoga River, a distance of 140.05 feet to a point, said point being 168.33 feet right of State Route 10 (Carnegie Avenue) centerline of right of way station 30 + 63.06;

Thence South 20 Degrees 07 Minutes 40 Seconds East continuing along the Grantor's/Owner's east property line also being the west dock line of the Cuyahoga River, a distance of 70.47 feet to a point, said point being 234.05 feet right of State Route 10 (Carnegie Avenue) centerline of right of way station 30 + 37.62;

Thence South 69 Degrees 52 Minutes 20 Seconds West a distance of 15.00 feet to a point, said point being 228.63 feet right of State Route 10 (Carnegie Avenue) centerline of right of way station 30 + 23.63;

Thence North 20 Degrees 07 Minutes 40 Seconds West a distance of 71.39 feet to a point, said point being 162.05



feet right of State Route 10 (Carnegie Avenue) centerline of right of way station 30 + 49.40;

Thence North 08 Degrees 59 Minutes 31 Seconds West a distance of 139.23 feet to a point, said point being 44.36 feet right of State Route 10 (Carnegie Avenue) centerline of right of way station 31 + 23.79;

Thence North 11 Degrees 23 Minutes 05 Seconds West a distance of 51.17 feet to the Point of Beginning, containing 0.1424 acres of land, more or less, of which 0.0001 acres are P.R.O. (Present Road Occupied), leaving a net take of 0.1423 acres, subject to all highways, easements and use restrictions of record.

This parcel is part of Cuyahoga County Permanent Parcel Numbers 004-27-018, 004-28-009 and 004-28-014.

Cuyahoga County Permanent Parcel Number 004-27-018 Net Take 0.0722 acres.

Cuyahoga County Permanent Parcel Number 004-28-009 Net Take 0.0232 acres.

Cuyahoga County Permanent Parcel Number 004-28-014 Net Take 0.0469 acres.

This description is based on an actual field survey by Richland Engineering Limited performed in 2014 by Richland Engineering Limited. All bearings are related to grid north of the Ohio State Plane Coordinate System, NAD83 (2011), North Zone originating on the ODOT CORS NETWORK and are for the purpose of angular measurement.

Stations and offsets are relative to the existing centerline of right of way of State Route 10 (Carnegie Avenue) as depicted on ODOT Plan CUY-10-16.13.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section

**Section 2.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that a temporary easement interest located across portions of Permanent Parcel Nos. 004-27-015, 004-27-018, 004-28-009, and 004-28-014 is not needed for the City's public use:

**PARCEL 019T**

**CUY-10-16.13**

**TEMPORARY EASEMENT**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being a part of Township 7, Range 13, Connecticut Western Reserve, and being a part of a 1.9425, 4.7636, 4.1677 and 0.3720 acre parcels of land now or formerly owned by the City of Cleveland, a municipal corporation, as recorded in A.F.N. Number 201409230510 of the Cuyahoga County recorder's records and being more particularly described as follows:

Being a parcel of land lying on the left and right side of the centerline of State Route 10 (Carnegie Avenue);

Beginning at a point on the Grantor's/Owner's west property line also being the east right of way line of Scranton Road, said point being 100.00 feet right of State Route 10 (Carnegie Avenue) centerline of right of way station 29 + 13.68;

Thence North 01 degrees 56 minutes 52 seconds West along the Grantor's/Owner's west property line also being the east right of way line of Scranton Road, a distance of 258.59 feet to a point, said point being 100.00 feet left of State Route 10 (Carnegie

Avenue) centerline of right of way station 30 + 77.61;

Thence North 48 degrees 42 minutes 49 seconds East a distance of 94.59 feet to a point, said point being 100.00 feet left of State Route 10 (Carnegie Avenue) centerline of right of way station 31 + 72.20;

Thence North 11 degrees 23 minutes 05 seconds West a distance of 47.74 feet to a point, said point being 141.39 feet left of State Route 10 (Carnegie Avenue) centerline of right of way station 31 + 96.00;

Thence North 67 Degrees 01 Minutes 24 Seconds East a distance of 30.62 feet to a point, said point being 131.77 feet left of State Route 10 (Carnegie Avenue) centerline of right of way station 32 + 25.07;

Thence South 11 Degrees 23 Minutes 05 Seconds East a distance of 203.17 feet to a point, said point being 44.36 feet right of State Route 10 (Carnegie Avenue) centerline of right of way station 31 + 23.79;

Thence South 08 Degrees 59 Minutes 31 Seconds East a distance of 65.82 feet to a point, said point being 100.00 feet right of State Route 10 (Carnegie Avenue) centerline of right of way station 30 + 88.62;

Thence South 48 degrees 42 minutes 49 seconds West a distance of 174.94 feet to the Point of Beginning containing 0.7325 acres of land, more or less, of which 0.0355 acres are P.R.O. (Present Road Occupied), leaving a net take of 0.6970 acres, subject to all highways, easements and use restrictions of record.

This parcel is part of Cuyahoga County Permanent Parcel Numbers 004-27-015, 004-27-018, 004-28-009 and 004-28-014. Net Take is 0.6970 acres.

This description is based on an actual field survey by Richland Engineering Limited performed in 2014 by Richland Engineering Limited. All bearings are related to grid north of the Ohio State Plane Coordinate System, NAD83 (2011), North Zone originating on the ODOT CORS NETWORK and are for the purpose of angular measurement.

Stations and offsets are relative to the existing centerline of right of way of State Route 10 (Carnegie Avenue) as depicted on ODOT Plan CUY-10-16.13.

Legal Descriptions approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section

**Section 3.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive permanent easement interest and the exclusive temporary easement interest to ODOT at the appraised price of \$76,550, which is determined to be fair market value.

**Section 4.** That the purpose of the easement shall be to secure the right-of-way necessary for the improvement and rehabilitation of the Hope Memorial Bridge.

**Section 5.** That the duration of the easement described in Section 1 shall be perpetual; that the duration of the temporary easement shall be until the improvement and rehabilitation of the Hope Memorial Bridge is completed which is approximately two years from commencement of construction; that the permanent easement and temporary easement may include reasonable right of entry rights to the City; that the easement and temporary easement shall not be assignable

without the consent of the Director of Public Works; that the permanent easement and temporary easement shall require that Cuyahoga County or its contractor provide reasonable insurance, and pay any applicable taxes and assessments.

**Section 6.** That the conveyances referred to above shall be made by official deed of easement and official deed of temporary easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deed of easement and the deed of temporary easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect this ordinance.

**Section 7.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Works, City Planning Commission, Finance, Law; Committees in Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 654-17.**

**By Council Members Conwell, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to enter into a lease agreement with Cory Methodist Church, Inc. for the use of its recreational facility at 1117 East 105th Street of Cory Methodist Church, for a period of twenty years.**

Whereas, the City of Cleveland requires certain space located at 1117 East 105th Street for the public purpose of managing and operating a public recreational facility; and

Whereas, the Cory Methodist Church, Inc. ("Cory") has proposed to lease the space to the City of Cleveland; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to lease the facility for public recreational purposes from Cory located at 1117 East 105th Street, Cleveland, Ohio.

**Section 2.** That the term of the lease authorized by this ordinance shall not exceed twenty years.

**Section 3.** That the rent for the lease authorized by this ordinance shall not exceed \$1.00 per year and other valuable consideration, exclusive of utilities.

**Section 4.** That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the

parties to be consistent with the public purpose or purposes of providing a public recreation facility.

**Section 5.** That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

**Section 6.** That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

**Section 7.** That the Director of Public Works, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

**Section 8.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Works, City Planning Commission, Finance, Law; Committees in Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 655-17.**

**By Council Member Kelley.**

**An emergency ordinance to repeal various sections of Chapter 437 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 437.01 through 437.06, 437.10 through 437.14, 437.16 through 437.19, 437.21, 437.22, 437.24, 437.26, through 437.28, and 437.99 as amended by various ordinances, relating vehicle safety and equipment.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 437.01 and 437.28, as amended by Ordinance No. 2822-89, passed March 19, 1990

Section 437.02, as amended by Ordinance No. 1410-09, passed February 8, 2010,

Sections 437.03 through 437.06, 437.11 through 437.14, 437.17 and 437.21, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Sections 437.10, 437.16, 437.18, 437.19, and 437.22 as amended by Ordinance No. 91-96, passed March 18, 1996,

Section 437.24 as amended by Ordinance No. 835-03 passed June 10, 2003,

Section 437.26 as amended by Ordinance No. 1452-10, passed December 6, 2010, and

Section 437.27 as amended by Ordinance 732-08, passed June 9, 2008, are repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Sections 437.01, 437.02, 437.03, 437.04, 437.05, 437.06, 437.10, 437.11, 437.12, 437.13, 437.14, 437.16, 437.17, 437.18, 437.19, 437.21, 437.22, 437.24, 437.26,

437.27, 437.28, and 437.99, to read as follows:

**Section 437.01 Unsafe Vehicles**

(a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person.

(b) This chapter, with respect to equipment on vehicles, does not apply to implements of husbandry, road machinery, road rollers, or agricultural tractors except as made applicable to such articles of machinery.

(c) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.02(A), (G) & (H))

**Section 437.02 Time for Lighted Lights on Motor Vehicles**

(a) Every vehicle, other than a motorized bicycle, operated upon a street or highway within this state shall display lighted lights and illuminating devices as required by Sections 437.03 to 437.17 during all of the following times:

(1) The time from sunset to sunrise;

(2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the highway are not discernible at a distance of one thousand (1,000) feet ahead;

(3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio director of public safety under RC 4511.521. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway within this state using only parking lights as illumination.

Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, such distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(b) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway within this state to stop the vehicle solely because the officer observes that a violation of division (a) (3) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that division, or causing the arrest of or commencing a prosecution of a person for a violation of that division.

(c) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.03)

**Section 437.03 Headlights on Motor Vehicles and Motorcycles**

(a) (1) Every motor vehicle, other than a motorcycle, and every trackless trolley, shall be equipped with at least

two (2) headlights with at least one (1) near each side of the front of the motor vehicle or trackless trolley.

(2) Every motorcycle shall be equipped with at least one (1) and not more than two (2) headlights.

(b) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.04)

**Section 437.04 Tail Light; Illumination of Rear License Plate**

(a) (1) Every motor vehicle, trackless trolley, trailer, semitrailer, pole trailer or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one (1) tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of five hundred (500) feet to the rear, provided that in the case of a train of vehicles only the tail light on the rear-most vehicle need be visible from the distance specified.

(2) Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of fifty (50) feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate.

(b) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.05)

**Section 437.05 Rear Red Reflectors**

(a) (1) Every new motor vehicle sold after September 6, 1941, and operated on a highway, other than a commercial tractor to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lamps or separately, two (2) red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in Section 437.06 shall be equipped with reflectors as required by the regulations provided for in that section.

(2) Every such reflector shall be of a size and characteristics and so maintained as to be visible at night from all distances within three hundred (300) feet to fifty (50) feet from the vehicle.

(b) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.06)

**Section 437.06 Safety Lighting on Commercial Vehicles**

(a) (1) The Ohio director of public safety shall prescribe and promulgate regulations relating to clearance lights, marker lights, reflectors, and stop lights on buses, trackless trolleys, trucks, commercial tractors, trailers, semitrailers, and pole trailers, when operated upon any highway, and such vehicles shall be equipped as required by such regulations, and such equipment shall be lighted at all times mentioned in Section 437.02, except that clearance lights and side marker lights need not be lighted on a vehicle when it is operated where there is sufficient light to reveal any person or substantial object on the street at a distance of five hundred (500) feet.

(2) Such equipment shall be in addition to all other lights specifically required by Sections 437.02 to 437.15. Vehicles operated under the

jurisdiction of the Ohio Public Utilities Commission are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.07)

**Section 437.10 Animal-Drawn or Slow-Moving Vehicles; Lamps; Reflectors and Emblems**

(a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (b) of Section 437.01, not specifically required to be equipped with lamps or other lighting devices by Sections 437.02 to 437.09, shall, at the times specified in Section 437.02, be equipped with at least one (1) lamp displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of the vehicle and also shall be equipped with two (2) lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of the vehicle, or as an alternative, one (1) lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two (2) red reflectors visible from all distances of six hundred (600) feet to one hundred (100) feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required by this section shall meet standards adopted by the Ohio Director of Public Safety.

(b) All boat trailers, farm machinery and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, a city or village engineer, or the county engineer of the several counties, when the construction area is marked in accordance with requirements of the Director and the *Manual of Uniform Traffic-Control Devices*, as set forth in RC 4511.09, which is designed for operation at a speed of twenty-five (25) miles per hour or less, shall be operated at a speed not exceeding twenty-five (25) miles per hour, and shall display a triangular slow-moving vehicle (SMV) emblem. The emblem shall be mounted so as to be visible from a distance of not less than five hundred (500) feet to the rear. The Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five (25) miles per hour may be operated on a street or highway at a speed greater than twenty-five (25) miles per hour provided it is operated in accordance with this section.

As used in this division, "machinery" does not include any vehicle designed to be drawn by an animal.

(c) The use of the SMV emblem shall be restricted to animal-drawn vehicles and to the slow-moving

vehicles specified in division (b) of this section operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(d) (1) No person shall sell, lease, rent or operate any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in division (b) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (b) of this section.

(2) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five (25) miles per hour unless the unit displays a slow-moving vehicle emblem as specified in division (b) of this section and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS).

(e) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (b) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five (25) miles per hour, in addition to the display of a speed identification symbol, may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand (1,000) feet to the rear at all times specified in Section 437.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by Section 437.16, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(f) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

(1) With a slow-moving vehicle emblem complying with division (b) of this section;

(2) With alternate reflective material complying with rules adopted under this division;

(3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this division.

The Ohio Director of Public Safety, subject to RC Chapter 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. The rules shall permit, as a minimum, the alternate reflective material to be black, gray or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in Section 437.02, from a distance of not less than five hundred (500) feet to the rear when illuminated

by the lawful lower beams of headlamps.

(g) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five (25) miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five (25) miles per hour is being operated on a street or highway at a speed greater than twenty-five (25) miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(h) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five (25) miles per hour is being operated on a street or highway at a speed greater than twenty-five (25) miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

(i) As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten (10) miles and at a speed of twenty-five (25) miles per hour or less.

(j) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.11)

**Section 437.11 Spotlight and Auxiliary Lights**

(a) (1) Any motor vehicle may be equipped with not more than one (1) spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than one hundred (100) feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not more than three (3) auxiliary driving lights mounted on the front of the vehicle. The Ohio Director of Public Safety shall prescribe specifications for auxiliary driving lights and regulations for their use, and any such lights which do not conform to said specifications and regulations shall not be used.

(b) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.12)



**Section 437.12 Cowl, Fender and Back-Up Lights**

(a) (1) Any motor vehicle may be equipped with side cowl or fender lights which shall emit a white or amber light without glare.

(2) Any motor vehicle may be equipped with lights on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(b) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.13)

**Section 437.13 Display of Lighted Lights**

(a) At all times mentioned in Section 437.02, at least two (2) lighted lights shall be displayed, one (1) near each side of the front of every motor vehicle and trackless trolley, except when the vehicle or trackless trolley is parked subject to the regulations governing lights on parked vehicles or trackless trolleys. The Ohio Director of Public Safety shall prescribe and promulgate regulations relating to the design and use of such lights and such regulations shall be in accordance with currently recognized standards. (RC 4513.14)

(b) However, on a motorcycle there shall be displayed at least one (1) and not more than two (2) lighted lights as required herein.

(c) Whoever violates this section is guilty of a minor misdemeanor.

**Section 437.14 Use of Headlight Beams**

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 437.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles, and substantial objects at a safe distance in advance of the vehicle, subject to the following requirements:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(2) Every new motor vehicle registered in this state which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlights is in use, and shall not otherwise be lighted. This indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle.

(b) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.15)

**Section 437.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights**

(a) Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than three hundred (300) candle power, not more than a total of five (5) of any such lights on the front of a vehicle shall be lighted

at any one time when such vehicle is upon a highway.

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, that projects a beam of light of an intensity greater than three hundred (300) candle power shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

(c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, rural mail delivery vehicles, vehicles transporting schoolchildren as provided in RC 4513.182, highway maintenance vehicles, funeral hearses, funeral escort vehicles, and similar equipment operated by State or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating those lights, a flashing, oscillating, or rotating amber light, but shall not display a flashing, oscillating, or rotating light of any other color, nor to vehicles or machinery permitted by Section 437.10 to have a flashing red light.

(2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in division (c)(1) of this section does not apply to such machinery or vehicles. Farm machinery may also display the lights described in Section 437.10.

(d) Except a person operating a public safety vehicle, as defined in RC 4511.01(E), or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm

machinery when used on a street or highway.

(f) Whoever violates this section is (RC 4513.17)

**Section 437.17 Regulations for Focus, Aim and Color of Headlights**

(a) No person shall use any lights mentioned in Sections 437.02 to 437.16, upon any motor vehicle, trailer, or semitrailer unless these lights are equipped, mounted, and adjusted as to focus and aim in accordance with regulations which are prescribed by the Ohio Director of Public Safety.

(b) The headlights on any motor vehicle shall comply with the headlamp color requirements contained in Federal Motor Vehicle Safety Standard Number 108, 49 C.F.R. § 571.108. No person shall operate a motor vehicle in violation of this division.

(c) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.19)

**Section 437.18 Motor Vehicle and Motorcycle Brakes**

(a) The following requirements govern as to brake equipment on vehicles:

(1) Every trackless trolley and motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the trackless trolley or motor vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, then on those trackless trolleys or motor vehicles, manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the trackless trolley or motor vehicle without brakes on at least two (2) wheels.

(2) Every motorcycle, when operated upon a highway shall be equipped with at least one (1) adequate brake, which may be operated by hand or by foot.

(3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under RC 4511.521.

(4) When operated upon the highways of this state, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle, designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:

A. Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand (2,000) pounds or more, manufactured or assembled on or after January 1, 1942;

B. Every manufactured home or travel trailer with an empty weight of two thousand (2,000) pounds or more, manufactured or assembled on or after January 1, 2001.

(5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of three thousand (3,000) pounds or more that is manufactured or assembled on or



after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two (2) wheels.

(6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.

(7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than two thousand (2,000) pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

(8) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one (1) part shall not leave the vehicle without operative brakes.

(9) Every trackless trolley, motor vehicle, or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

A. Trackless trolleys, vehicles, or combinations of vehicles having brakes on all wheels shall come to a stop in thirty (30) feet or less from a speed of twenty (20) miles per hour.

B. Vehicles or combinations of vehicles not having brakes on all wheels shall come to a stop in forty (40) feet or less from a speed of twenty (20) miles per hour.

(10) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the trackless trolley or vehicle.

(b) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.20)

#### **Section 437.19 Horn, Sirens, and Warning Devices**

(a) Every motor vehicle or trackless trolley when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than two hundred (200) feet.

(b) No motor vehicle or trackless trolley shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the Ohio Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency vehicle shall sound the equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.

(c) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.21)

#### **Section 437.21 Rear-View Mirror**

(a) Every motor vehicle, motorcycle, and trackless trolley shall be equipped with a mirror so located as to reflect to the operator a view of the highway to the rear of such vehicle, motorcycle or trackless trolley. Operators of vehicles, motorcycles, streetcars, and trackless trolleys shall have a clear and unobstructed view to the front and to both sides of their vehicles, motorcycles, streetcars, or trackless trolleys and shall have a clear view to the rear of their vehicles, motorcycles, streetcars, or trackless trolleys by mirror.

(b) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.23)

#### **Section 437.22 Windshield and Windshield Wipers**

(a) No person shall drive any motor vehicle on a street or highway in this state, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(b) (1) No person shall drive any motor vehicle, other than a bus, with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side, or rear windows of the vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster, or decal not to exceed four (4) inches in height by six (6) inches in width. No sign, poster, or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when, in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(2) Division (b)(1) of this section does not apply to a person who is driving a passenger car with an

electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

B. It does not conceal the vehicle identification number.

(3) Division (b)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

B. It is mounted not more than six (6) inches below the upper edge of the windshield and is outside the area swept by the vehicle's windshield wipers.

(c) The windshield on every motor vehicle, streetcar, and trackless trolley shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle, streetcar, or trackless trolley.

(d) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.24)

#### **Section 437.24 Motor Vehicle Stop Lights**

(a) (1) Every motor vehicle, trailer, semi-trailer, and pole trailer when operated upon a highway shall be equipped with two (2) or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one (1) stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. These stop lights when actuated shall emit a red light visible from a distance of five hundred (500) feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

(2) These stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

(3) When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under RC 4513.19.

(4) Historical motor vehicles as defined in RC 4503.181, not originally manufactured with stop lights, are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.071)

#### **Section 437.26 Child Restraint System Usage; Exceptions**

(a) When any child who is in either or both of the following categories is

being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Chapter 401, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four (4) years of age;

(2) A child who weighs less than forty (40) pounds.

(b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four (4) years of age;

(2) A child who weighs less than forty (40) pounds.

(c) When any child who is less than eight (8) years of age and less than four feet nine inches (4' 9") in height, who is not required by division (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Chapter 401 or a vehicle that is regulated under RC 5104.015, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(d) When any child who is at least eight (8) years of age but not older than fifteen (15) years of age, and who is not otherwise required by division (a), (b), or (c) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Chapter 401, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in RC 4513.263.

(e) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual

inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed.

(f) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(g) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or in an occupant restraining device as required in this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under RC Chapter 4731 or a chiropractor licensed to practice in this state under RC Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat, or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

(i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.

(j) (1) Whoever violates division (a), (b), (c), or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one (1) child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day and at the same location is deemed to be a single violation of this section:

A. Except as otherwise provided in division (j)(1)B. of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty five dollars (\$25.00) nor more than seventy-five dollars (\$75.00).

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (a), (b), (c) or (d) of this section or of a state law that is substantially equivalent any of

those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division (j)(1) of this section shall be forwarded to the State Treasurer for deposit in the Child Highway Safety Fund created by RC 4511.81(I). (RC 4511.81(A) - (H), (K), (L))

#### **Section 437.27 Occupant Restraining Devices**

(a) As used in this section:

(1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966", 80 Stat. 719, 15 U.S.C. 1392.

(2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness, or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum federal vehicle safety standards established by the United States Department of Transportation.

(3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in Chapter 401 of this Traffic Code.

(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in Chapter 401 of this Traffic Code.

(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in RC 2307.71, and as asbestos claim, as defined in RC 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.

(b) No person shall do any of the following:

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (b)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;

(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(c) Division (b)(3) of this section does not apply to a person who is

required by Section 437.26 to be secured in a child restraint device or booster seat. Division (b)(1) of this section does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees. Divisions (b)(1) and (b)(3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under RC Chapter 4731 or a chiropractor licensed to practice in this state under RC Chapter 4734 that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

(d) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (b) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(e) All fines collected for violations of division (b) of this section shall be forwarded to the Treasurer of State for deposit into the state treasury to the credit of the trauma and emergency medical services fund, in accordance with RC 4513.263(E).

(f)(1) Subject to division (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of division (b)(1) or (b)(3) of this section or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device in violation of division (b)(2) of this section shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But, the trier of fact may determine based on evidence admitted consistent with the Ohio Rules of Evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents non-economic loss, as defined in RC 2307.011, in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.

(2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not

wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

A. It seeks to recover damages for injury or death to the occupant.

B. The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car.

C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

(g)(1) Whoever violates division (b)(1) of this section shall be fined thirty dollars (\$30.00).

(2) Whoever violates division (b)(3) of this section shall be fined twenty dollars (\$20.00).

(3) Except as otherwise provided in this division, whoever violates division (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (b)(4) of this section, whoever violates division (b)(4) of this section is guilty of a misdemeanor of the third degree. (RC 4513.263)

**Section 437.28 Using Tinted Glass and Other Vision Obscuring Materials**

(a) The Ohio director of public safety, in accordance with RC Chapter 119, shall adopt rules governing the use of tinted glass, and the use of transparent, nontransparent, translucent, and reflectorized materials in or on motor vehicle windshields, side windows, sidewings, and rear windows that prevent a person of normal vision looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.

(b) The rules adopted under this section may provide for persons who meet either of the following qualifications:

(1) On November 11, 1994, or the effective date of any rule adopted under this section, own a motor vehicle that does not conform to the requirements of this section or of any rule adopted under this section;

(2) Establish residency in this state and are required to register a motor vehicle that does not conform to the requirements of RC 4513.241 or of any rule adopted under that section.

(c) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease or rent any motor vehicle that is registered in this state unless the motor vehicle conforms to the requirements of RC 4513.241 and of any applicable rule adopted under that section.

(d) No person shall install in or on any motor vehicle any glass or other material that fails to conform to the requirements of RC 4513.241 or of any rule adopted under that section.

(e)(1) No used motor vehicle dealer or new motor vehicle dealer, as defined in RC 4517.01, shall sell any motor vehicle that fails to conform to the requirements of RC 4513.241 or of any rule adopted under that section.

(2) No manufacturer, remanufacturer, or distributor, as defined in RC 4517.01, shall provide to a motor vehicle dealer licensed under RC Chapter 4517 or to any other person, a motor vehicle that fails to conform to the requirements of RC 4513.241 or of any rule adopted under that section.

(f) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings, or rear window.

(g) This section does not apply to the manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by Federal Motor Vehicle Safety Standard No. 205.

(h) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this section does not apply to any school bus used to transport a child with disabilities pursuant to RC Chapter 3323, whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by a school district. As used in this division, "child with disabilities" has the same meaning as in RC 3323.01.

(i) This section does not apply to any school bus that is to be sold and operated outside this state.

(j)(1) This section and the rules adopted under it do not apply to a motor vehicle used by a law enforcement agency under either of the following circumstances:

A. The vehicle does not have distinctive markings of a law enforcement vehicle but is operated by or on behalf of the law enforcement agency in an authorized investigation or other activity requiring that the presence and identity of the vehicle occupants be undisclosed.

B. The vehicle primarily is used by the law enforcement canine unit for transporting a police dog.

(2) As used in this division, "law enforcement agency" means a police department, the office of a sheriff, the State Highway Patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.

(k)(1) Whoever violates division (c), (e)(2) or (f) of this section is guilty of a minor misdemeanor.

(2) Whoever violates division (e)(1) of this section is guilty of a minor misdemeanor if the dealer or the dealer's agent knew of the nonconformity at the time of sale.

(3) A. Whoever violates division (d) of this section is guilty of a misdemeanor of the fourth degree, except that an organization may not be convicted unless the act of installation was authorized by the board of directors, trustees, partners, or by a high managerial officer acting on behalf of the organization, and installation was performed by an employee of the organization acting within the scope of the person's employment.

B. In addition to any other penalty imposed under this section, whoever violates division (d) of this section is



liable in a civil action to the owner of a motor vehicle on which was installed the nonconforming glass or material for any damages incurred by that person as a result of the installation of the nonconforming glass or material, costs of maintaining the civil action, and attorney fees.

C. In addition to any other penalty imposed under this section, if the offender previously has been convicted of or pleaded guilty to a violation of division (d) of this section and the offender is a motor vehicle repair operator registered under RC Chapter 4775 or a motor vehicle dealer licensed under RC Chapter 4517, whoever violates division (d) of this section is subject to a registration or license suspension, as applicable, for a period of not more than one hundred and eighty (180) days.

(L) (1) Every county court judge, mayor of a mayor's court, and clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this section. If a person is convicted of or forfeits bail in relation to a violation of division (d) of this section, the county court judge, mayor of a mayor's court, or clerk, within ten days after the conviction or bail forfeiture, shall prepare and immediately forward to the motor vehicle repair board and the motor vehicle dealers board, an abstract, certified by the preparer to be true and correct, of the court record covering the case in which the person was convicted or forfeited bail.

(2) The motor vehicle repair board and the motor vehicle dealers board each shall keep and maintain all abstracts received under this section. Within ten days after receipt of an abstract, each board, respectively, shall determine whether the person named in the abstract is registered or licensed with the board and, if the person is so registered or licensed, shall proceed in accordance with RC 4775.09 or 4517.33, as applicable, and determine whether the person's registration or license is to be suspended for a period of not more than one hundred eighty (180) days. (RC 4513.241)

#### **Section 437.99 Penalty**

Whoever violates any provision of this chapter 437 for which no penalty otherwise is provided in the section violated is guilty of a minor misdemeanor.

**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, Law; Committees on Safety, Finance.

#### **Ord. No. 656-17.**

#### **By Council Member Kelley.**

**An emergency ordinance to repeal various sections of Chapter 451 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 451.03, 451.04, 451.041, 452.24 and 451.27 relating to parking generally.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 451.03, as amended by Ordinance No. 672-12, passed June 4, 2012,

Section 451.04, as amended by Ordinance No. 70-87, passed March 16, 1987,

Section 451.041, as amended by Ordinance No. 91-96 passed March 18, 1996,

Section 451.24, as amended by Ordinance No. 2146-82, passed February 7, 1983 and

Section 451.27, as amended by Ordinance No. 1434-A-86, passed January 26, 1987, are repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Sections 451.03, 451.04, 451.041, 451.24 and 451.27, to read as follows:

#### **Section 451.03 Statutory Prohibited Standing or Parking Places**

(a) No person shall stand or park a trackless trolley or vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic-control device, in any of the following places:

(1) On a sidewalk, except as provided in division (b) of this section;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within ten (10) feet of a fire hydrant;

(5) On a crosswalk;

(6) Within twenty (20) feet of a crosswalk at an intersection;

(7) Within thirty (30) feet of, and upon the approach to, any flashing beacon, stop sign, or traffic control device;

(8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic control device;

(9) Within fifty (50) feet of the nearest rail of a railroad crossing;

(10) Within twenty (20) feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five (75) feet of the entrance when it is properly posted with signs;

(11) Alongside or opposite any street excavation or obstruction when the standing or parking would obstruct traffic;

(12) Alongside any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;

(14) At any place where signs prohibit stopping;

(15) Within one (1) foot of another parked vehicle;

(16) On the roadway portion of a freeway, expressway or thruway.

(b) A person shall be permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than one hundred fifty (150) cubic centimeters, or a

bicycle, provided that the motor-driven cycle, motor scooter, or bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of RC 4511.711, or any substantially equivalent section of these Codified Ordinances. (RC 4511.68)

#### **Section 451.04 Manner of Parallel Parking**

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than twelve (12) inches from the right-hand curb, unless it is impossible to approach so close to the curb; in this case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

(b) This section does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a State Route unless an unoccupied roadway width of not less than twenty-five (25) feet is available for free-moving traffic.

(c) (1) A. Except as provided in division (c)(1)B. of this section, no vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

B. The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two (2) motorcycles at a time shall be parked in a parking space as described in this division (c)(2) of this section irrespective of whether or not the space is metered.

(d) Notwithstanding any statute or any rule, regulation, resolution, or ordinance, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform the work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the Ohio Director of Transportation.

(e) Whoever violates division (a) or (c) of this section is guilty of a minor misdemeanor. (RC 4511.69(A) - (D), (J)(1))

#### **Section 451.041 Physically Handicapped Parking**

(a) As used in this section:

(1) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.



(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under section 4503.41 or 4503.44 of the Revised Code, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.  
(RC 4511.69(K))

(b) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by the City and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted shall be mounted on a fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five (5) feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.  
(RC 4511.69(E))

(c)(1) A. No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (b) of this section or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with that division, unless one of the following applies:

(i) The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;

(ii) The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

B. Any motor vehicle that is parked in a special marked parking location in violation of division (c)(1)A. i or (ii) of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the political subdivision in which the parking location is located. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing

motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles.

C. If a person is charged with a violation of division (c)(1)A. i or ii of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in RC 4503.44(A)(1).

(2) No person shall stop, stand, or park any motor vehicle in an area that is commonly known as an access aisle, which area is marked by diagonal stripes and is located immediately adjacent to a special parking location provided under division (b) of this section or at a special clearly marked parking location provided in or on a privately owned parking lot, parking garage, or other parking area and designated in accordance with that division.  
(RC 4511.69(F))

(d) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.  
(RC 4511.69(G))

(e) Special reserved on-street parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided upon full compliance with the following requirements:

(1) An investigation determining need for proposed reserved on-street parking for the handicapped must be performed through the Division of Traffic Engineering, including verification that the proposed on-street parking location meets the requirements of this section. The Commissioner of Traffic Engineering must approve the on-street parking for practicality and feasibility of traffic operations. Upon completion of the investigation and the approval of the Commissioner of Traffic Engineering, the Director of Public Safety may designate reserved on-street parking for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, in accordance with the requirements of Section 403.03.

(2) When applying for an on-street parking space for the exclusive use by persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, the following information shall be

supplied by the applicant to the City and shall be used as criteria for determining the appropriate location for a handicapped parking space:

A. The nature and use of adjacent buildings;

B. The number of on-street parking spaces requested, with the maximum requested spaces not to exceed three (3) adjacent or contiguous spaces;

C. Any other information which the Director of Public Safety or Commissioner of Traffic Engineering may require.

(3) Reserved on-street parking spaces for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall not be provided at any location where off-street parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, are available in close proximity to the proposed on-street parking location;

(4) Reserved on-street parking spaces for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be located as close as practicable to educational institutions, government buildings, hospitals, medical centers, cultural institutions and recreational facilities;

(5) Reserved on-street parking spaces shall not be provided at any location where parking is prohibited by ordinance;

(6) Reserved on-street parking for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, in residential areas may be provided upon satisfying the requirements found in divisions (e)(1), (2), (3) and (5) of this section.

(f) Any handicapped person as defined in division (a) of this section or any property owner may request that a parking space be designated as reserved for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces. Approval of the property owner adjacent to the proposed parking space must be obtained prior to the handicap designation. All requests for designations shall be submitted to the Commissioner of Traffic Engineering. Following the designation of a parking space as reserved for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, by the Director of Public Safety, the Division of Traffic Engineering shall install a sign or signs indicating that an on-street parking space is reserved for the exclusive use of handicapped persons.

(g) The Chief of Police or his or her designee, in his or her discretion, may limit or temporarily suspend any of the parking privileges specified in this section to cover emergencies or special events and may impose any other restriction deemed necessary in the interest of traffic safety and control.

(h) No person shall stop, stand or park any motor vehicle at special parking locations provided for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or

disability parking spaces, under this section or at special, clearly marked, parking locations provided for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, in or on privately owned parking lots, parking garages or other parking areas, unless the motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates.

(i) No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with division (b) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(RC 4511.69(H))

(j) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(RC 4511.69(I))

(k) (1) A. Whoever violates division (c) (1) A. i or ii of this section is guilty of a misdemeanor and shall be punished as provided in division (k) (1) A. and B. of this section. Except as otherwise provided in division (k) (1) A. of this section, an offender who violates division (c) (1) A. i or ii of this section shall be fined not less than two hundred fifty nor more than five hundred dollars. An offender who violates division (c) (1) A. i or ii of this section shall be fined not more than one hundred dollars if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

i. At the time of the violation of division (c) (1) A. i of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (c) (1) A. i of this section.

ii. At the time of the violation of division (c) (1) A. ii of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (c) (1) A. ii of this section.

B. In no case shall an offender who violates division (c) (1) A. i or ii of this section be sentenced to any term of imprisonment.

An arrest or conviction for a violation of division (c) (1) A. i or ii of this section does not constitute a

criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

Every fine collected under divisions (k) (1) and (2) of this section shall be paid to the City in which the violation occurred. Except as provided in division (k) (1) of this section, the City shall use the fine moneys it receives under divisions (k) (1) and (2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (b) of this section. The City may use up to fifty per cent (50%) of each fine received under divisions (k) (1) and (2) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the city that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(2) Whoever violates division (c) (2) of this section shall be fined not less than two hundred fifty nor more than five hundred dollars.

In no case shall an offender who violates division (c) (2) of this section be sentenced to any term of imprisonment. An arrest or conviction for a violation of division (c) (2) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(3) Whoever violates division (i) of this section shall be punished as follows:

A. Except as otherwise provided in division (k) (3) of this section, the offender shall be issued a warning.

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (i) of this section or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars (\$25.00) for each parking location that is not properly marked or whose markings are not properly maintained.

(RC 4511.69(J) (2)-(4))

#### **Section 451.24 Private Driveway or Private Property**

(a) If an owner of private property posts on the property in a conspicuous manner a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

(1) Park a vehicle on the property without the owner's consent;

(2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.

(b) Whoever violates division (a) of this section is guilty of a minor misdemeanor.

(RC 4511.681)

(c) Any motor vehicle parked in violation of this section may be impounded upon complaint of any person adversely affected in accordance with the provisions of Chapter 405 at the cost and expense of the motor vehicle's owner.

#### **Section 451.27 Notice to Cover or Remove Junk Motor Vehicles**

(a) (1) For purposes of this section, "junk motor vehicle" means any motor vehicle meeting the requirements of RC 4513.63 (B), (C), (D), and (E) that is left uncovered in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of RC 4737.05 through 4737.12, or regulated under authority of the city; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

(2) This section shall not prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property; except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

(3) The Police Chief or his designee may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

(4) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten (10) days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of thirty (30) days that a junk motor vehicle continues to be so left constitutes a separate offense.

(RC 4513.65)

(d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense, such person is guilty of a misdemeanor of the third degree.

**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, Law; Committees on Safety, Finance.

**Ord. No. 657-17.**

**By Council Member Kelley.**

**An emergency ordinance to amend Sections 471.01 471.03, 471.05 and 471.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating to pedestrians.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by amending Sections 471.01 and 471.03, as amended by Ordinance No. 91-96, passed March 18, 1996, and Sections 471.05 and 471.09, as amended by Ordinance No. 1684-76, passed June 29, 1976 to read as follows:

**Section 471.01 Right-of-way in Crosswalk**

(a) When traffic control signals are not in place, not in operation or are not clearly assigning the right-of-way, the driver of a vehicle, **trackless trolley, or streetcar** shall yield the right-of-way, slowing down or stopping if need be to so yield or if required by section 413.11, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, **trackless trolley, or streetcar** which is so close as to constitute an immediate hazard.

(c) Division (a) of this section does not apply under the conditions stated division (b) of section 471.03.

(d) Whenever any **vehicle, trackless trolley, or streetcar** is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle, **trackless trolley, or streetcar** approaching from the rear shall not overtake and pass the stopped vehicle. (RC 4511.46)

**Section 471.03 Crossing Roadway Outside Crosswalk**

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles, **trackless trolleys, or streetcars** upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all traffic upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(e) This section does not relieve the operator of a vehicle, **streetcar, or trackless trolley** from exercising due care to avoid colliding with any pedestrian upon any roadway. (RC 4511.48)

**Section 471.05 Walking Along Highways**

(a) **Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.**

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two (2) way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in **sections 413.03 and 471.01**, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway. (RC 4511.50)

**Section 471.09 Intoxicated or Drugged Pedestrian on Highway**

**A pedestrian who is under the influence of alcohol, any drug of abuse, or any combination of them, to a degree that renders the pedestrian a hazard shall not walk or be upon a highway.**

(RC 4511.481)

**Section 2.** That existing sections 471.01 and 471.03, as amended by Ordinance No. 91-96, passed March 18, 1996, and sections 471.05 and 471.09, as amended by Ordinance No. 1684-76, passed June 29, 1976 are repealed.

**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, Law; Committees on Safety, Finance.

**Ord. No. 658-17.  
By Council Member Kelley  
An emergency ordinance to repeal various sections of Chapter 473 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances and to supplement the codified ordinances by enacting new Sections 473.01 through 473.03, 473.05, 473.07 and 473.14, relating to bicycles and motorcycles.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 473.01, 473.03, 473.05 and 473.07, as amended by Ordinance No.1684-76, passed June 29, 1976,

Sections 473.02 as amended by Ordinance No. 91-96, passed March 18, 1996,

and Section 473.14, as amended by Ordinance No. 835-03, passed June 10, 2003,

are repealed.

**Section 2.** That Section 473.04, as amended by Ordinance No.1684-76, passed June 29, 1976, relating to riding

bicycles and motorcycles abreast, is repealed.

**Section 3.** That Section 473.06, as amended by Ordinance No. 91-96, passed March 18, 1996, relating to lights and reflector on bicycles and brakes, is repealed.

**Section 4.** That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Sections 473.01, 473.02, 473.03, 473.05, 473.07 and 473.14 to read as follows:

**Section 473.01 Code Application to Bicycles**

(a) The provisions of this traffic code that are applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles.

(b) Except as provided in division (d) of this section, a bicycle operator who violates any provision of this traffic code described in division (a) of this section that is applicable to bicycles may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under RC 4510.036.

(c) Except as provided in division (d) of this section, in the case of a violation of any provision of this traffic code described in division (a) of this section by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code or the Revised Code to the contrary, may require the bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by this Traffic Code or the Revised Code for that violation.

(d) Divisions (b) and (c) of this section do not apply to violations of RC 4511.19 or Chapter 433. (RC 4511.52)

**Section 473.02 Operation of Bicycles, Motorcycles and Snowmobiles**

(a) For purposes of this section, "snowmobile" has the same meaning as given that term in RC 4519.01.

(b) (1) No person operating a bicycle shall ride other than upon or astride the permanent and regular seat attached thereto or carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle other than upon such a firmly attached and regular seat.

(2) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.



(3) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.

(4) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

(5) No person operating a bicycle shall carry any package, bundle, or article that prevents the driver from keeping at least one hand upon the handlebars.

(6) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

(c) (1) Except as provided in division (c)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in division (c)(2) of this section, no person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in RC 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a United States department of transportation-approved protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with rules adopted by the director of public safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(2) Division (c)(1) of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.

(3) A. No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the registrar of motor vehicles pursuant to RC 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States department of transportation that conforms with rules adopted by the director.

B. No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the registrar pursuant to RC 4507.05 in any of the following circumstances:

1. At any time when lighted lights are required by RC 4513.03 (A) (1);
2. While carrying a passenger;
3. On any limited access highway or heavily congested roadway.

(d) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

(e) Except as otherwise provided in this division, whoever violates division (b) or (c)(1) or (3) of this section is guilty of a minor

misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates division (b) or (c)(1) or (3) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates division (b) or (c)(1) or (3) of this section is guilty of a misdemeanor of the third degree.  
(RC 4511.53)

#### **Section 473.03 Prohibition Against Attaching Bicycles and Sleds to Vehicles**

(a) No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or self to any streetcar, trackless trolley, or vehicle upon a roadway.

(b) No operator shall knowingly permit any person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle to attach the same or self to any streetcar, trackless trolley, or vehicle while it is moving upon a roadway.

(c) This section does not apply to towing a disabled vehicle.  
(RC 4511.54)

#### **Section 473.05 Bicycle Signal Device, Lights, Reflector and Brakes**

(a) Every bicycle when in use at the times specified in section 437.02, shall be equipped with the following:

(1) A lamp mounted on the front of either the bicycle or the operator that shall emit a white light visible from a distance of at least five hundred (500) feet to the front and three hundred (300) feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.

(2) A red reflector on the rear that shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;

(3) A lamp emitting either flashing or steady red light visible from a distance of five hundred (500) feet to the rear shall be used in addition to the red reflector. If the red lamp performs as a reflector in that it is visible as specified in division (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

(b) Additional lamps and reflectors may be used in addition to those required under division (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle.

(c) A bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(d) Every bicycle shall be equipped with an adequate brake when used on a street or highway.  
(RC 4511.56)

#### **Section 473.07 Operating Bicycles and Motorcycles on Roadway**

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules

applicable to vehicles and exercising due care when passing a standing vehicle or one (1) proceeding in the same direction.

(b) Persons riding bicycles or motorcycles upon a roadway shall ride not more than two (2) abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.

(c) This section does not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane.  
(RC 4511.55)

#### **Section 473.14 Motorized Bicycle Operation, Equipment and License**

(a) No person shall operate a motorized bicycle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

(1) The person is fourteen (14) or fifteen (15) years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in this section, or the person is sixteen (16) years of age or older and holds either a valid commercial driver's license issued under RC Chapter 4506 or a driver's license issued under RC Chapter 4507 or a valid motorized bicycle license issued after the person has passed the test provided for in this section, except that if a person is sixteen (16) years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in this section;

(2) The motorized bicycle is equipped in accordance with the rules adopted under division (b) of this section and is in proper working order;

(3) The person, if under eighteen (18) years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened and the motorized bicycle is equipped with a rearview mirror.

(4) The person operates the motorized bicycle when practicable within three (3) feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

(b) The Ohio Director of Public Safety, subject to RC Chapter 119, shall adopt and promulgate rules concerning protective helmets, the equipment of motorized bicycles, and the testing and qualifications of persons who do not hold a valid driver's or commercial driver's license. The test shall be as near as practicable to the examination required for a motorcycle operator's endorsement under RC 4507.11. The test shall also require the operator to give an actual demonstration of the operator's ability to operate and control a motorized bicycle by driving one under the supervision of an examining officer.

(c) Every motorized bicycle license expires on the birthday of the applicant in the fourth year after the



date it is issued, but in no event shall any motorized bicycle license be issued for a period longer than four (4) years.

(d) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(e) The protective helmet and rearview mirror required by division (a)(3) of this section shall, on and after January 1, 1985, conform with rules adopted by the Director under division (b) of this section.

(f) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.

(g) Whoever violates division (a), (d) or (e) of this section is guilty of a minor misdemeanor. (RC 4511.521)

**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, Law; Committees on Safety, Finance.

**Ord. No. 659-17.**

**By Council Member Kelley.**

**An emergency ordinance to repeal sections 485.03 and 485.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 91-96, passed March 18, 1996 and to supplement the codified ordinances by enacting new Sections 485.03 and 485.09, relating to watercraft operation.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That sections 485.03 and 485.09, as amended by Ordinance No. 91-96, passed March 18, 1996 are repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Sections 485.03 and 485.09, to read as follows:

**Section 485.03 Operating Under Influence of Alcohol or Drugs Prohibited; Evidence**

(a) No person shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this state if, at the time of the operation, control, or manipulation, any of the following applies:

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them;

(2) The person has a concentration of eight-hundredths of one per cent (0.08%) or more by weight of alcohol per unit volume in the person's whole blood;

(3) The person has a concentration of ninety-six-thousandths of one per cent (0.096%) or more by weight per unit volume of alcohol in the person's blood serum or plasma;

(4) The person has a concentration of eleven-hundredths of one gram (0.11) or more by weight of alcohol per

one hundred (100) milliliters of the person's urine;

(5) The person has a concentration of eight-hundredths of one gram (0.08) or more by weight of alcohol per two hundred ten (210) liters of the person's breath.

(6) Except as provided in division (h) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

A. The person has a concentration of amphetamine in the person's urine of at least five hundred (500) nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred (100) nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

B. The person has a concentration of cocaine in the person's urine of at least one hundred fifty (150) nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty (50) nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

C. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty (150) nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty (50) nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

D. The person has a concentration of heroin in the person's urine of at least two thousand (2,000) nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty (50) nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

E. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten (10) nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

F. The person has a concentration of L.S.D. in the person's urine of at least twenty-five (25) nanograms of L.S.D. per milliliter of the person's urine or has a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

G. The person has a concentration of marihuana in the person's urine of at least ten (10) nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two (2) nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

H. The State Board of Pharmacy has adopted a rule pursuant to RC 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating or being in physical control of any vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

I. Either of the following applies:

1. The person is under the influence of alcohol, a drug of abuse, or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least fifteen (15) nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five (5) nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

2. As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least thirty-five (35) nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty (50) nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

J. The person has a concentration of methamphetamine in the person's urine of at least five hundred (500) nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred (100) nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

K. The person has a concentration of phencyclidine in the person's urine of at least twenty-five (25) nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

(b) No person under twenty-one (21) years of age shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this state if, at the time of the operation, control or manipulation, any of the following applies:

(1) The person has a concentration of at least two-hundredths of one per cent (0.02%) but less than eight-hundredths of one per cent (0.08%) by weight per unit volume of alcohol in the person's whole blood;

(2) The person has a concentration of at least three-hundredths of one per cent (0.03%) but less than ninety-six-thousandths of one per cent (0.096%) by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least twenty-eight one-thousandths of one gram (0.028), but less than eleven-hundredths of one gram (0.11) by weight of alcohol per one hundred (100) milliliters of the person's urine;

(4) The person has a concentration of at least two-hundredths of one gram (0.02), but less than eight-hundredths of one gram (0.08) by weight of alcohol per two hundred and ten (210) liters of the person's breath.

(c) In any proceeding arising out of one (1) incident, a person may be charged with a violation of division (a)(1) and a violation of division (b)(1), (b)(2), (b)(3) or (b)(4) of this section, but the person shall not be convicted of more than one (1) violation of those divisions.

(d)(1)

A. In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section or for an equivalent offense that is watercraft-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in RC 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

B. In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section or for an equivalent offense that is watercraft-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's or child's whole blood, blood serum or plasma, urine, or breath at the time of the alleged violation as shown by chemical analysis of the substance withdrawn, or specimen taken within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in RC 1547.111(C) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, or other bodily substance test at the request of a law enforcement officer under RC 1547.111 or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw

blood under this division if, in that person's opinion, the physical welfare of the defendant or child would be endangered by withdrawing blood.

The whole blood, blood serum or plasma, urine, or breath withdrawn under division (d)(1)B. of this section shall be analyzed in accordance with methods approved by the director of health by an individual possessing a valid permit issued by the director pursuant to RC 3701.143.

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (a) of this section or for an equivalent offense that is watercraft-related, if there was at the time the bodily substance was taken a concentration of less than the applicable concentration of alcohol specified for a violation of division (a)(2), (3), (4), or (5) of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (a)(6) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant or in making an adjudication for the child. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (b) of this section or for a violation of a prohibition that is substantially equivalent to that division.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney immediately upon completion of the test analysis.

If the chemical test was administered pursuant to division (d)(1) B. of this section, the person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(e)(1) In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section, or other chapter of these Codified Ordinances relating to operating or being in physical control of any vessel underway or to manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them, or other chapter of these Codified Ordinances relating to operating or being in physical control of any vessel underway or to manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator or person found to be in physical control of the vessel underway involved in the violation or the person manipulating the water skis, aquaplane, or similar device involved in the violation and if it is shown by clear and convincing

evidence that the officer administered the test in substantial compliance with the testing standards for reliable, credible, and generally accepted field sobriety tests for vehicles that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that have been set by the national highway traffic safety administration, that by their nature are not clearly inapplicable regarding the operation or physical control of vessels underway or the manipulation of water skis, aquaplanes, or similar devices, all of the following apply:

A. The officer may testify concerning the results of the field sobriety test so administered.

B. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

C. If testimony is presented or evidence is introduced under division (e)(1) A. or B. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(2) Division (e)(1) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (e)(1) of this section.

(f)(1) Subject to division (f)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section or for an equivalent offense that is substantially equivalent to either of those divisions, the court shall admit as prima-facie evidence a laboratory report from any laboratory personnel issued a permit by the department of health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division. The laboratory report shall contain all of the following:

A. The signature, under oath, of any person who performed the analysis;

B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

D. An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards

in general and, in this particular analysis, under rules of the department of health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (f)(1) of this section is not admissible against the defendant or child to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's or child's attorney or, if the defendant or child has no attorney, on the defendant or child.

(3) A report of the type described in division (f)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant or child to whom the report pertains or the defendant's or child's attorney receives a copy of the report, the defendant or child or the defendant's or child's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(g) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or RC 1547.111, and a hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or RC 1547.111, is immune from criminal and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate, an emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(h) Division (a)(6) of this section does not apply to a person who operates or is in physical control of a vessel underway or manipulates any water skis, aquaplane, or similar device while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(i) As used in this section and RC 1547.111:

(1) "Equivalent offense" has the same meaning as in RC 4511.181.

(2) "National highway traffic safety administration" has the same meaning as in RC 4511.19.

(3) "Operate" means that a vessel is being used on the waters in this state when the vessel is not securely affixed

to a dock or to shore or to any permanent structure to which the vessel has the right to affix or that a vessel is not anchored in a designated anchorage area or boat camping area that is established by the United States coast guard, this state, or a political subdivision and in which the vessel has the right to anchor.

(4) "Controlled substance" and "marihuana" have the same meanings as in RC 3719.01.

(5) "Cocaine" and "L.S.D." have the same meanings as in RC 2925.01.

(6) "Equivalent offense that is watercraft-related" means an equivalent offense that is one of the following:

A. A violation of division (a) or (b) of this section;

B. A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

C. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (a) or (b) of this section;

D. A violation of a former law of this state that was substantially equivalent to division (a) or (b) of this section.

(7) "Emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in RC 4765.01. (RC 1547.11)

(j) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be punished as provided in division (j)(1), (2), or (3) of this section.

(1) Except as otherwise provided in division (j)(2) or (3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to RC 2929.24 to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00).

The court may suspend the execution of the mandatory jail term of three consecutive days that it is required to impose by division (j)(1) of this section if the court, in lieu of the suspended jail term, places the offender under a community control sanction pursuant to RC 2929.25 and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to RC 5119.38. The court also may suspend the execution of any part of the mandatory jail term of three consecutive days that it is required to impose by division (j)(1) of this section if the court places the offender under a community control sanction pursuant to RC 2929.25 for part of the three (3) consecutive days; requires the offender to attend, for that part of the three (3) consecutive days, a

drivers' intervention program that is certified pursuant to RC 5119.38; and sentences the offender to a jail term equal to the remainder of the three (3) consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of community control, to attend and satisfactorily complete any treatment or education programs, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

(2) If, within ten (10) years of the offense, the offender has been convicted of or pleaded guilty to one violation of RC 1547.11 or one other equivalent offense, the court shall sentence the offender to a jail term of ten (10) consecutive days and may sentence the offender pursuant to RC 2929.24 to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00).

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to RC 5119.38.

(3) If, within ten (10) years of the offense, the offender has been convicted of or pleaded guilty to more than one violation or offense identified in division (j)(2) of this section, the court shall sentence the offender to a jail term of thirty consecutive days and may sentence the offender to a longer jail term of not more than one year. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00).

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to RC 5119.38.

(4) Upon a showing that serving a jail term would seriously affect the ability of an offender sentenced pursuant to division (j)(1), (2), or (3) of this section to continue the offender's employment, the court may authorize that the offender be granted work release after the offender has served the mandatory jail term of three (3), ten (10), or thirty (30) consecutive days that the court is required by division (j)(1), (2), or (3) of this section to impose. No court shall authorize work release during the mandatory jail term of three (3), ten (10), or thirty (30) consecutive days that the court is required by division (j)(1), (2), or (3) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place in which the jail term is served and the time actually spent under employment.

(5) Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or



execution of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court shall suspend the mandatory jail term of ten (10) or thirty (30) consecutive days required to be imposed by division (j)(2) or (3) of this section or place an offender who is sentenced pursuant to division (j)(2) or (3) of this section in any treatment program in lieu of being imprisoned or serving a jail term until after the offender has served the mandatory jail term of ten (10) or thirty (30) consecutive days required to be imposed pursuant to division (j)(2) or (3) of this section. Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court, except as specifically authorized by division (j)(1) of this section, shall suspend the mandatory jail term of three (3) consecutive days required to be imposed by division (j)(1) of this section or place an offender who is sentenced pursuant to division (j)(1) of this section in any treatment program in lieu of imprisonment until after the offender has served the mandatory jail term of three consecutive days required to be imposed pursuant to division (j)(1) of this section.

(6) As used in division (j) of this section:

A. "Equivalent offense" has the same meaning as in RC 4511.181.

B. "Jail term" and "mandatory jail term" have the same meanings as in RC 2929.01.  
(RC 1547.99(G))

**Section 485.09 Reporting a Collision or Accident**

(a) The operator of a vessel involved in a collision, accident, or other casualty, so far as the operator can do so without serious danger to the operator's own vessel, crew, and passengers, shall render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty. The operator also shall give the operator's name, address, and identification of the operator's vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(b) Any person who renders assistance at the scene of a collision, accident, or other casualty involving a vessel is not liable in a civil action for damages or injury to persons or property resulting from any act or omission in rendering assistance or in providing or arranging salvage, towage, medical treatment, or other assistance, except that the person is liable for willful or wanton misconduct in rendering assistance. Nothing in this section precludes recovery from any tortfeasor causing a collision, accident, or other casualty of damages caused or aggravated by the rendering of assistance.

(c) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in loss of life, personal injury requiring

medical treatment beyond first aid, or damage to property in excess of five hundred dollars (\$500.00), or the total loss of a vessel, shall file with the Ohio Chief of the Division of Parks and Watercraft a full description of the collision, accident or other casualty on a form prescribed by the Chief.

(d) If the operator of the vessel involved in a collision, accident, or other casualty is incapacitated, the investigating law enforcement officer shall file the required form as prescribed by the Chief.  
(RC 1547.59)

(e) Whoever violates this section is guilty of a minor misdemeanor.  
(RC 1547.99(C))

**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, Law; Committees on Safety, Finance.

**Ord. No. 660-17.**

**By Council Member Reed.**

**An emergency ordinance designating Tioga Avenue between Warner Road and Turney Road with a secondary and honorary designation of "Warner Turney Neighborhood Organization Way".**

Whereas, this Council recognizes its service to the community by honoring Warner Turney Neighborhood Organization with a secondary street sign designation of "Warner Turney Neighborhood Organization Way"; and,

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That Tioga Avenue between Warner Road and Turney Road is designated with a secondary and honorary designation of "Warner Turney Neighborhood Organization Way".

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Committee on Finance.

**Ord. No. 661-17.**

**By Council Member Reed.**

**An emergency ordinance changing the name of Mill Creek Falls Family Park located at Tioga Road and Warner Road to "Ronald Boehlein Family Park".**

Whereas, this Council recognizes Ronald Boehlein for his contributions to our community by re-naming Mill Creek Falls Family Park as "Ronald Boehlein Family Park"; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the name of Mill Creek Falls Family Park located at Tioga Road and Warner Road shall be changed to "Ronald Boehlein Family Park".

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Works, Finance, Law; Committees on Municipal Services and Properties, Finance.

**Ord. No. 667-17.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance to amend Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 842-13, passed August 14, 2013, relating to the use of City credit cards.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 842-13, passed August 14, 2013, is amended to read as follows:

**Section 171.40 Use of City Credit Cards**

(a) *Authorization.*

(1) A credit card held by the Clerk of Council may be used to pay the following work-related expenses of the Clerk, member of Council, and Council staff:

A. Transportation expenses while traveling on City business;

B. Lodging expenses while traveling on City business;

C. Food expenses while traveling on City business;

D. Food expenses as authorized by ordinance of Council; and

E. Registration, tuition or enrollment expenses for meetings, seminars, conferences, or retreats in connection with the performance of official duties.

(2) A credit card held by the Law Department Docket Clerk or any Law Department attorney may be used to pay the following work-related expenses:

A. Filing fees required by any court, board or tribunal;

B. Any other cost assessed by a court, board or tribunal other than judgments or settlements.

(3) A credit card held by the Port Control Director, or his or her designee, may be used to pay the following work-related expenses:

**A. Emergency commodity purchases in which a credit card is the only method of payment acceptable to the vendor.**

(4) A credit card held by the Finance Director, or his or her designee, may be used to pay the following work-related expenses:

A. Transportation expenses while traveling on City business;

B. Lodging expenses while traveling on City business;

C. Food expenses while traveling on City business;

D. Food expenses as authorized by ordinance of Council; and

E. Registration, tuition or enrollment expenses for meetings, seminars, conferences, or retreats and other similar events in connection with City business.

(4) A credit card held by the Commissioner of Purchases and Supplies, or his or her designee, may be used to pay the following work-related expenses: business licenses, registrations, subscriptions, and other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(5) A credit card held by the Chief Financial Officer of the Department of Public Utilities, or his or her designee, may be used to pay the following work-related expenses: business licenses, registrations, subscriptions, and other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

Use of a City credit card for uses other than those listed in division (a) of this section shall be considered an unauthorized use.

Use of a City credit card in a manner inconsistent with any restriction or control placed on the card by the Director of Finance shall be considered an unauthorized use.

(b) No late charges or finance charges shall be allowed as an allowable expense on a City credit card unless authorized by the Director of Finance.

(c) Any debt incurred as a result of the use of a credit card under this section shall be paid from moneys appropriated in the budget to specific appropriation line items of the appointing authority for work-related expenses listed in division (a) of this section.

(d) Use of any credit card under division (a) of this section shall be limited to the amount appropriated in a specific appropriation line item for the permitted use or uses designated in division (a) and not otherwise encumbered.

(e) If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond of the officer or employee to reimburse the City Treasury for the amount charged to the City beyond the authorized amount or the amount of unauthorized use. If the card is issued to the office of an appointing authority, the appointing authority is liable in person and upon any official bond of the appointing authority for the amount charged to the City beyond the authorized amount or for the amount of unauthorized use.

(f) Any time a City credit card authorized for use under this section is used for more than the amount appropriated and not otherwise unencumbered or is used for an unauthorized use, the City Treasury shall be reimbursed for any amount spent beyond the appropriated, otherwise unencumbered amount, or for the amount of unauthorized use, in the following manner:

(1) If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond of the

officer or employee for reimbursing the City Treasury for any amount charged on the card beyond the appropriated, otherwise unencumbered amount or for the amount of the unauthorized use.

(2) If the card is issued in the name of the office of the appointing authority, the appointing authority is liable in person and upon any official bond of the appointing authority for reimbursement for any amount charged on the card beyond the appropriated, otherwise unencumbered amount or for the amount of the unauthorized use.

(g) Whenever any officer or employee who is authorized to use a City credit card or the office of any other county appointing authority suspects the loss, theft, or possibility of unauthorized use of the card, the officer or employee shall notify the Director of Finance and either the officer's or employee's appointing authority immediately and in writing.

(h) If the Director of Finance determines there has been a credit card expenditure beyond the appropriated, otherwise unencumbered or the authorized amount or if the Director of Finance determines that there has been unauthorized use of a credit card, and if the Director of Finance determines that the City Treasury should be reimbursed for credit card expenditures beyond the appropriated, otherwise unencumbered or the authorized amount, or for the amount of the unauthorized use, the Director of Finance shall give written notice to the officer or employee or appointing authority of liability to the City Treasury in accordance with this section. If, within thirty (30) days after issuance of the written notice, the City Treasury is not reimbursed for the amount shown on the written notice, the Director of Law shall recover that amount from the officer or employee or appointing authority who is liable under this section by civil action in any court of appropriate jurisdiction.

(i) Use of a City credit card for any use other than those permitted under division (a) of this section is a violation of RC 2913.21.

(j) The Director of Finance may revoke credit card privileges and reclaim the credit cards as the Director deems necessary.

**Section 2.** That existing Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 842-13, passed August 14, 2013, is repealed.

**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

**Ord. No. 668-17.**  
**By Council Members Pruitt and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more consultants or vendors to provide professional services necessary to perform general information technology**

**improvements to departmental IT systems, equipment, infrastructure, and telecommunications; to enter into various contracts to implement this ordinance; for a period of one year.**

Whereas, general information technology services are needed to manage the day-to-day operations and to ensure the security and reliability of the Department of Public Utilities' IT systems and infrastructures; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or vendors, or one or more firms of consultants or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide Information Technology hardware, hardware support, software, software support, cloud services, telecommunications support of various materials equipment, supplies, licenses, and services necessary to upgrade and redesign websites, manage and support phone systems, integrate phone systems, provide tools to monitor network, provide cyber security and intrusion protection, provide application hosting, and purchase servers (the "Utility IT Improvement"), for a period of one year.

**Section 2.** The Director of Public Utilities is authorized to acquire one or more software licenses and applications from one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to implement this ordinance, which are not obtained under a professional services contract authorized in Section 1 of this ordinance.

**Section 3.** The selection of the consultants, computer software developers, or vendors for the services described in Sections 1 and 2 of this ordinance, shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants, computer software developers, or vendors available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, and approved and certified by the Director of Finance.

**Section 4.** That the Director of Public Utilities is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a period of one year, for the necessary items of materials, equipment, supplies, and services not obtained under Sections 1 or 2 of this ordinance, including labor and materials if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis

for the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

**Section 5.** That the Director of Public Utilities is authorized to enter into any third-party software license agreements that are necessary to implement this ordinance.

**Section 6.** That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

**Section 7.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 8.** That the cost of the contracts authorized shall be paid from Fund Nos. 52 SF 001 and 58 SF 001, RQS 2002, RL 2017-34.

**Section 9.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Utilities, Finance.

**Ord. No. 669-17.**

**By Mayor Jackson, Council Members Cummins and Kelley.**

**An emergency ordinance authorizing the Director of Public Health to enter into a tri-party agreement with the County of Cuyahoga and the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County to implement a heroin partnership strategy to increase access to treatment and recovery services, for a period of one year.**

Whereas, heroin use across the county has risen to epidemic proportions and affects individuals of all social classes; and

Whereas, few people have the resources to overcome the problems associated with heroin use and other addictions; and

Whereas, to help put a stop to the heroin epidemic, prevention and intervention may be the most effective treatment, including access to programs and treatment centers; and

Whereas, the City of Cleveland, Cuyahoga County, and the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County ("ADAMHS") wish to form the Tackling Heroin Partnership with a focus on increasing access to treatment and providing up to 70

additional sober/recovery beds at various facilities in the City of Cleveland; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Health is authorized to enter into a tri-party agreement with the County of Cuyahoga and ADAMHS to implement the Tackling Heroin Partnership, for a period of one year. The agreement will provide, among other things, that all parties, including ADAMHS, will contribute funds so that ADAMHS can implement an aggressive plan to tackle the heroin epidemic in Cleveland. A summary of the program is placed in File No. 669-17-A.

**Section 2.** That the Director of Public Health is authorized to enter into any agreement or agreements as needed to implement this ordinance.

**Section 3.** That the cost of the contract or contracts shall not exceed \$250,000 and shall be paid from Fund No. 01-5005-6320, RQS 5005, RL 2017-44.

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

**Ord. No. 676-17.**

**By Council Members Zone and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice, Bureau of Justice Assistance, for the FY 17 Sexual Assault Kit Grant; and authorizing the Director to enter into one or more contracts with to implement the grant.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$2,982,303, and any other funds that may become available during the grant term, from the U.S. Department of Justice, Bureau of Justice Assistance, to conduct the FY17 Sexual Assault Kit Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

**Section 2.** That the application for the grant, File No. 676-17-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Safety shall have the authority to extend the term of the grant during the grant term.

**Section 4.** That the Director of Public Safety is authorized to enter into one or more contracts with the Cuyahoga County Medical Examiner and the Cleveland Rape Crisis Center to implement the grant as described in the file.

**Section 5.** That the Director of Public Safety is authorized to employ by contract or contracts one or more vendors or one or more firms of vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland for the acquisition of one or more JusticeTrax software licenses, including training, maintenance, and support during the grant term.

The selection of the vendor or firm of vendors for the services shall be made by the Board of Control on the nomination of the Director of Public Safety from a list of qualified vendors available for employment as may be determined after a full and complete canvass by the Director of Public Safety for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Safety, and certified by the Director of Finance.

**Section 6.** That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide professional services needed for laboratory services needed to implement the grant and for expert witness testimony, during the grant term.

The selection of the vendor or firm of vendors for the services shall be made by the Board of Control on the nomination of the Director of Public Safety from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Safety for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Safety, and certified by the Director of Finance.

**Section 7.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 8.** That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

**Section 9.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it



shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, Law; Committees on Safety, Finance.

**Ord. No. 679-17.**

**By Council Member Kelley.**

**An emergency ordinance declaring a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable processors and retail dispensaries of medical marijuana in the City of Cleveland; this moratorium does not extend to the issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable cultivators of medical marijuana in the City of Cleveland, in accordance with the Ohio Department of Commerce rules and local ordinances; and repealing Ordinance No. 1016-16, passed October 24, 2016.**

Whereas, Substitute House Bill 523, which legalizes the cultivation, processing and retail dispensing of medical marijuana in Ohio became effective on September 8, 2016; and

Whereas, among other things, this bill permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; and prohibits a cultivator, processor, retail dispensary or laboratory from locating or relocating within 500 feet of a school, church, public library, public playground or public park; and

Whereas, Substitute House Bill 523 further authorizes the legislative authority of a municipality to adopt regulations to prohibit or limit the number of medical marijuana cultivators, processors or retail dispensaries located within its borders; and

Whereas, this Council requires time to review all applicable state and local laws to make recommendations on possible zoning prohibitions and limitations of the processing and retail sale of medical marijuana, to determine compatibility with the city's land use plans and their effects on surrounding land uses, and to maintain the public health, safety and welfare; and

Whereas, the Ohio Department of Commerce adopted rules governing medical marijuana cultivators effective May 6, 2017 per House Bill 523, and will accept applications for medical marijuana cultivator provisional licenses through a competitive process in June 2017; and

Whereas, this Council does not want to preclude cultivators of medical marijuana from applying for provisional licenses in accordance with the rules issued by the Ohio Department of Commerce; and

Whereas, this ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health, safety, or welfare in that a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications for medical marijuana-related businesses including processors and

retail dispensaries is necessary to enable this Council to consider all relevant factors in order to make a determination as to what action is appropriate for the City; now therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That, for the reasons stated in the preamble to this ordinance, this Council declares a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable processors and retail dispensaries of medical marijuana in the City of Cleveland until October 26, 2017. This moratorium does not extend to the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable cultivators of medical marijuana in the City of Cleveland, in accordance with the Ohio Department of Commerce rules and local ordinances.

**Section 2.** That Ordinance No. 1016-16, passed October 24, 2016, that declared a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable cultivators, processors and retail dispensaries of medical marijuana in the City of Cleveland is repealed.

**Section 3.** That, as used in this ordinance, "cultivators", "processors", and "retail dispensaries" shall have the same meanings as in Substitute House Bill 523 and Chapter 3796 of the Revised Code.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of City Planning Commission, Finance, Law; Committees on Development Planning and Sustainability, Finance.

**FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED**

**Ord. No. 662-17.**

**By Council Member Kazy.**

**An emergency ordinance authorizing the Director of the Department of the Department of Community Development to enter into an agreement with Bellaire-Puritas Development Corporation for the Summer Safety Education Series in the Park Expo through the use of Ward 16 Casino Revenue Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of the Department of Community Development into agreement effective April 1, 2017 with the Bellaire-Puritas Development Corporation for the Summer Safety Education Series in the Park Expo for the public purpose of providing safety education programming on drug use, violence and crime prevention to city of

Cleveland residents through the use of Ward 16 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$15,000 and shall be paid from Fund No. 10 SF 188.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 663-17.**

**By Council Members Pruitt, Reed, McCormack, K. Johnson, Cleveland, Polensek, Conwell, J. Johnson, Brady, Brancatelli, Kelley, Cummins, Zone, Kazy, and Keane.**

**An emergency ordinance authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of the Department of Public Safety is hereby authorized to enter into agreement with the Cleveland Police Foundation for Community Policing Initiative for the public purpose of providing community policing education, programming and safety activities to at-risk youth residing in the city of Cleveland through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$28,500 and shall be paid from Fund No. 10 SF 177.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 664-17.**

**By Council Members Pruitt, K. Johnson, Cleveland, Polensek, Conwell, and Keane.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Neighborhood Leadership Institute for the Neighborhood Leadership Program through the use of Wards 1, 4, 5, 8, 9 and 17 Casino Revenue Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of the Department of Community Development is hereby authorize to enter into agreement effective January 12, 2017 with Neighborhood Leadership Institute for the Neighborhood Leadership Program for the public purpose to provide leadership training to City of Cleveland residents who are active in neighborhood community organizations through the use of Wards 1, 4, 5, 8, 9, and 17 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$7,750.00 and shall be paid from Fund No. 10 SF 188.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 665-17.**

**By Council Member Reed.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Mount Pleasant NOW Development Corporation for the Neighborhood Beautification Program through the use of Ward 2 Casino Revenue Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of the Department of Community Development is authorized to enter into an agreement with the Mount Pleasant NOW Development Corporation for the Neighborhood Beautification Program for the public purpose of eliminating slum and blight in Cleveland neighborhoods through

the use of Ward 2 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$3,250 and shall be paid from Fund No. 10 SF 188.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 666-17.**

**By Council Member Polensek.**

**An emergency ordinance amending Section 2 of Ordinance No. 745-16, passed June 6, 2016 as amended by Ordinance No. 1125-16, passed September 19, 2016 as it pertains to the interior and exterior renovation improvement of the LaSalle Theater through the use of Ward 8 Neighborhood Capital Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That Section 2 of Ordinance No. 745-16, passed June 6, 2016 as amended by Ordinance No. 1125-16, passed September 19, 2016 are hereby amended to read as follows:

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$120,000 and shall be paid from Fund No. 10 SF 177.

**Section 2.** That Section 2 of Ordinance No. 745-16, passed June 6, 2016 as amended by Ordinance No. 1125-16, passed September 19, 2016 is hereby repealed.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 674-17.**

**By Council Member Reed.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Union Miles Development Corporation for the Family Unity Day Expo through the use of Ward 2 Casino Revenue Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of the Department of Community Development is hereby authorized to enter into agreement effective June 1, 2017 with Union Miles Development Corporation for the Family Unity Day Expo for the public purpose for providing information and education on the social support programs and services that are available for low to moderate income families residing in the city of Cleveland through the use of Ward 2 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$13,500 and shall be paid from Fund No. 10 SF 188.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 675-17.**

**By Council Member McCormack.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Metanoia Project for the Homeless Outreach Services Program through the use of Ward 3 Casino Revenue Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of the Department of Community Development is hereby authorized to enter into agreement with the Metanoia Project for the Homeless Outreach Services Program for the public purpose of providing social service support to the homeless population residing in the city of Cleveland through the use of Ward 3 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$10,000 and shall be paid from Fund No. 10 SF 188.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED**

**Res. No. 672-17.**

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit at 2747 Cedar Avenue, 1st floor and basement and repealing Resolution No. 1121-16, objecting to said permit.**

Whereas, this Council objected to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 2747 Food, Inc., DBA 28th Street Supermarket, 2747 Cedar Avenue, 1st floor and basement, Cleveland, Ohio 44115, Permit No. 9115175 by Resolution No. 1121-16 adopted by the Council on September 19, 2016; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 2747 Food, Inc., DBA 28th Street Supermarket, 2747 Cedar Avenue, 1st floor and basement, Cleveland, Ohio 44115, Permit No. 9115175, be and the same is hereby withdrawn and Resolution No. 1121-16, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

**Section 2.** That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 673-17.**

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 7401-05 Central Avenue, 1st floor and basement and repealing Resolution No. 977-16 objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to Gurdev, Inc., DBA Deep

State Liquor & Market, 7401-7405 Central Avenue, 1st floor and basement, Cleveland, Ohio 44104, Permit Number 3452641 by Resolution No. 977-16, adopted by the Council on August 10, 2016; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That objection to the renewal of a C1 and C2 Liquor Permit to Gurdev, Inc., DBA Deep State Liquor & Market, 7401-7405 Central Avenue, 1st floor and basement, Cleveland, Ohio 44104, Permit Number 3452641, be and the same is hereby withdrawn and Resolution No. 977-16, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

**Section 2.** That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 203-17.**

By Council Members Conwell, K. Johnson and Brancatelli (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to University Circle Inc. to encroach into the public rights-of-way of Juniper Road and Ford Drive by installing, using, and maintaining a landscaped median, including a sidewalk and planting beds.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Development Planning and Sustainability.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 244-17.**

By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance to amend Sections 3 and 9 of Ordinance No. 856-07, passed May 21, 2007, as amended by various ordinances, relating to establishing the City of Cleveland as a Community Reinvestment Area under Section 3735.65 et seq. of the Ohio Revised Code.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 281-17.**

By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance to repeal Sections 365.01 to 365.07 and 367.99 the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting Sections 365.01 to 365.07 and 367.99 relating to rental registration and penalty; and to rename Chapter 365 to "Rental Registration."

Approved by Directors of Building and Housing, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, when amended, as follows:

1. In Section 2, at new Section 365.01(b), lines 2 and 3, strike "rented, leased, or occupied without a Certificate of Rental Registration".

2. In Section 2, strike new Section 365.05 in its entirety and insert the following:

**"Section 365.05 Fees**

**(a) An application for a certificate of rental registration shall be accompanied by a nonrefundable fee calculated under the following schedule:**

**For Each Unit: Thirty-five dollar (\$35.00) Rental Registration Fee.**

**(b) Rental Unit Exemptions:**

**(1) No fee shall be charged for a unit occupied by the owner.**

**(2) No fee shall be charged for a unit for which the owner does not receive rent or anything else of value.**

**(3) The Director of Building and Housing shall create rules and regulations establishing guidelines for fee exemptions.**

**(c) No fees shall be collected from any one (1) owner for all properties owned by that owner within the City in excess of fifteen thousand dollars (\$15,000.00) per calendar year.**

**(d) A certificate may be renewed prior to expiration on application and payment of the fee described above. A certificate that has expired may be renewed on payment of an additional fee of fifty dollars (\$50.00)."**

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 287-17.**

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Works to enter into one or more contracts with City Year, Inc. to perform community service work and to collaborate with various non-profit agencies.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.



**Ord. No. 390-17.**

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Works, for a period of one year.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 447-17.**

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Works to lease certain property located at 14550 Lorain Avenue from Pleasant Valley Enterprises Limited Partnership, for the public purpose of providing a base of operations for services provided in the northwest section of the City, for a term of one year, with a one year option to renew, exercisable by the Director of Public Works.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 448-17.**

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance determining the method of making the public improvement for the grinding of pavement for the local resurfacing of city streets and authorizing the Director of Public Works to enter into one or more public improvement requirement contracts for the making of the improvement, for a period up to one year.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 449-17.**

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Works to enter into various written standard purchase and requirement contracts needed to upgrade the main fire panel of the existing fire alarm system located in Public Auditorium, including labor and materials if necessary.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 612-17.**

By Council Member McCormack and Zone.

An emergency ordinance designating West 47th Street between

Lorain Avenue and Turn Avenue with a secondary and honorary designation of "Sister Maureen Doyle Way".

Approved by Committee on Finance. The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**SECOND READING ORDINANCES PASSED****Ord. No. 236-17.**

By Council Member Kazy.

An ordinance establishing an Urban Form Overlay District and designating an Urban Frontage Line along Lorain Ave. between West 136th Street and West 143rd Street and as shaded on the attached map (Map Change No. 2550).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 278-17.**

By Council Member McCormack.

An ordinance changing the Area District of lands situated along the east side of Walworth Avenue, north of Junction Road, south of I-90 from an RA2 District to an RA3 District as identified on the attached map (Map Change No. 2558).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 366-17.**

By Council Member Cummins.

An ordinance changing the Use, Area and Height District of parcels along Meyer Avenue between West 25th Street and West 30th Street and as identified on the attached map (Map Change No. 2555).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 441-17.**

By Council Member Zone.

An ordinance changing the Use, Area, and Height Districts along Lorain Avenue between West 50th Street and West 65th Street and replacing the PRO District with an Urban Form Overlay District along Lorain between West 50th Street and West 61st Street on the north and south sides of the street as shown on the attached map (Map Change No. 2553).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**SECOND READING EMERGENCY RESOLUTION ADOPTED****Res. No. 630-17.**

By Council Member Kelley.

An emergency resolution encouraging all schools and labor unions to collaborate and work together to serve the best interest of our students, and to ensure that teachers may join a union.

Approved by Committee on Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**MOTION**

The Council Meeting adjourned at 8:20 p.m. to meet on Monday, June 5, 2017, at 7:00 p.m. in the Council Chamber.



Allan Dreyer  
Deputy Clerk/Clerk of Council  
Pro Tempore

**THE CALENDAR**

The following measures will be on their final passage at the next meeting:

NONE

**BOARD OF CONTROL**

May 17, 2017

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 17, 2017 at 10:36 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Withers, Directors Cosgrove, West, Interim Director Ebersole, and Acting Director Odom, Interim Director Donald.

Absent: Mayor Jackson and Director Dumas.

Others: Tiffany White Johnson, Commissioner, Purchases & Supplies.

Matthew Spronz, Director, Mayor's Office of Capital Projects.

Melissa Burrows, Director, Office of Equal Opportunity.

On motions, the resolutions attached were adopted, except as may be otherwise noted.

**Resolution No. 250-17.**

By Mayor Jackson.

Whereas, Ordinance No. 69-17, passed by the Cleveland City Council January 30, 2017, enacts new Section 123.09 of the Codified Ordinances of Cleveland, Ohio, 1976 which section provides that, with the concurrence of the Board of Control, the Office of Quality Control and Performance Management is established in the Office of the

Mayor, to be administered and controlled by a Director of Quality Control and Performance Management; and

Whereas, Section 77 of the Charter of the City of Cleveland requires the concurrence of this Board of Control prior to establishing or discontinuing any division or office; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board concurs in the establishment of the Office of Quality Control and Performance Management in the Office of the Mayor, under the terms and conditions set forth in Section 123.09 of the Codified Ordinances of Cleveland, Ohio, 1976.

Be it further resolved that the Secretary of the Board of Control is instructed to file a certified copy of this resolution with the Clerk of Council immediately upon the adoption of this resolution for attachment to Ordinance No. 69-17.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Withers, Directors Cosgrove, West, Interim Director Ebersole, and Acting Director Odom, Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 251-17.**

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Colony Hardware Corporation dba Phillips Contractors Supply of an estimated quantity of the necessary items of various types of machines and equipment, and labor and materials to repair and/or replace parts or equipment to maintain various types of machines and equipment, Group A, all items, Group B, Items 33, 35, 37-39, 44, 50 and 53-55, Group C, Items 56, 58, 60, 62, 68 and 72-75, for the Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, with a one-year option to renew, received on March 2, 2017 under the authority of Ordinance No. 431-16, passed May 9, 2016, which on the basis of the estimated quantity would amount to \$845,087.15 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

Be it further resolved that according to Section 181.25(a) of the Codified Ordinances of Cleveland, Ohio, 1976, the informality and irregularity of the insufficiency of the bid check submitted by Colony Hardware Corporation dba Phillips Contractors Supply in the amount of \$39,219.86, which check is insufficient by an amount less than 10% of the amount required under Section 181.24 C.O., is waived for the reason that such waiver is in the public interest.

The requirement contract shall further provide that the Contractor shall furnish all the City's requirements for such goods and/or services, whether more or less than the estimated quantity, as may be

ordered under delivery orders separately certified to the contract.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Withers, Directors Cosgrove, West, Interim Director Ebersole, and Acting Director Odom, Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 252-17.**

By Director Davis.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on March 2, 2017 for an estimated quantity for the necessary items of various types of machines and equipment, and labor and materials to repair and/or replace parts or equipment to maintain various types of machines and equipment, Group B, Item 47 and Group C, Item 76 for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, under the authority of Ordinance No. 431-16, passed May 9, 2016, are rejected.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Withers, Directors Cosgrove, West, Interim Director Ebersole, and Acting Director Odom, Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 253-17.**

By Director Kennedy.

Whereas, under the authority of Ordinance No. 1404-07, passed by the Council of the City of Cleveland on November 12, 2007, and Board of Control Resolution No. 267-10, adopted June 30, 2010, the City through its Director of Port Control, entered into Contract No. PS2010\*262 with American Association of Airport Executives ("Consultant") to provide an interactive, standalone, computer based video training system with automated tracking and storage of training records and hardware and software services and maintenance program for a period of two years with two one-year options to renew, for the Department of Port Control; and

Whereas, when a director has been authorized to contract with a software developer or vendor, division (d) of Section 181.102 C.O. authorizes the director of the department for which the software is acquired to enter into an agreement with the software vendor for professional services necessary to implement or maintain the software system, including but not limited to maintenance, repair, upgrades, enhancements, training and technical support; and

Whereas, under the authority of Section 181.102 C.O. the City intends to enter into an agreement with American Association of Airport Executives to upgrade the Interactive Employee Training system to the web-based version of the platform ("IET-LS") and the creation of new Movement Area Driver Training and Customer Service courses for the Department of Port Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of division

(e) of Section 181.102 C.O., the compensation to be paid American Association of Airport Executives to upgrade the Interactive Employee Training system to the web-based version of the platform and the creation of new Movement Area Driver Training and Customer Service courses, shall not exceed \$79,460.00 per year.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Withers, Directors Cosgrove, West, Interim Director Ebersole, and Acting Director Odom, Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 254-17.**

By Director Kennedy.

Whereas, under the authority of Ordinance No. 181.102 C.O., passed by the Council of the City of Cleveland on June 9, 2008, the City through its Director of Port Control, entered into Contract No. PS2016\*185 with Critical Business Analysis, Inc. to provide professional services necessary to provide licensing, hosting and maintenance, user support and training for the Oracle Primavera Contract Manager software applicable for the Department of Port Control; and

Whereas, when a director has been authorized to contract with a software developer or vendor, division (d) of Section 181.102 C.O. authorizes the director of the department for which the software is acquired to enter into an agreement with the software vendor for professional services necessary to implement or maintain the software system, including but not limited to maintenance, repair, upgrades, enhancements, training and technical support; and

Whereas, under the authority of Section 181.102 C.O. the City intends to enter into a contract with Critical Business Analysis, Inc. for the installation of upgrades, maintenance, training and professional services for the construction contract management system at Cleveland Hopkins International Airport, for a period of one year starting upon execution; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of division (e) of Section 181.102 C.O., the compensation to be paid Critical Business Analysis, Inc. to provide installation of upgrades, maintenance, training and professional services for the construction contract management system at Cleveland Hopkins International Airport, shall not exceed \$29,990.00.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Withers, Directors Cosgrove, West, Interim Director Ebersole, and Acting Director Odom, Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 255-17.**

By Director Kennedy.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Bay Mechanical & Electric Corporation, under City

Contract No. PI2016\*33, for the public improvement of the Emergency Electrical Upgrades and Power Feeds to Main Substation #1 and #2 - Phase II at Cleveland Hopkins International Airport under the authority of Ordinance No. 874-10, passed by the Council of the City of Cleveland on October 4, 2010, and Board of Control Resolution No. 248-16, adopted May 25, 2016, is approved.

| Subcontractor                      | CSB/MBE/FBE% | Amount     |
|------------------------------------|--------------|------------|
| General Crane Rental Non-Certified |              | \$5,030.00 |

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Withers, Directors Cosgrove, West, Interim Director Ebersole, and Acting Director Odom, Interim Director Donald.  
Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 256-17.**

By Director Kennedy.  
Be it resolved by the Board of Control of the City of Cleveland that the amounts attributed to the following sub-contractors approved in Board of Control Resolution No. 403-16, as amended by Resolution No. 218-17, adopted September 14, 2016 and May 3, 2017, respectively, approving a contract with Anthony Allega Cement Contractor, Inc to provide design/build services for the public improvement of the CLE Snow Removal Equipment Storage & Vehicle Maintenance Building Addition, City Contract No. PI 2016\*041, are amended as follows:

| Construction Sub-Contractors | DBE/SBE %           | Amount         |
|------------------------------|---------------------|----------------|
| RAR Contracting Co., Inc.    | DBE 6.65%           | \$1,074,235.00 |
| North Electric, Inc.         | DBE 7.15%           | \$1,155,960.00 |
| Southwest Companies, Inc.    | SBE .55%            | \$ 89,479.00   |
| Fox Fire, Inc.               | Non-Certified 8.96% | \$1,449,720.00 |
| MEPVet, LLC.                 | Non-Certified 8.96% | \$ 230,825.00  |

Be it further resolved that the approval of the employment of the following sub-contractor to Anthony Allega Cement Contractor, Inc., under City Contract No. PI2016\*041 to provide design/build services for the public improvement of the CLE Snow Removal Equipment Storage & Vehicle Maintenance Building Addition, authorized by Ordinance No. 699-16, passed by the Council of the City of Cleveland on July 13, 2016 and Board of Control Resolution No. 403-16, adopted September 14, 2016, is rescinded.

| Construction Sub-contractors | DBE/SBE %           | Amount         |
|------------------------------|---------------------|----------------|
| North American Cement Co.    | Non-Certified 7.98% | \$1,306,329.00 |

Be it further resolved that all other terms of Resolution No. 403-16,

as amended by Resolution No. 218-17, not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Withers, Directors Cosgrove, West, Interim Director Ebersole, and Acting Director Odom, Interim Director Donald.  
Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 257-17.**

By Director Spronz.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1024-16, passed by the Council of the City of Cleveland on November 14, 2016, TRC Engineers, Inc. is selected upon the nomination of the Director of Capital Projects from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the Rehabilitation of Fulton Road/ W. 28th St, between Clark Avenue and Detroit Avenue.

Be it further resolved that the Director of Capital Projects is authorized to enter into a written contract with TRC Engineers, Inc. based on its proposal dated April 10, 2017, provided that the compensation to be paid shall not exceed \$507,407.00. The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by TRC Engineers, Inc. for the above authorized contract is approved:

|  |
|--|
| Chagrin Valley Engineering (CSB) — \$131,925.00 — (26.00%) |
| Solar Testing Laboratories (CSB) — \$25,771.00 — (5.08%)   |
| NE Blueprint (CSB) — \$7,160.00 — (1.41%)                  |
| United Survey (CSB) — \$39,885.00 — (7.86%)                |
| OR Colan (non certified) — \$6,600.00 — (0.00%)            |

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Withers, Directors Cosgrove, West, Interim Director Ebersole, and Acting Director Odom, Interim Director Donald.  
Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 258-17.**

By Director McGrath.  
Be it resolved, by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 880-14, passed by the Council of the City of Cleveland on July 16, 2014, CineMassive Displays, LLC is selected from a list of firms determined after a full and complete canvass by

the Director of Public Safety as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City of Cleveland in order to provide an audio-visual system upgrades to the Emergency Operations Center including software, equipment and training for City of Cleveland personnel, for a period of one year with one (1) one-year option to renew, for the Department of Public Safety.

Be it further resolved that the Director of Public Safety is authorized to enter into a contract with CineMassive Displays, LLC based upon its proposal dated February 22, 2016, which contract shall be prepared by the Director of Law, shall provide for rendering the above-mentioned professional services as described in the proposal for an amount not to exceed \$497,425.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Withers, Directors Cosgrove, West, Interim Director Ebersole, and Acting Director Odom, Interim Director Donald.  
Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 259-17.**

By Director Cox.  
Be it resolved, by the Board of Control of the City of Cleveland that the conditional bid of Gordon Food Service, Inc., except for such terms and conditions as are not acceptable to the Director of Law and the Director of Public Works, for an estimated quantity of 2017 summer food program - Camp Forbes, all items, for the Division of Recreation, Department of Public Works, for a period of one year, beginning with the date of execution of a contract, received on April 12, 2017 under the authority of Ordinance No. 1200-16, passed by Cleveland City Council on November 14, 2016, which on the basis of the estimated quantity would amount to \$82,746.38 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services specified.

The requirement contract shall further provide that the Contractor shall furnish the City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Withers, Directors Cosgrove, West, Interim Director Ebersole, and Acting Director Odom, Interim Director Donald.  
Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 260-17.**

By Director Cosgrove.  
Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and



Whereas, under the Program, the City has acquired Permanent Parcel No. 125-27-034 located at 5787 Portage Avenue; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Victor M. Capeles, Sr. has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Victor M. Capeles, Sr. for the sale and development of Permanent Parcel No. 125-27-034 located at 5787 Portage Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Withers, Directors Cosgrove, West, Interim Director Ebersole, and Acting Director Odom, Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

JEFFREY B. MARKS, Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date stated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the

commission has graded the papers. There-after, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

PHYSICAL EXAMINATION: All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

ROBERT BENNETT, President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 5, 2017

9:30 A.M.

Calendar No. 17-127: 1922 West 52nd Street (Ward 15)

Cleveland Bricks, owner, proposes to erect a 12' - 4" x 8' - 10" one story frame laundry-room addition to an existing single family residence in a B1 Two-Family Residential District. The owner appeals for relief from the following Sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that the Maximum Gross Floor Area allowed shall not exceed 50% of lot size or in this case 1,949 square feet and the appellant is proposing 2,145 square feet.

2. Section 357.09(b)(2)(B) which states that the Required interior side yards is 3' - 6" and the appellant is proposing 2' - 6". (Filed April 27, 2017)

Calendar No. 17-128: 3402 Woodbine Avenue (Ward 3)

Cleveland Bricks, owner, proposes to establish accessory parking space in a B1 Two-Family Residential District. The owner appeals for relief from the following Sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that accessory off-street parking spaces shall be located on rear half of lot.

2. Section 349.05(a) which states that off street parking space shall not be located within 10 feet of any wall of a residential building that contains ground floor windows. (Filed April 27, 2017)

Calendar No. 17-129: 2716 West 14th Street (Ward 3)

SPT Properties, LLC., owner, proposes to change use from church to 21 unit apartment located in a C1 Multi-Family Residential District and a D2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(C) which states an 11 feet interior side yard is required on the north side of the building adjacent to the school building where 8 feet are proposed.

2. Section 357.14 which states that parking is not a permitted front yard encroachment where 3 parking spaces are proposed.

3. Section 349.15 which states that two bicycle parking spaces are required at the rate of one per twenty car parking spaces and none are proposed. (Filed April 27, 2017)

Calendar No. 17-130: 2700 West 14th Street (Ward 3)

SPT Properties, LLC., owner, proposes to change use from church to a 13 unit apartment located in a C1 Multi-Family Residential District and a D2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(C) which states an 11 feet interior side yard is required on the north side of the building adjacent to the school building where 8 feet are proposed.

2. Section 357.14 which states that parking is not a permitted front yard encroachment where 3 parking spaces are proposed.

3. Section 349.15 which states that two bicycle parking spaces are required at the rate of one per twenty car parking spaces and none are proposed. (Filed April 27, 2017)

Calendar No. 17-133: 230 West Huron Road/Terminal Tower (Ward 3)

K&D Group, owner, proposes to change the use of floors 4 through 15 from business to residential apartments with amenities and to add a 15th floor roof deck and mechanical room in an E5 General Retail Business. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that in an "E" area district, floor space of existing building changing to residential use is limited to 1 1/2 the lot area. Floor area project building exceeds this limit.

2. Section 357.01(c) which states that rear and side yards are required for residential buildings in a retail business district.

3. Section 357.05(b) which states that in the Central Business District, as defined in Section 325.15 or as subsequently amended, whenever a building is to be used or occupied in part or entirely for Class A Residential Occupancy, the part of the building so used shall be located in respect to the lot lines as to provide at least one-half (1/2) the interior yard space of 800 square feet required in Section 355.06 and at least one-third (1/3) the rear yard space required in Section 357.08 or thirty (30) feet, whichever is greater. No interior side yard or rear yard is provided. Per 357.05(a), side street yard of five feet is required; no side yard is provided. (Filed April 27, 2017)

Calendar No. 17-135: 12014 Paul Avenue (Ward 6)

Dante Cornachione, owner, proposes to erect a 7' x 20' one story aluminum sunroom on the roof of a single family residence attached garage. The owner appeals for relief from Section 357.09(2)(c) of the Cleveland Codified Ordinances which states that the required interior side yard is 8 feet and the appellant is proposing 3' - 4". (Filed May 1, 2017)

Calendar No. 17-134: 1050 East 9th Street (Ward 3)

City of Cleveland, owner, and Cumberland Development, LLC., tenant, proposes to erect a three story mixed-use building consisting of retail spaces and 16 units in a G5 General Retail Business District.

The tenant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(C) which states that the required interior side yard is 14' and not interior side yard is proposed on the north side of the property.

2. Section 357.08(b)(2) which states that a 27' rear yard is required and no rear yard is proposed. (Filed April 28, 2017)

**Calendar No. 17-136:** 4311 Bailey Avenue (Ward 3)

Cleveland Bricks, owner, proposes to erect a 19' x 41' - 4" second floor master bedroom and a 10' - 5" x 23' one story frame attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the following Sections of the Cleveland Codified Ordinances:

1. Section 349.07(a) which states that Accessory Off street parking space shall be properly paved and grade.

2. Section 349.07(c) which states that the appellant must provide an approved accessibility to parking spaces per City Standards (manhole located in driveway apron).

3. Section 355.04(a) which states that the Maximum Gross floor area shall not exceed 50% of lot area or in this case 1,365 square feet and the appellant is proposing 1,590 square feet.

4. Section 357.09(b)(2)(A) which states that no building shall be erected less than 10' from main a building on adjoining lot and the appellant is proposing 3' - 6".

5. Section 357.09(b)(2)(B) which states that the required interior side yard shall not be less than 4.55' and the appellant is proposing 1' - 6" for dwelling and attached garage addition and 0' for gutters and eaves. The total width of both Interior side yards shall not be less than 10' and the appellant is proposing 1' - 6" and 1' - 6". (Filed May 2, 2017)

**POSTPONED FROM  
APRIL 24, 2017**

**Calendar No. 17-041:** 3208 Broadview Road (Ward 12)

Melniks Automotive LLC., owner, proposes to establish use as motor vehicle repair garage and as a motor vehicle sales facility in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that Motor Vehicle repair garage and motor vehicle sales facility are not permitted uses in a Local Retail Business District.

2. Sections 352.08 through 352.12 which state that a six foot wide landscape frontage strip is required at Henninger to screen parking form street. A four foot wide landscaped transition strip is required separating proposed motor vehicle repair garage facility from adjoining premises in the Local Retail Business is required. Landscape plan and schedule is required.

3. Section 327.02(d)(e) which states that a Site plan drawn to a measurable scale and showing all features of the property is required. Site plan is inadequate not drawn to a measurable scale, and does not

contain all features of the side such as height, type, and locations of fences, paved and unpaved areas, striping of customer parking areas, driveways and aprons, and other features required to determine compliance with Cleveland zoning code. (Filed February 9, 2017 - No Testimony)

Second postponement made at the request of the appellant because his architect was out of town. First postponement made at the request of the Councilman for further review.

**POSTPONED FROM  
MAY 1, 2017**

**Calendar No. 17-58:** 9402 Rosewood Avenue (Ward 2)

Desmond Johnson and Renee Witcher-Johnson, owners, propose to establish use as facility to provide boarding and care to children in a B1 Two-Family Residential District. The owner appeals for relief from Section 337.08(e)(3) which states that a children's boarding home is first permitted in a Multi-Family Residential District, and in that district must be at least 15 feet from adjoining premises not used for a similar purpose. (Filed March 3, 2017 - No Testimony)

Second postponement made at the request of the appellant to allow for more time to meet with community. First postponement made at the request of the Councilman to allow for time for a community meeting.

**POSTPONED FROM  
APRIL 17, 2017**

**Calendar No. 17-66:** 9000 Aetna Avenue (Ward 2)

9000 Aetna, owner, proposes to establish use for outside storage/stockpiling of dirt and rock and accessory rock crushing in a B3 General Industry Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.04(b)(15) which states that the Board of Zoning appeals must review and approve the proposed rock/concrete crushing as accessory use.

2. Section 345.03(c)33 which states that any material stored in unclosed premises to a height greater than four feet above grade level shall be surrounded by a substantial seven feet height wall or fence erected to observe all required building lines.

3. Section 349.07(a) which states that accessory off street parking spaces, driveways and vehicle maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces and surfaced with concrete, asphalt or other acceptable paving material maintained in good condition. No drainage or specific paving detail shown. Driveway and aprons must also be shown on plan. (Filed March 13, 2017 - Testimony taken)

Postponed at the request of the Board in order to allow time for the appellant to revise his plan.

**POSTPONED FROM  
APRIL 17, 2017**

**Calendar No. 17-67:** 3155 East 68th Street (Ward 5)

Halmarnie Inc., owner, proposes to establish use for outside storage/stockpiling of dirt and rock

and accessory rock crushing in a B2 Semi-Industry District and a B3 General Industry Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03 which states that rock, concrete crushing not permitted in Semi-Industry District; first permitted in General Industry District as a conditional use and requires BZA approval per 345.04(b)(15).

2. Section 345.03 which states that open yard storage of used material (concrete) must be more than 500 feet from Residential District.

3. Section 345.03(c) which states that outside, open yard storage/stockpiling of dirt/top soil/rock/dusty materials is not among permitted listed uses in Semi-Industry District; first specifically listed in General Industry district.

4. Section 345.03(c)33 which states that any material stored in unclosed premises to a height greater than four feet above grade level shall be surrounded by a substantial seven feet height wall or fence erected to observe all required building lines.

5. Section 347.05 which states that No space for the storage or distribution of coal, cinders, stone, slag, sand, cement, or similar dust-producing material shall be located less than three hundred (300) feet from a Residence District, Local Retail Business District or General Retail Business District, except where the dust, smoke, odor, noise and vibration therefrom will effectively be confined to the premises. Property for proposed use is adjacent to Two Family Residential District and less than 300' from Multi-Family District.

6. Section 349.07(a) which states that accessory off street parking spaces, driveways and vehicle maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces and surfaced with concrete, asphalt or other acceptable paving material maintained in good condition. No drainage or specific paving detail shown. Driveway and aprons must also be shown on plan. (Filed March 13, 2017 - No Testimony)

Postponed at the request of the Development Corporation to allow for a public meeting to be held.

**POSTPONED FROM MAY 15, 2017**

**Calendar No. 17-72:** 6702 Father Caruso Drive (Ward 15)

Richard Dillon and Michael Varvaro, owners, propose to construct a new 4 story frame single family residence with an attached garage in a B1 Two-Family Residential District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 353.01 which states that the Maximum height limit allowed is 35 feet and the appellants are proposing 44 feet and 1 inch.

2. Section 355.04(a) which states that the minimum required lot area is 4,800 square feet and the appellants are proposing 2,910 square

feet. Maximum Gross Floor area shall not exceed 50% of lot area the appellants are proposing 4,300 square feet.

3. Section 357.08(b)(1) which states that the Required Rear yard is 44 feet, 1 inch and the appellants are proposing 33 feet.

4. 357.09(b)(2)(B) which states that the required Interior side yard is 11'; proposing 5 feet.

5. Section 357.13(c) which states that Air Condenser unit not a permitted Interior Side yard Encroachment.

6. Section 358.04(a) which states that fences in actual front yards and in actual side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open, except that, in an actual side street yard, a fence that is set back at least four (4) feet from the side street property line may be a maximum of six (6) feet in height and may be open or solid the appellants are proposing 5 feet tall solid wall and setback distance is undefined. (Filed April 12, 2017 - Testimony taken)

First postponement made at the request of the Councilman to allow for time to hold a community meeting.

**Calendar No. 17-73:** 6704 Father Caruso Drive (Ward 15)

Richard Dillon and Michael Varvaro, owners, propose to construct a new 4 story frame single family residence with an attached garage in a B1 Two-Family Residential District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 353.01 which states that the Maximum height limit allowed is 35 feet and the appellants are proposing 44 feet and 1 inch.

2. Section 355.04(a) which states that the minimum required lot area is 4,800 square feet and the appellants are proposing 2,703. Maximum Gross Floor area shall not exceed 50% of lot area of 1,351 square feet and the appellants are proposing 2,785 square feet.

3. Section 357.08(b)(1) which states that the Required Rear yard is 41 feet and proposing 11 feet.

4. 357.09(b)(2)(B) which states that the required Interior side yard is 11'; proposing 9 feet 10 inches.

5. Section 357.13(c) which states that Air Condenser unit not a permitted Interior Side yard Encroachment.

6. Section 358.04(a) which states that fences in actual front yards and in actual side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open, except that, in an actual side street yard, a fence that is set back at least four (4) feet from the side street property line may be a maximum of six (6) feet in height and may be open or solid the appellants are proposing 5 feet tall solid wall and setback distance is undefined. (Filed April 12, 2017 - Testimony taken)

First postponement made at the request of the Councilman to allow for time to hold a community meeting.

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, MAY 22, 2017**

At the meeting of the Board of Zoning Appeals on Monday, May 22, 2017 the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED:**

**Calendar No. 16-237:** 515 Euclid Avenue Euclid Avenue Garage LLC., owner, proposes to erect a 19 story residential addition on an existing 8 story parking garage in an E5 General Retail Business District.

**Calendar No. 17-84:** 2017 Follett Court West 20th LLC, proposes to erect a 2.5 story single family house on a 1,785 square foot City of Cleveland Land Bank lot in a B1 Multi-Family Residential District.

**Calendar No. 17-85:** 2260 West 20th Street Matt Berges, owner, proposes to erect a 2.5 story single family house on a 3,111 square foot lot in a B1 Multi-Family Residential District.

**Calendar No. 17-86:** 2254 West 20th Street West 20th LLC, proposes to erect a 2.5 story single family house on a 3,111 square foot on a City of Cleveland lot in a B1 Multi-Family Residential District.

**Calendar No. 17-87:** 2248 West 20th Street West 20th LLC, proposes to erect a 2.5 story single family house on a 3,111 square foot lot in a B1 Multi-Family Residential District.

**Calendar No. 17-88:** 2242 West 20th Street West 20th LLC, proposes to erect a 2.5 story single family house on a 2,949 square foot on a City of Cleveland Land Bank lot in a B1 Multi-Family Residential District.

**Calendar No. 17-89:** 2238 West 20th Street West 20th LLC, proposes to erect a 2.5 story single family house on a 2,949 square foot lot in a B1 Multi-Family Residential District.

**Calendar No. 17-90:** 2234 West 20th Street West 20th LLC, proposes to erect a 2.5 story single family house on a 3,112 square foot lot in a B1 Multi-Family Residential District.

**Calendar No. 17-91:** 2066 West 17th Street Berges LLC., owner, proposes to erect a 3 story single family (fee simple) townhome with an attached garage on a 2,623 square foot lot in a B1 Two-Family Residential District.

**Calendar No. 17-92:** 2070 West 17th Street Berges LLC., owner, proposes to erect a 3 story single family (fee simple) townhome with an attached garage on a 2,500 square foot lot in

a B1 Two-Family Residential District.

**Calendar No. 17-93:** 2074 West 17th Street Berges LLC., owner, proposes to erect a 3 story single family (fee simple) townhome with an attached garage on a 2,500 square foot lot in a B1 Two-Family Residential District.

**Calendar No. 17-94:** 2078 West 17th Street Berges LLC., owner, proposes to erect a 3 story single family (fee simple) townhome with an attached garage on a 2,500 square foot lot in a B1 Two-Family Residential District.

**Calendar No. 17-95:** 2082 West 17th Street Berges LLC., owner, proposes to erect a 3 story single family (fee simple) townhome on a 2,500 square foot lot in a B1 Two-Family Residential District.

**Calendar No. 17-96:** 2086 West 17th Street Berges LLC., owner, proposes to erect a 3 story single family (fee simple) townhome with an attached garage on a 2,500 square foot lot in a B1 Two-Family Residential District.

**Calendar No. 17-110:** 16301 Harvard Avenue James D. Gregory, owner, proposes to erect a 23' x 24' 1 story frame garage addition attached to the existing 18' x 24' 1 story frame garage in an A1 One Family Residential District.

The following appeals were **DENIED:**

**Calendar No. 17-51:** 10308 Yale Avenue

**Calendar No. 17-109:** 1524 Clermont Road

The following appeal was **WITHDRAWN:**

**Calendar No. 16-276:** 4600 West 160th Street

The following appeals were **DISMISSED:**

None.

The following case was **POSTPONED:**

**Calendar No. 17-112:** Christina Motyka 3625 Independence Road. Postponed to June 26, 2017.

The following cases were heard by the Board of Zoning Appeals on Monday, May 15, 2017 and the decisions were adopted and approved on Monday, May 22, 2017:

The following appeals were **APPROVED:**

**Calendar No. 17-78:** 2209 Professor Avenue Two Docs LTD, owner, proposes to erect a 1,900 square foot 3 story townhouse (as part of 4 unit townhouse building) in a C1 General Retail Business District.



**Calendar No. 17-106:** 1448 West 54th Street

Westshore Properties, owner, proposes split the lot and change use of existing two family residence to a 16' x 40' 3 story single family residence.

**Calendar No. 17-107:** 1446 West 54th Street

Westshore Properties, owner, proposes split the lot and change use of existing two family residence to a 16' x 40' 3 story single family residence.

**Calendar No. 17-124:** 7901 Halle Avenue

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

**Calendar No. 17-125:** 5515 Ira Avenue

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

**Calendar No. 17-126:** 11800 Mt. Overlook Avenue

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

**Calendar No. 17-131:** 18400 Schenely Avenue

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

**Calendar No. 17-132:** 3900 East 75th Street

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

The following case was heard by the Board of Zoning Appeals on Monday, May 8, 2017 and the decision was adopted and approved on Monday, May 22, 2017:

**Calendar No. 17-99:** 4899 Pearl Road Old Brooklyn Investments LLC., owner, proposes to establish use as an auto service garage in a C1 Local Retail Business District.

Secretary

**REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS**

Re: Report of the Meeting of May 17, 2017

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in the City Record:

\* \* \*

**Docket A-35-17.**

RE: Appeal of TEG Properties Inc., Owner of the Property, located on the premises known as 2710 Detroit Avenue from a NOTICE OF VIOLATION — CEASE USE ORDER, dated February 2, 2017 of

the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Notice of Violation was properly issued, and that the Appellant has until June 5, 2017 to submit all required plans and calculations for the building improvements to obtain certifications for the systems in the building; the property is REMANDED immediately to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

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**Docket A-41-17.**

RE: Appeal of Slovene Home For The Aged, Owner of the Property, located on the premises known as 18621 Neff Road from a NOTICE OF VIOLATION — ELEVATOR CODE, dated January 20, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until August 15, 2017 to resolve all issues and complete abatement of the violations. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

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**Docket A-43-17.**

RE: Appeal of Mountainside Realty Ventures, LLC, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known 3784 East 149th Street from a NOTICE OF VIOLATION — INTERIOR/ EXTERIOR MAINTENANCE, dated February 2, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-43-17 has been WITHDRAWN at the request of the Appellant.

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**Docket A-44-17.**

RE: Appeal of Melvina A. Binyoun, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property, located on the premises known as 1238 East 80 Street (Back) from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated February 1, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Notice of Violation was properly issued and to DENY the Appellant's appeal request for additional time,

noting the dangerous conditions of the property now; the property is REMANDED at this time to the Department of Building for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

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**Docket A-45-17.**

RE: Appeal of Melvina A. Binyoun, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property, located on the premises known as 1238 East 80 Street (Front) from a CONDEMNATION ORDER — MAIN STRUCTURE, dated February 1, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued and to DENY the Appellant's appeal request for additional time, noting the dangerous conditions of the property now; the property is REMANDED at this time to the Department of Building for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

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**Docket A-46-17.**

RE: Appeal of Derek Fess, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3192 West 94th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated February 1, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 1, 2017 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

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**Docket A-48-17.**

RE: Appeal of Brian M. Lockhart, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 5873 Cable Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 10, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until July 1, 2017 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

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**Docket A-49-17.**

RE: Appeal of SD Horne LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 1316 Russell Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated February 1, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 1, 2017 to submit plans and obtain all required permits to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

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**Docket A-50-17.**

RE: Appeal of Eugene R. Eibler, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known 4112 East 56th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE & FIRE DAMAGE, dated January 30, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 1, 2017 to obtain the permit for the replacement of the roof, and until July 1, 2017 to obtain all other required permits for renovation of the property; noting that failure to meet either date will result in Remanding the property immediately; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

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**Docket A-51-17.**

RE: Appeal of George Berry Jr., Owner of the Two Dwelling Units Two-Family Residence Two &

One-half Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 875 Paxton Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 21, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until July 21, 2017 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

\* \* \*

**Docket A-52-17.**

RE: Appeal of Jonathan Lee, Owner of the 1-2 Institutional — Incapacitated; Hospitals, Nursing Homes Property, located on the premises known as 1905 East 89th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated February 9, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until August 1, 2017 to obtain all required permits and until October 1, 2017 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

\* \* \*

**Docket A-71-17.**

RE: Appeal of Bruce T. Goode, Owner of the F-2 Factory — Low Hazard (Non-combustibles) Two Story Masonry Walls/Wood Floors Property, located on the premises known as 7510 Quincy Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 20, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that based upon testimony and photographic evidence, the property is in ailing mode right now and represents a danger, the request for additional time is DENIED; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

**EXTENSION OF TIME:**

**Docket A-242-16.**

Clifford & Frances Lewis — 3655 East 104th Street:

This case was heard February 22, 2017, at which time the Board granted the Appellant until June 1, 2017 to complete abatement of the violations; the property was REMANDED to the Department of Building and Housing for supervision and any required further action.

Docket A-242-16 has been POSTPONED; to be rescheduled for May 31, 2017.

Appellants state that they have run into a problem with the tenant at this property; stating that they have started the eviction process and have had to call the Cleveland Police to this property preventing them to do any further repairs until the eviction process is complete. Appellants are requesting additional time to complete abatement of the violations.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Gallagher and seconded by Mr. Maschke for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-27-17 — Lawrence E. Kruszewski
- A-38-17 — A & J Investment Company, LLC
- A-39-17 — Robert Murray Jr.
- A-40-17 — Gregory Neal
- A-42-17 — Interstate Dev. Ltd. Partnership

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Gallagher and seconded by Mr. Maschke Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

May 3, 2017

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

\* \* \*

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING****Notice of Public Hearing  
By the Council Committee  
On Development, Planning  
and Sustainability****Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Tuesday, May 30, 2017  
9:30 a.m.**

Notice is hereby given to all interested property owners that the Council Committee on Development, Planning and Sustainability will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Tuesday, May 30, 2017, at 9:30 a.m., to consider the following ordinances now pending in the Council:

**Ord. No. 462-17.**

By Council Member Kazy.  
An ordinance changing Use of land along Lorain Avenue and along West 140th Street to be rezoned from GR-C2 to LR-G2 and MF-G2 (Map Change No. 2561).

**Ord. No. 553-17.**

By Council Member Zone.  
An ordinance changing the Use, Area and Height Districts of lands between West 70th Street and West 76th Street, south of the Lake Shore & Michigan Southern Railroad right-of-way as identified on the attached map (Map Change No. 2557).

**Ord. No. 554-17.**

By Council Member McCormack.  
An ordinance to approve the Stage Two Planned Unit Development (PUD) application for lands designated as a PUD District in Map Change 2562 (Ord. 440-17) (Map Change No. 2563).

Anthony Brancatelli, Chair  
Committee on Development,  
Planning and Sustainability

May 17, 2017 and May 24, 2017

**NOTICE OF PUBLIC HEARING****Notice of Public Hearing  
By the Council Committee  
On Development, Planning  
and Sustainability****Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Monday, June 5, 2017  
9:00 a.m.**

Notice is hereby given to all interested property owners that the Council Committee on Development, Planning and Sustainability will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, June 5, 2017, at 9:00 a.m., to consider the following ordinances now pending in the Council:

**Ord. No. 598-17.**

By Council Member McCormack.  
An ordinance changing the Use and Area Districts of parcels on the southwest corner of Literary Road and W. 7th Street to 'RA' (Townhouse) Use District and an 'F' Area

District as identified on the attached map (Map Change No. 2564).

Anthony Brancatelli, Chair  
Committee on Development,  
Planning and Sustainability

May 24, 2017 and May 31, 2017

**CITY OF CLEVELAND BIDS****For All Departments**

**Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.**

**Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.**

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

**Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."**

**WEDNESDAY, JUNE 14, 2017**

**File No. 67-17 — First Energy Stadium Chiller Replacement (Re-Bid)**, for the Division of Architecture and Site Development, Department of Public Works and Office of Capital Projects, as authorized by Ordinance No. 805-16, passed by the Council of the City of Cleveland, August 10, 2016.

**THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MAY 25, 2017 AT 10:00 A.M. CLEVELAND CITY HALL, 601**

**LAKESIDE AVENUE, ROOM 517A, CLEVELAND, OHIO 44114. A SITE VISIT IS SCHEDULED FOR FRIDAY, MAY 26, 2017 FROM 9:00AM TO 11:00AM.**

**NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).**

May 17, 2017 and May 24, 2017

**WEDNESDAY, JUNE 14, 2017**

**File No. 68-17 — West 3rd Lift Bridge Beam Repair**, for the Division of Engineering and Construction, Office of Capital Projects, as authorized by Ordinance No. 637-08, passed by the Council of the City of Cleveland, June 9, 2008.

**THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, JUNE 2, 2017 AT 9:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 518 CLEVELAND, OHIO 44114.**

**NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).**

**File No. 69-17 — City-Wide Tree Planting and Watering**, for the Division of Parks Maintenance, Department of Public Works, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, MAY 26, 2017 AT 10:00 A.M. 4150 EAST 49TH STREET, BUILDING 1, CLEVELAND, OHIO 44105.**

**NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).**

**File No. 70-17 — Labor and Materials for Fencing Repair and Installation (Re-bid)**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 333-16, passed by the Council of the City of Cleveland, April 25, 2016.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, JUNE 2, 2017 AT 10:00 A.M. CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.**

**NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE**



COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

May 24, 2017 and May 31, 2017

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 577-17.**

**By Council Members Brancatelli, Cummins, Pruitt, Brady, Cleveland, Conwell, Dow, J. Johnson, K. Johnson, Kazy, Keane, McCormack, Mitchell, Polensek, Reed, and Zone.**

An emergency resolution urging the Ohio Senate to reject the proposed amendment to the state budget bill that gives the Ohio Department of Health exclusive authority over all lead-based paint issues statewide, and preempts Ohio cities from taking proactive efforts to prevent lead-poisoning through local inspection and enforcement.

Whereas, an amendment to the Ohio budget bill, House Bill, 49, added by Representative, Derek Merrin (R), gives the Ohio Department of Health (ODH) sole authority to regulate inspection, enforcement and abatement of led-based paint statewide; and

Whereas, this budget bill amendment passed the Ohio House of Representatives, and if passed by the Ohio Senate, would preempt Ohio cities from taking proactive efforts to prevent lead-poisoning through local lead hazard inspections and enforcement; and

Whereas, as the amendment stands, a city could do no more than what the state allows, which currently involves reacting to lead poisoning cases and performing an environmental investigation of a home, school, or daycare after a child has been poisoned; and

Whereas, the proposed changes place sole responsibility for lead-paint related issues with ODH officials at a time when the department faces major potential cuts in federal funding for training and certification of contractors to perform lead-safe renovation and to assist states with lead poisoning prevention, while the state dedicates little from its own budget to lead poisoning prevention and enforcement; and

Whereas, cities such as Cleveland and Toledo have turned to local lead enforcement efforts, because federal and state laws have not addressed the problem; and

Whereas, experts, including the National Center for Healthy Homes, recommend local rental inspections as a way to reduce the number of homes in a community that pose a risk to children from lead-based paint hazards ; and

Whereas, this Council recognizes the need for local proactive enforcement efforts to protect our children from lead-poisoning, and urges the Ohio Senate to reject the proposed amendment to the state budget bill that gives exclusive authority over all lead-based paint issues to ODH; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That this Council urges the Ohio Senate to reject the proposed amendment to the state budget bill that gives the Ohio Department of Health exclusive authority over all lead-based paint issues statewide, and preempts Ohio cities from proactive efforts to prevent lead-poisoning through local inspection and enforcement.

**Section 2.** That the Clerk of Council is directed to transmit copies of this resolution to the Ohio Senate members.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 15, 2017.  
Effective May 17, 2017.

**Res. No. 616-17.**

**By Council Member Kelley.**  
An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 4189 Ridge Road.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Snappy Gas Mart, Inc., DBA Snappy Gas Mart, 4189 Ridge Road, Cleveland, Ohio 44144, Permit Number 8327854 to M Zayed, LLC, DBA Snappy Gas Mart, 4189 Ridge Road, Cleveland, Ohio 44144, Permit Number 5377774; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Division of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit

must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Snappy Gas Mart, Inc., DBA Snappy Gas Mart, 4189 Ridge Road, Cleveland, Ohio 44144, Permit Number 8327854 to M Zayed, LLC, DBA Snappy Gas Mart, 4189 Ridge Road, Cleveland, Ohio 44144, Permit Number 5377774; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 15, 2017.  
Effective May 17, 2017.

**Res. No. 617-17.**

**By Council Member K. Johnson.**  
An emergency resolution withdrawing objection to a New C1 Liquor Permit at 3350 East 116th Street and repealing Resolution No. 223-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at 7 Star LLC, DBA Kinsman Convenience & Gas, 3350 East 116th Street, Cleveland, Ohio 44120 Permit Number 85036200005 by Resolution No. 223-17 adopted by the Council on February 27, 2017; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That objection to a New C1 Liquor Permit at 7 Star LLC, DBA Kinsman Convenience & Gas, 3350 East 116th Street, Cleveland, Ohio 44120 Permit Number 85036200005, be and the same is hereby withdrawn and Resolution No. 223-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

**Section 2.** That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 15, 2017.  
Effective May 17, 2017.

**Ord. No. 534-17.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to implement various projects under the 2017 IT Capital Strategic Plan; and to enter into various contracts to implement this ordinance.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants, for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement various projects under the 2017 IT Capital Strategic Plan, including but not limited to, fiber optic installation, replacing obsolete desktop personal computers, Data Center network and server upgrades and enhancements, migrating physical servers to power efficient, sustainable Blade Chassis and virtual servers, upgrading the SharePoint system, CRM system, upgrading the camera system, upgrading the Voice over Internet Protocol (VoIP) telephone system, installing WIFI in City-owned and City-leased facilities, installing Pen-based devices, Business Intelligence system, updating and improving computers, software, peripheral ancillary devices, telecommunications and network infrastructure, Public Safety Systems and Security, and City-wide applications, all with associated hardware and appurtenances, and for other, related professional services needed to implement the 2017 IT Capital Strategic Plan (the "2017 IT Capital Strategic Plan").

**Section 2.** That the Director of Finance is authorized to employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland necessary to acquire Software as a Service, software design and installation, or acquisition of software licenses, updates, applications, and peripheral ancillary devices, and other related professional services needed to implement projects the 2017 IT Capital Strategic Plan which are not obtained under a professional services contract authorized in Section 1 of this ordinance.

**Section 3.** The selection of the consultants, computer software developers, or vendors for the services described in Sections 1 and 2 of this ordinance, shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants, computer software developers, or vendors available for employment as may be determined after a full and complete canvass by the Director of Finance for

the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, and approved and certified by the Director of Finance.

**Section 4.** That the Director of Finance is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of materials, equipment, supplies, and services necessary to implement the 2017 IT Capital Strategic Plan which are not obtained under a professional services contract authorized in Sections 1 or 2 of this ordinance, including but not limited to computer and network hardware, replacements parts, related furniture, building renovations, and labor, materials, and installation, if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

**Section 5.** That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

**Section 6.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 7.** That the Director of Public Utilities is authorized to enter into any third-party software license agreements that are necessary to implement this ordinance.

**Section 8.** That the cost of the contracts and other expenditures authorized in this ordinance shall be paid from Fund Nos. 20 SF 517, 20 SF 524, 20 SF 532, 20 SF 539, 20 SF 545, 20 SF 551, 20 SF 553, 20 SF 559, 20 SF 562, 20 SF 566, 20 SF 573, 52 SF 001, 54 SF 001, 58 SF 001, 60 SF 001, 81 SF 001, 11 SF 006, and from the fund or funds to which are credited the proceeds of the sale of the bonds authorized by Ordinance No. 412-17, passed April 24, 2017. (RQS 1511, RL 2017-42)

**Section 9.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 15, 2017.  
Effective May 17, 2017.

**Ord. No. 535-17.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into various written standard purchase and requirement contracts needed for citywide electronic protection materials, equipment, supplies, and services, including installation and training, and labor and materials if necessary, for the various divisions of City government, for a period of three years, with two additional one-year options to renew, exercisable by the Director of Finance.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Finance is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of materials, equipment, supplies, and services needed for citywide electronic protection materials, equipment, supplies, and services, including installation and training, and labor and materials if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

**Section 2.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 3.** That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

**Section 4.** That the cost of the standard contracts authorized shall be paid from Fund No. 01 SF 1505-6410, RQN 1505, RL 2017-13.

**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 15, 2017.  
Effective May 17, 2017.

**Ord. No. 552-17.**  
**By Council Member Cleveland, Brady, Brancatelli, Conwell, Cummins, Dow, Griffin, J. Johnson, K. Johnson, Kelley, Kazy, Keane, McCormack, Polensek, Pruitt, Reed, and Zone.**

**An emergency ordinance designating East 18th Street between Euclid Avenue and Chester Avenue with a secondary and honorary designation of "Norman Krumholz Way".**

Whereas, the citizens of Cleveland want to honor Norman Krumholz with a secondary street sign designation of "Norman Krumholz Way" in recognition of his many contributions to our community as an Urban Planner, Professor at Levin College of Urban Affairs, Author and Speaker, former Director of the City of Cleveland's City Planning Department, and former member of the Cleveland City Planning Commission; and,

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That East 18th Street between Euclid Avenue and Chester Avenue is designated with a secondary and honorary designation of "Norman Krumholz Way".

**Section 2.** this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 15, 2017.  
 Effective May 17, 2017.

**Ord. No. 614-17.**  
**By Council Member Pruitt.**  
**An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 1 Casino Revenue Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of the Department of Aging be authorized to enter into an agreement effective May 1, 2017 with Court Community Service for the Senior Lawn Care Program for the public purpose of assisting senior citizens residing in the city of Cleveland with grass cutting and lawn maintenance care through the use of Ward 1 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$29,500 and shall be paid from Fund No. 10 SF 188.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 15, 2017.  
 Effective May 17, 2017.

**Ord. No. 615-17.**  
**By Council Member Cleveland.**  
**An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit to Burten, Bell, Carr Development to stretch a banner at East 55th Street and Scovill Avenue, near East Technical High School, for the period from May 26, 2017, to June 25, 2017, inclusive, publicizing the Annual Ward 5 Family Festival.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Capital Projects is hereby authorized and directed to issue a permit to Burten, Bell, Carr Development to stretch a banner at East 55th Street and Scovill Avenue, near East Technical High School, for the period from May 26, 2017, to June 25, 2017, inclusive. Said banner shall be approved by the Director of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 15, 2017.  
 Effective May 17, 2017.

**Ord. No. 622-17.**  
**By Council Members Reed, McCormack, Cleveland, Polensek, J. Johnson, Brady, Brancatelli, Kelley, Cummins, Zone, Kazy and Keane.**

**An emergency ordinance authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of the Department of Public Health is authorized to enter into agreement with The MetroHealth System for the Project DAWN Program for the public purpose of providing educational programming on opioid addiction overdose and naloxone distribution to lay responders and city of Cleveland residents through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$12,000 and shall be paid from Fund No. 10 SF 188.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 15, 2017.  
 Effective May 17, 2017.

**Ord. No. 623-17.**  
**By Council Members Pruitt, McCormack, Cleveland, Conwell, Brancatelli, Cummins, Zone and Keane.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of the Department of Community Development is hereby authorized to enter into agreement effective June 1, 2017 with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) for the public purpose of providing theatre education and training on live arts to city of Cleveland youth through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$58,000 and shall be paid from Fund No. 10 SF 188.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the



affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 15, 2017.  
Effective May 17, 2017.

**Ord. No. 624-17.**  
**By Council Member McCormack.**  
**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Tremont West Development Corporation for the Arts in August Expo through the use of Ward 3 Casino Revenue Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of the Department of Community Development is hereby authorized to enter into agreement effective July 1, 2017 with the Tremont West Development Corporation for the Arts in August Expo for the public purpose of providing performing arts education to city of Cleveland residents through the use of Ward 3 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 188.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 15, 2017.  
Effective May 17, 2017.

**COUNCIL COMMITTEE MEETINGS**

**Monday, May 22, 2017**  
**9:30 a.m.**

**Health and Human Services Committee:** Present: Cummins, Chair; Griffin, Vice Chair; Brady, Cleveland, Conwell, J. Johnson, McCormack.

**12:00 p.m.**

**Committee of the Whole:** Present: Kelley, Chair; Brady, Brancatelli,

Cleveland, Conwell, Cummins, Dow, Griffin, J. Johnson, K. Johnson, Kazy, Keane, McCormack, Polensek, Pruitt, Reed, Zone.

**2:00 p.m.**

**Finance Committee:** Present: Kelley, Chair; Cleveland, Vice Chair; Brady, Brancatelli, Conwell, Griffin, Keane, Pruitt, Zone.

**Tuesday, May 23, 2017**  
**9:30 a.m.**

**Development, Planning and Sustainability (Zoning) Committee:** Present: Brancatelli, Chair; Cleveland, Vice Chair; Dow, McCormack, Pruitt, Zone. *Authorized Absence:* Cummins.

**Development, Planning and Sustainability Committee:** Present: Brancatelli, Chair; Cleveland, Vice Chair; Dow, McCormack, Pruitt, Zone. *Authorized Absence:* Cummins.

**1:30 p.m.**

**Utilities Committee:** Present: Pruitt, Chair; Brady, Vice Chair; Brancatelli, Cummins, Griffin, Keane, Polensek.

**Wednesday, May 24, 2017**  
**9:00 a.m.**

**Safety Committee:** Present: Zone, Chair; Conwell, Vice Chair; Griffin, Kazy, Keane, McCormack, Polensek.

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O—Ordinance; R—Resolution; F—File  
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Designating West 47th Street between Lorain Avenue and Turn Avenue with a secondary and honorary designation of "Sister Maureen Doyle Way". (O 612-17)..... 926

Establishing an Urban Form Overlay District and designating an Urban Frontage Line along Lorain Ave. between West 136th Street and West 143rd Street and as shaded on the attached map (Map Change No. 2550). (O 236-17) ..... 926

To approve the Stage Two Planned Unit Development (PUD) application for lands designated as a PUD District in Map Change 2562 (Ord. 440-17) (Map Change No. 2563). (O 554-17) ..... 934

To vacate a portion of West 20th Street. (O 643-17)..... 897

**Clerk of Council**

From Council President Kevin J. Kelley appointing, without objection by Council, Allan Dreyer as Council Clerk Pro Tempore for May 17, 2017. (F 636-17) ..... 895

**Cleveland Hopkins International Airport ( CHIA )**

Oath of Office for Khalid Bahhur, Interim Commissioner of Cleveland Hopkins International Airport. (F 678-17) ..... 895

**Cleveland Metropolitan School District ( CMSD )**

Encouraging all schools and labor unions to collaborate and work together to serve the best interest of our students, and to ensure that teachers may join a union. (R 630-17) ..... 926

**Cleveland Public Theater**

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) ..... **937**

**Codified Ordinances**

To amend Section-171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 842 13, passed August 14, 2013, relating to the use of City credit cards. (O 667-17) ..... 920

To amend Sections 471.01 471.03, 471.05 and 471.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating pedestrians. (O 657-17)..... 914

To repeal Sections 365.01 to 365.07 and 367.99 the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting Sections 365.01 to 365.07 and 367.99 relating to rental registration and penalty; and to rename Chapter 365 to "Rental Registration." (O 281-17) ..... 925

To repeal sections 485.03 and 485.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 91 96, passed March 18, 1996 and to supplement the codified ordinances by enacting new Sections 485.03 and 485.09, relating to watercraft operation. (O 659-17) ..... 917

To repeal various sections of Chapter 437 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 437.01 through 437.06, 437.10 through 437.14, 437.16 through 437.19, 437.21, 437.22, 437.24, 437.26, through 437.28, and 437.99 as amended by various ordinances, relating vehicle safety and equipment. (O 655-17) ..... 906

To repeal various sections of Chapter 451 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 451.03, 451.04, 451.041, 452.24 and 451.27 relating to parking generally. (O 656-17) ..... 912

To repeal various sections of Chapter 473 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances and to supplement the codified ordinances by enacting new Sections 473.01 through 473.03, 473.05, 473.07 and 473.14, relating to bicycles and motorcycles. (O 658-17)..... 915

**Communications**

Dedication Plat for Nina Subdivision, Columbus Road and Freeman Avenue. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved. (F 640-17) ..... 895

From Council President Kevin J. Kelley appointing, without objection by Council, Allan Dreyer as Council Clerk Pro Tempore for May 17, 2017. (F 636-17) ..... 895

**Community Development**

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) ..... 937

Authorizing the Director of the Department of the Department of Community Development to enter into an agreement with Bellaire Puritas Development Corporation for the Summer Safety Education Series in the Park Expo through the use of Ward 16 Casino Revenue Funds. (O 662-17) ..... 923

**Community Reinvestment Area**

To amend Sections 3 and 9 of Ordinance No. 856 07, passed May 21, 2007, as amended by various ordinances, relating to establishing the City of Cleveland as a Community Reinvestment Area under Section 3735.65 et seq. of the Ohio Revised Code. (O 244-17) ..... 925

**Condolences**

Condolence Resolution for Charles Perry (R 686-17) ..... 896

Condolence Resolution for Naomi D. (nee Green) Croom (R 680-17) ..... 896

**Contracts**

Authorizing the Director of Finance to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to implement various projects under the 2017 IT Capital Strategic Plan; and to enter into various contracts to implement this ordinance. (O 534-17) ..... 936

Authorizing the Director of Finance to enter into various written standard purchase and requirement contracts needed for citywide electronic protection materials, equipment, supplies, and services, including installation and training, and labor and materials if necessary, for the various divisions of City government, for a period of three years, with two additional one year options to renew, exercisable by the Director of Finance. (O 535-17)..... 936

Authorizing the Director of Port Control to employ one or more professional consultants to provide general planning, engineering, and design services, for a period of one year, executed by December 31, 2018, with three one year options to renew, the second of which requires additional legislative authority. (O 645-17)..... 898

Authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice, Bureau of Justice Assistance, for the FY-17 Sexual Assault Kit Grant; and authorizing the Director to enter into one or more contracts with to implement the grant. (O 676-17) ..... 922

Authorizing the Director of Public Utilities to employ one or more consultants or vendors to provide professional services necessary to perform general information technology improvements to departmental IT systems, equipment, infrastructure, and telecommunications; to enter into various contracts to implement this ordinance; for a period of one year. (O 668-17) ..... 921

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA 2015 75 with Paladin Protective Systems Inc. to provide labor and materials to test, inspect, maintain, repair, enhance or replace electronic security systems including software and components. (O 646-17) ..... 898

Authorizing the Director of Public Works to enter into one or more contracts with City Year, Inc. to perform community service work and to collaborate with various non-profit agencies. (O 287-17) ..... 925

Authorizing the Director of Public Works to enter into various written standard purchase and requirement contracts needed to upgrade the main fire panel of the existing fire alarm system located in Public Auditorium, including labor and materials if necessary. (O 449-17) ..... 926

Authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Works, for a period of one year. (O 390-17)..... 926

Determining the method of making the public improvement for the grinding of pavement for the local resurfacing of city streets and authorizing the Director of Public Works to enter into one or more public improvement requirement contracts for the making of the improvement, for a period up to one year. (O 448-17)..... 926

**Cuyahoga County**

Authorizing the Director of Public Health to enter into a tri party agreement with the County of Cuyahoga and the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County to implement a heroin partnership strategy to increase access to treatment and recovery services, for a period of one year. (O 669-17) ..... 922

**Easements**

Authorizing the Director of Public Works to execute a deed of easement and a temporary deed of easement granting to the Ohio Department of Transportation certain easement rights in property needed to secure the right of way necessary for the improvement and rehabilitation of the Hope Memorial Bridge and declaring the easement rights not needed for the City's public use. (O 653-17)..... 904

Authorizing the Director of Public Works to execute a deed of easement granting to the City of Cleveland Heights certain easement rights in property located along the south side of Cedar Road between Ambleside Road and Harcourt Drive; to accept the improvements when complete; to memorialize Cleveland Heights' obligation to maintain the grounds and improvements; and declaring that the easement rights granted are not needed for public use. (O 649-17)..... 899

Authorizing the Director of Public Works to execute various deeds of easement and various temporary deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property located in Ambler Park for its Doan Valley tunnel project and declaring the easement rights not needed for the City's public use. (O 652-17) ..... 901

**Economic Development Department**

Authorizing the Director of Economic Development to enter into a grant agreement with The Greater Cleveland Sports Commission to provide financial assistance to organize and administer programs for marketing the City of Cleveland as a venue for sporting events and to actively market the Public Auditorium as a premier site for the hosting of major events. (O 647-17) ..... 898

**Encroachments**

Authorizing the Director of Capital Projects to issue a permit to Case Western Reserve University to encroach into the public right of way of East 101st Street and East 105th Street by installing, using, and maintaining utility crossings. (O 642-17) ..... 896

Authorizing the Director of Capital Projects to issue a permit to the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), to encroach into the public right of way at 7218 Euclid Avenue by installing, using, and maintaining a bronze historical place marker that would sit on a pole with foundation. (O 641-17) ..... 896

Authorizing the Director of Capital Projects to issue a permit to University Circle Inc. to encroach into the public rights of way of Juniper Road and Ford Drive by installing, using, and maintaining a landscaped median, including a sidewalk and planting beds. (O 203-17) ..... 925

**Finance Department**

Authorizing the Director of Finance to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to implement various projects under the 2017 IT Capital Strategic Plan; and to enter into various contracts to implement this ordinance. (O 534-17)..... **936**

Authorizing the Director of Finance to enter into various written standard purchase and requirement contracts needed for citywide electronic protection materials, equipment, supplies, and services, including installation and training, and labor and materials if necessary, for the various divisions of City government, for a period of three years, with two additional one year options to renew, exercisable by the Director of Finance. (O 535-17)..... **936**

To amend Section 35 of Ordinance No. 323 15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications. (O 644-17) ..... 897

To amend Section-171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 842 13, passed August 14, 2013, relating to the use of City credit cards. (O 667-17) ..... 920

**Fire Alarm Systems**

Authorizing the Director of Public Works to enter into various written standard purchase and requirement contracts needed to upgrade the main fire panel of the existing fire alarm system located in Public Auditorium, including labor and materials if necessary. (O 449-17)..... 926

**Grants**

Authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice, Bureau of Justice Assistance, for the FY-17 Sexual Assault Kit Grant; and authorizing the Director to enter into one or more contracts with to implement the grant. (O 676-17) ..... 922

**Health Department**

Authorizing the Director of Public Health to enter into a tri party agreement with the County of Cuyahoga and the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County to implement a heroin partnership strategy to increase access to treatment and recovery services, for a period of one year. (O 669-17) ..... 922

Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) ..... **937**

**Human Resources Department**

To amend Section 35 of Ordinance No. 323 15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications. (O 644-17) ..... 897



**Lead Paint**

Urging the Ohio Senate to reject the proposed amendment to the state budget bill that gives the Ohio Department of Health exclusive authority over all lead based paint issues statewide, and preempts Ohio cities from taking proactive efforts to prevent lead poisoning through local inspection and enforcement. (R 577-17) ..... 935

**Lease Agreement**

Authorizing the Director of Public Works to enter into a lease agreement with Cory Methodist Church, Inc. for the use of its recreational facility at 1117 East 105th Street of Cory Methodist Church, for a period of twenty years. (O 654-17) ..... 905

**Leases**

Authorizing the Director of Public Works to lease certain property located at 14550 Lorain Avenue from Pleasant Valley Enterprises Limited Partnership, for the public purpose of providing a base of operations for services provided in the northwest section of the City, for a term of one year, with a one year option to renew, exercisable by the Director of Public Works. (O 447-17) ..... 926

Authorizing the Director of Public Works to renew its Lease with the Cleveland Heights University Heights City School District for use of City of Cleveland property located in the City of Cleveland Heights at 2470 West St. James Parkway adjacent to the Roxboro Middle School for recreational purposes, for a term of ninety nine years. (O 650-17) ..... 900

**Liquor Permits**

#0263185. Stock Application, D5J D6. Aringa LLC, 15710 Waterloo Rd. (Ward 8). (F 638-17) ..... 895

#4127729. New License Application, D5J. IIRione Pizzeria LLC, 1303 West 65th St. (Ward 15). (F 639-17) ..... 895

#4652696. New License Application, C1. King Deli LLC, 8331 Superior Ave. (Ward 7). (F 637-17) ..... 895

#7036175. Economic Development Transfer Application, D5. P & P Hospitality Group LLC, 1801 East 9th St. (Ward 5). (F 671-17) ..... 896

#9164152. Temporary License Application, F8. University Circle, Inc., 10820 East Blvd. (Ward 9). (F 670-17) ..... 895

Objecting to the transfer of ownership of a C1 Liquor Permit to 4189 Ridge Road. (R 616-17) ..... 935

Withdrawing objection to a New C1 Liquor Permit at 3350 East 116th Street and repealing Resolution No. 223-17, objecting to said permit. (R 617-17) ..... 935

Withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 7401 05 Central Avenue, 1st floor and basement and repealing Resolution No. 977 16 objecting to said renewal. (R 673-17) ..... 925

Withdrawing objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit at 2747 Cedar Avenue, 1st floor and basement and repealing Resolution No. 1121-16, objecting to said permit. (R 672-17) ..... 925

**Medical Marijuana**

Declaring a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable processors and retail dispensaries of medical marijuana in the City of Cleveland; this moratorium does not extend to the issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable cultivators of medical marijuana in the City of Cleveland, in accordance with the Ohio Department of Commerce rules and local ordinances; and repealing Ordinance No. 1016 16, passed October 24, 2016. (O 679-17) ..... 923

**Name Change**

Changing the name of Mill Creek Falls Family Park located at Tioga Road and Warner Road to "Ronald Boehlein Family Park". (O 661-17) ..... 920

**Neighborhood Capital Funds**

Amending Section 2 of Ordinance No. 745 16, passed June 6, 2016 as amended by Ordinance No. 1125 16, passed September 19, 2016 as it pertains to the interior and exterior renovation improvement of the LaSalle Theater through the use of Ward 8 Neighborhood Capital Funds. (O 666-17) ..... 924

**Northeast Ohio Regional Sewer District ( NEORSD )**

Authorizing the Director of Public Works to execute various deeds of easement and various temporary deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property located in Ambler Park for its Doan Valley tunnel project and declaring the easement rights not needed for the City's public use. (O 652-17) ..... 901

**Oath of Office**

Oath of Office for Khalid Bahhur, Interim Commissioner of Cleveland Hopkins International Airport. (F 678-17) ..... 895

**Ohio Department of Public Health**

Urging the Ohio Senate to reject the proposed amendment to the state budget bill that gives the Ohio Department of Health exclusive authority over all lead based paint issues statewide, and preempts Ohio cities from taking proactive efforts to prevent lead poisoning through local inspection and enforcement. (R 577-17) ..... 935

**Ohio Department of Transportation (ODOT)**

Authorizing the Director of Public Works to execute a deed of easement and a temporary deed of easement granting to the Ohio Department of Transportation certain easement rights in property needed to secure the right of way necessary for the improvement and rehabilitation of the Hope Memorial Bridge and declaring the easement rights not needed for the City's public use. (O 653-17)..... 904

**Ohio Revised Code**

To amend Sections 3 and 9 of Ordinance No. 856 07, passed May 21, 2007, as amended by various ordinances, relating to establishing the City of Cleveland as a Community Reinvestment Area under Section 3735.65 et seq. of the Ohio Revised Code. (O 244-17) ..... 925

**Parking**

To repeal various sections of Chapter 451 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 451.03, 451.04, 451.041, 452.24 and 451.27 relating to parking generally. (O 656-17) ..... 912

**Parks**

Changing the name of Mill Creek Falls Family Park located at Tioga Road and Warner Road to "Ronald Boehlein Family Park". (O 661-17)..... 920

**Permits**

Authorizing and directing the Director of Capital Projects to issue a permit to Burten, Bell, Carr Development to stretch a banner at East 55th Street and Scovill Avenue, near East Technical High School, for the period from May 26, 2017, to June 25, 2017, inclusive, publicizing the Annual Ward 5 Family Festival. (O 615-17) ..... 937

Authorizing the Director of Capital Projects to issue a permit to Case Western Reserve University to encroach into the public right of way of East 101st Street and East 105th Street by installing, using, and maintaining utility crossings. (O 642-17) ..... 896

Authorizing the Director of Capital Projects to issue a permit to the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), to encroach into the public right of way at 7218 Euclid Avenue by installing, using, and maintaining a bronze historical place marker that would sit on a pole with foundation. (O 641-17) ..... 896

Authorizing the Director of Capital Projects to issue a permit to University Circle Inc. to encroach into the public rights of way of Juniper Road and Ford Drive by installing, using, and maintaining a landscaped median, including a sidewalk and planting beds. (O 203-17) ..... 925

**Plats**

Dedication Plat for Nina Subdivision, Columbus Road and Freeman Avenue. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved. (F 640-17) ..... 895

**Port Control Department**

Authorizing the Director of Port Control to employ one or more professional consultants to provide general planning, engineering, and design services, for a period of one year, executed by December 31, 2018, with three one year options to renew, the second of which requires additional legislative authority. (O 645-17)..... 898

Oath of Office for Khalid Bahhur, Interim Commissioner of Cleveland Hopkins International Airport. (F 678-17) ..... 895

**Professional Services**

Authorizing the Director of Finance to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to implement various projects under the 2017 IT Capital Strategic Plan; and to enter into various contracts to implement this ordinance. (O 534-17)..... 936

Authorizing the Director of Finance to enter into various written standard purchase and requirement contracts needed for citywide electronic protection materials, equipment, supplies, and services, including installation and training, and labor and materials if necessary, for the various divisions of City government, for a period of three years, with two additional one year options to renew, exercisable by the Director of Finance. (O 535-17)..... 936

Authorizing the Director of Port Control to employ one or more professional consultants to provide general planning, engineering, and design services, for a period of one year, executed by December 31, 2018, with three one year options to renew, the second of which requires additional legislative authority. (O 645-17)..... 898

Authorizing the Director of Public Utilities to employ one or more consultants or vendors to provide professional services necessary to perform general information technology improvements to departmental IT systems, equipment, infrastructure, and telecommunications; to enter into various contracts to implement this ordinance; for a period of one year. (O 668-17) ..... 921

**Public Hearings (Notices)**

Changing the Use and Area Districts of parcels on the southwest corner of Literary Road and W. 7th Street to 'RA' (Townhouse) Use District and an 'F' Area District as identified on the attached map (Map Change No. 2564). (O 598-17) ..... 934

Changing the Use, Area and Height Districts of lands between West 70th Street and West 76th Street, south of the Lake Shore & Michigan Southern Railroad right of way as identified on the attached map (Map Change No. 2557). (O 553-17)..... 934

Changing Use of land along Lorain Avenue and along W. 140th Street to be rezoned from GR C2 to LR G2 and MF G2 (Map Change No. 2561). (O 462-17) ..... 934

To approve the Stage Two Planned Unit Development (PUD) application for lands designated as a PUD District in Map Change 2562 (Ord. 440-17) (Map Change No. 2563). (O 554-17) ..... 934

**Public Improvements**

Amending Section 2 of Ordinance No. 745-16, passed June 6, 2016 as amended by Ordinance No. 1125-16, passed September 19, 2016 as it pertains to the interior and exterior renovation improvement of the LaSalle Theater through the use of Ward 8 Neighborhood Capital Funds. (O 666-17) ..... 924

Authorizing the Director of Public Works to execute a deed of easement granting to the City of Cleveland Heights certain easement rights in property located along the south side of Cedar Road between Ambleside Road and Harcourt Drive; to accept the improvements when complete; to memorialize Cleveland Heights' obligation to maintain the grounds and improvements; and declaring that the easement rights granted are not needed for public use. (O 649-17)..... 899

Determining the method of making the public improvement for the grinding of pavement for the local resurfacing of city streets and authorizing the Director of Public Works to enter into one or more public improvement requirement contracts for the making of the improvement, for a period up to one year. (O 448-17)..... 926

**Public Works**

Authorizing the Director of Public Works to enter into a lease agreement with Cory Methodist Church, Inc. for the use of its recreational facility at 1117 East 105th Street of Cory Methodist Church, for a period of twenty years. (O 654-17) ..... 905

Authorizing the Director of Public Works to enter into one or more contracts with City Year, Inc. to perform community service work and to collaborate with various non-profit agencies. (O 287-17) ..... 925

Authorizing the Director of Public Works to enter into one or more license agreements with Case Western Reserve University, to facilitate pedestrian crossing and traffic safety improvements and to make utility connections to the Nord Family Greenway project at or under certain city park drives in Wade Park. (O 651-17) ..... 900

Authorizing the Director of Public Works to enter into various written standard purchase and requirement contracts needed to upgrade the main fire panel of the existing fire alarm system located in Public Auditorium, including labor and materials if necessary. (O 449-17) ..... 926

Authorizing the Director of Public Works to execute a deed of easement and a temporary deed of easement granting to the Ohio Department of Transportation certain easement rights in property needed to secure the right of way necessary for the improvement and rehabilitation of the Hope Memorial Bridge and declaring the easement rights not needed for the City's public use. (O 653-17)..... 904

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Authorizing the Director of Public Works to execute various deeds of easement and various temporary deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property located in Ambler Park for its Doan Valley tunnel project and declaring the easement rights not needed for the City's public use. (O 652-17) ..... 901

Authorizing the Director of Public Works to lease certain property located at 14550 Lorain Avenue from Pleasant Valley Enterprises Limited Partnership, for the public purpose of



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| providing a base of operations for services provided in the northwest section of the City, for a term of one year, with a one year option to renew, exercisable by the Director of Public Works. (O 447-17) .....  | 926 |
| Authorizing the Director of Public Works to renew its Lease with the Cleveland Heights University Heights City School District for use of City of Cleveland property located in the City of Cleveland Heights at 2470 West St. James Parkway adjacent to the Roxboro Middle School for recreational purposes, for a term of ninety nine years. (O 650-17) .....  | 900 |
| Authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Works, for a period of one year. (O 390-17).....   | 926 |
| Changing the name of Mill Creek Falls Family Park located at Tioga Road and Warner Road to "Ronald Boehlein Family Park". (O 661-17).....  | 920 |
| Determining the method of making the public improvement for the grinding of pavement for the local resurfacing of city streets and authorizing the Director of Public Works to enter into one or more public improvement requirement contracts for the making of the improvement, for a period up to one year. (O 448-17).....   | 926 |
| <b>Recognition</b>   |     |
| Recognition Resolution for 8th Annual Cleveland Asian Festival (R 683-17) .....  | 896 |
| Recognition Resolution for Andre Martin (R 681-17) .....   | 896 |
| Recognition Resolution for Harllel Jones Street Dedication (R 682-17).....   | 896 |
| Recognition Resolution for Karamu House (R 684-17) .....   | 896 |
| <b>Rental Registration</b>   |     |
| To repeal Sections 365.01 to 365.07 and 367.99 the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting Sections 365.01 to 365.07 and 367.99 relating to rental registration and penalty; and to rename Chapter 365 to "Rental Registration." (O 281-17).....   | 925 |
| <b>Resolution of Support</b>   |     |
| Encouraging all schools and labor unions to collaborate and work together to serve the best interest of our students, and to ensure that teachers may join a union. (R 630-17) .....   | 926 |
| <b>Resolutions - Miscellaneous</b>   |     |
| Urging the Ohio Senate to reject the proposed amendment to the state budget bill that gives the Ohio Department of Health exclusive authority over all lead based paint issues statewide, and preempts Ohio cities from taking proactive efforts to prevent lead poisoning through local inspection and enforcement. (R 577-17) .....  | 935 |
| <b>Safety Department</b>   |     |
| Authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice, Bureau of Justice Assistance, for the FY-17 Sexual Assault Kit Grant; and authorizing the Director to enter into one or more contracts with to implement the grant. (O 676-17) .....  | 922 |
| Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) .....   | 923 |
| To amend Sections 471.01 471.03, 471.05 and 471.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating pedestrians. (O 657-17) .....  | 914 |
| To repeal sections 485.03 and 485.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 91 96, passed March 18, 1996 and to supplement the codified ordinances by enacting new Sections 485.03 and 485.09, relating to watercraft operation. (O 659-17) .....  | 917 |
| To repeal various sections of Chapter 437 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 437.01 through 437.06, 437.10 through 437.14, 437.16 through 437.19, 437.21, 437.22, 437.24, 437.26, through 437.28, and 437.99 as amended by various ordinances, relating vehicle safety and equipment. (O 655-17) ..... | 906 |
| To repeal various sections of Chapter 451 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 451.03, 451.04, 451.041, 452.24 and 451.27 relating to parking generally. (O 656-17) .....   | 912 |
| To repeal various sections of Chapter 473 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances and to supplement the codified ordinances by enacting new Sections 473.01 through 473.03, 473.05, 473.07 and 473.14, relating to bicycles and motorcycles. (O 658-17).....   | 915 |
| <b>Salaries</b>  |     |
| To amend Section 35 of Ordinance No. 323 15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications. (O 644-17) .....   | 897 |

**Street Vacation**

To vacate a portion of West 20th Street. (O 643-17)..... 897

**Streets - Name**

An emergency ordinance Designating Tioga Avenue between Warner Road and Turney Road with a secondary and honorary designation of "Warner Turney Neighborhood Organization Way". (O 660-17)..... 920  
Designating East 18th Street between Euclid Avenue and Chester Avenue with a secondary and honorary designation of "Norman Krumholz Way". (O 552-17) ..... **937**  
Designating West 47th Street between Lorain Avenue and Turn Avenue with a secondary and honorary designation of "Sister Maureen Doyle Way". (O 612-17)..... 926

**Streets Division**

Authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Works, for a period of one year. (O 390-17)..... 926  
Determining the method of making the public improvement for the grinding of pavement for the local resurfacing of city streets and authorizing the Director of Public Works to enter into one or more public improvement requirement contracts for the making of the improvement, for a period up to one year. (O 448-17)..... 926

**Tax Abatement**

To amend Sections 3 and 9 of Ordinance No. 856 07, passed May 21, 2007, as amended by various ordinances, relating to establishing the City of Cleveland as a Community Reinvestment Area under Section 3735.65 et seq. of the Ohio Revised Code. (O 244-17) ..... 925

**Tremont West Development Corporation**

Authorizing the Director of the Department of Community Development to enter into agreement with the Tremont West Development Corporation for the Arts in August Expo through the use of Ward 3 Casino Revenue Funds. (O 624-17) ..... **938**

**Union Miles Development Corporation**

Authorizing the Director of the Department of Community Development to enter into agreement with Union Miles Development Corporation for the Family Unity Day Expo through the use of Ward 2 Casino Revenue Funds. (O 674-17) ..... 924

**Unions**

Encouraging all schools and labor unions to collaborate and work together to serve the best interest of our students, and to ensure that teachers may join a union. (R 630-17) ..... 926

**University Circle**

Authorizing the Director of Capital Projects to issue a permit to University Circle Inc. to encroach into the public rights of way of Juniper Road and Ford Drive by installing, using, and maintaining a landscaped median, including a sidewalk and planting beds. (O 203-17) ..... 925

**US Department of Justice**

Authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice, Bureau of Justice Assistance, for the FY-17 Sexual Assault Kit Grant; and authorizing the Director to enter into one or more contracts with to implement the grant. (O 676-17) ..... 922

**Utilities Department**

Authorizing the Director of Public Utilities to employ one or more consultants or vendors to provide professional services necessary to perform general information technology improvements to departmental IT systems, equipment, infrastructure, and telecommunications; to enter into various contracts to implement this ordinance; for a period of one year. (O 668-17) ..... 921  
Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA 2015 75 with Paladin Protective Systems Inc. to provide labor and materials to test, inspect, maintain, repair, enhance or replace electronic security systems including software and components. (O 646-17) ..... 898

**Ward 01**

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| Authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 1 Casino Revenue Funds. (O 614-17) .....  | 937 |
| Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) .....              | 937 |
| Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... | 923 |

**Ward 02**

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| Authorizing the Director of the Department of Community Development to enter into an agreement with the Mount Pleasant NOW Development Corporation for the Neighborhood Beautification Program through the use of Ward 2 Casino Revenue Funds. (O 665-17) .....                        | 924 |
| Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) .....                                | 937 |
| Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... | 923 |
| Condolence Resolution for Charles Perry (R 686-17) .....   | 896 |
| Condolence Resolution for Naomi D. (nee Green) Croom (R 680-17) .....  | 896 |
| Designating Tioga Avenue between Warner Road and Turney Road with a secondary and honorary designation of "Warner Turney Neighborhood Organization Way". (O 660-17) .....  | 920 |

**Ward 03**

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| Authorizing the Director of Public Works to execute a deed of easement and a temporary deed of easement granting to the Ohio Department of Transportation certain easement rights in property needed to secure the right of way necessary for the improvement and rehabilitation of the Hope Memorial Bridge and declaring the easement rights not needed for the City's public use. (O 653-17) ..... | 904 |
| Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) .....   | 937 |
| Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) .....   | 937 |
| Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) .....  | 923 |
| Changing the Area District of lands situated along the east side of Walworth Avenue, north of Junction Road, south of I 90 from an RA2 District to an RA3 District as identified on the attached map (Map Change No. 2558). (O 278-17) .....  | 926 |
| Changing the Use and Area Districts of parcels on the southwest corner of Literary Road and W. 7th Street to 'RA' (Townhouse) Use District and an 'F' Area District as identified on the attached map (Map Change No. 2564). (O 598-17) .....   | 934 |
| Dedication Plat for Nina Subdivision, Columbus Road and Freeman Avenue. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved. (F 640-17) .....  | 895 |
| Designating West 47th Street between Lorain Avenue and Turn Avenue with a secondary and honorary designation of "Sister Maureen Doyle Way". (O 612-17) .....  | 926 |
| To approve the Stage Two Planned Unit Development (PUD) application for lands designated as a PUD District in Map Change 2562 (Ord. 440-17) (Map Change No. 2563). (O 554-17) .....   | 934 |
| To vacate a portion of West 20th Street. (O 643-17) .....   | 897 |

**Ward 04**

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| Authorizing the Director of the Department of Community Development to enter into agreement with Neighborhood Leadership Institute for the Neighborhood Leadership Program through the use of Wards 1, 4, 5, 8, 9 and 17 Casino Revenue Funds. (O 664-17) .....                        | 924 |
| Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... | 923 |
| Withdrawing objection to a New C1 Liquor Permit at 3350 East 116th Street and repealing Resolution No. 223-17, objecting to said permit. (R 617-17) .....  | 935 |

**Ward 05**

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| #7036175. Economic Development Transfer Application, D5. P & P Hospitality Group LLC, 1801 East 9th St. (Ward 5). (F 671-17) ..... | 896 |
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Authorizing and directing the Director of Capital Projects to issue a permit to Burten, Bell, Carr Development to stretch a banner at East 55th Street and Scovill Avenue, near East Technical High School, for the period from May 26, 2017, to June 25, 2017, inclusive, publicizing the Annual Ward 5 Family Festival. (O 615-17) ..... 937

Authorizing the Director of Capital Projects to issue a permit to the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), to encroach into the public right of way at 7218 Euclid Avenue by installing, using, and maintaining a bronze historical place marker that would sit on a pole with foundation. (O 641-17) ..... 896

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) ..... 937

Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... 923

Designating East 18th Street between Euclid Avenue and Chester Avenue with a secondary and honorary designation of "Norman Krumholz Way". (O 552-17) ..... 937

Withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 7401 05 Central Avenue, 1st floor and basement and repealing Resolution No. 977 16 objecting to said renewal. (R 673-17) ..... 925

Withdrawing objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit at 2747 Cedar Avenue, 1st floor and basement and repealing Resolution No. 1121-16, objecting to said permit. (R 672-17) ..... 925

**Ward 06**

Authorizing the Director of Public Works to execute various deeds of easement and various temporary deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property located in Ambler Park for its Doan Valley tunnel project and declaring the easement rights not needed for the City's public use. (O 652-17) ..... 901

Recognition Resolution for Karamu House (R 684-17) ..... 896

**Ward 07**

#4652696. New License Application, C1. King Deli LLC, 8331 Superior Ave. (Ward 7). (F 637-17) ..... 895

Authorizing the Director of Capital Projects to issue a permit to Case Western Reserve University to encroach into the public right of way of East 101st Street and East 105th Street by installing, using, and maintaining utility crossings. (O 642-17) ..... 896

Authorizing the Director of Public Works to enter into one or more license agreements with Case Western Reserve University, to facilitate pedestrian crossing and traffic safety improvements and to make utility connections to the Nord Family Greenway project at or under certain city park drives in Wade Park. (O 651-17) ..... 900

Recognition Resolution for 8th Annual Cleveland Asian Festival (R 683-17) ..... 896

Recognition Resolution for Harllel Jones Street Dedication (R 682-17) ..... 896

**Ward 08**

#0263185. Stock Application, D5J D6. Aringa LLC, 15710 Waterloo Rd. (Ward 8). (F 638-17) ..... 895

Amending Section 2 of Ordinance No. 745-16, passed June 6, 2016 as amended by Ordinance No. 1125-16, passed September 19, 2016 as it pertains to the interior and exterior renovation improvement of the LaSalle Theater through the use of Ward 8 Neighborhood Capital Funds. (O 666-17) ..... 924

Authorizing the Director of the Department of Community Development to enter into agreement with Neighborhood Leadership Institute for the Neighborhood Leadership Program through the use of Wards 1, 4, 5, 8, 9 and 17 Casino Revenue Funds. (O 664-17) ..... 924

Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) ..... 937

Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... 923

**Ward 09**

#9164152. Temporary License Application, F8. University Circle, Inc., 10820 East Blvd. (Ward 9). (F 670-17) ..... 895

Authorizing the Director of Public Works to enter into a lease agreement with Cory Methodist Church, Inc. for the use of its recreational facility at 1117 East 105th Street of Cory Methodist Church, for a period of twenty years. (O 654-17) ..... 905

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) ..... 937

Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... 923

Recognition Resolution for Andre Martin (R 681-17) ..... 896

**Ward 10**

- Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) ..... **937**
- Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... 923

**Ward 11**

- Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) ..... **937**
- Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... 923

**Ward 12**

- Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) ..... **937**
- Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) ..... **937**
- Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... 923

**Ward 13**

- Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) ..... **937**
- Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... 923
- Objecting to the transfer of ownership of a C1 Liquor Permit to 4189 Ridge Road. (R 616-17) ..... **935**

**Ward 14**

- Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) ..... **937**
- Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) ..... **937**
- Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... 923
- Changing the Use, Area and Height District of parcels along Meyer Avenue between West 25th Street and West 30th Street and as identified on the attached map (Map Change No. 2555). (O 366-17) ..... 926

**Ward 15**

- #4127729. New License Application, D5J. IlRione Pizzeria LLC, 1303 West 65th St. (Ward 15). (F 639-17) ..... 895
- Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) ..... **937**
- Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) ..... **937**
- Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... 923
- Changing the Use, Area and Height Districts of lands between West 70th Street and West 76th Street, south of the Lake Shore & Michigan Southern Railroad right of way as identified on the attached map (Map Change No. 2557). (O 553-17) ..... 934

Changing the Use, Area, and Height Districts along Lorain Avenue between West 50th Street and West 65th Street and replacing the PRO District with an Urban Form Overlay District along Lorain between West 50th Street and West 61st Street on the north and south sides of the street as shown on the attached map (Map Change No. 2553). (O 441-17) ..... 926

**Ward 16**

Appreciation Resolution for Tammy Tucker, M. Ed. (R 685-17) ..... 896  
Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) ..... **937**  
Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... 923  
Authorizing the Director of the Department of the Department of Community Development to enter into an agreement with Bellaire Puritas Development Corporation for the Summer Safety Education Series in the Park Expo through the use of Ward 16 Casino Revenue Funds. (O 662-17) ..... 923  
Changing Use of land along Lorain Avenue and along W. 140th Street to be rezoned from GR C2 to LR G2 and MF G2 (Map Change No. 2561). (O 462-17) ..... 934  
Establishing an Urban Form Overlay District and designating an Urban Frontage Line along Lorain Ave. between West 136th Street and West 143rd Street and as shaded on the attached map (Map Change No. 2550). (O 236-17) ..... 926

**Ward 17**

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) ..... **937**  
Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) ..... **937**  
Authorizing the Director of the Department of Public Safety to enter into agreement with the Cleveland Police Foundation for the Community Policing Initiative through the use of Wards 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Casino Revenue Funds. (O 663-17) ..... 923

**Zoning**

Changing the Area District of lands situated along the east side of Walworth Avenue, north of Junction Road, south of I 90 from an RA2 District to an RA3 District as identified on the attached map (Map Change No. 2558). (O 278-17) ..... 926  
Changing the Use and Area Districts of parcels on the southwest corner of Literary Road and W. 7th Street to 'RA' (Townhouse) Use District and an 'F' Area District as identified on the attached map (Map Change No. 2564). (O 598-17) ..... 934  
Changing the Use, Area and Height District of parcels along Meyer Avenue between West 25th Street and West 30th Street and as identified on the attached map (Map Change No. 2555). (O 366-17) ..... 926  
Changing the Use, Area and Height Districts of lands between West 70th Street and West 76th Street, south of the Lake Shore & Michigan Southern Railroad right of way as identified on the attached map (Map Change No. 2557). (O 553-17)..... 934  
Changing the Use, Area, and Height Districts along Lorain Avenue between West 50th Street and West 65th Street and replacing the PRO District with an Urban Form Overlay District along Lorain between West 50th Street and West 61st Street on the north and south sides of the street as shown on the attached map (Map Change No. 2553). (O 441-17) ..... 926  
Changing Use of land along Lorain Avenue and along W. 140th Street to be rezoned from GR C2 to LR G2 and MF G2 (Map Change No. 2561). (O 462-17) ..... 934  
Establishing an Urban Form Overlay District and designating an Urban Frontage Line along Lorain Ave. between West 136th Street and West 143rd Street and as shaded on the attached map (Map Change No. 2550). (O 236-17) ..... 926  
To approve the Stage Two Planned Unit Development (PUD) application for lands designated as a PUD District in Map Change 2562 (Ord. 440-17) (Map Change No. 2563). (O 554-17) ..... 934

**Zoning Permits**

Declaring a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable processors and retail dispensaries of medical marijuana in the City of Cleveland; this moratorium does not extend to the issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable cultivators of medical marijuana in the City of Cleveland, in accordance with the Ohio Department of Commerce rules and local ordinances; and repealing Ordinance No. 1016 16, passed October 24, 2016. (O 679-17) ..... 923