

The City Record

Official Publication of the Council of the City of Cleveland

July 5, 2024



*Published weekly by the City Clerk, Clerk of Council
under authority of the Charter of the City of Cleveland*

The City Record is available online at www.clevelandcitycouncil.org

Address all communications to
PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

Table of Contents

Click on an entry below to go to that section.

Board of Control	3
Schedule of the Board of Zoning Appeals	19
Report of the Board of Zoning Appeals	26
Public Notice	30
Directory of City Officials	
City Council	42
Permanent Schedule — Standing Committees of Council	43
City Departments	45
Cleveland Municipal Court	51
City Links	52

Board of Control

Wednesday, June 26, 2024

The meeting of the Board of Control convened in the Mayor's Office on Wednesday, June 26, 2024, at 3:00 p.m. with Mayor Justin Bibb presiding.

Members Present: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Martin O'Toole

Absent: Directors Abonamah, Margolius

Others Present: Tyson Mitchell, Director
Office of Equal Opportunity

Keshia Chambers, Assistant Director
Mayor's Office of Capital Projects

Susanne DeGennaro, Commissioner, Real Estate
Mayor's Office of Capital Projects

Tiffany White Johnson, Commissioner
Division of Purchases & Supplies

Sarah Davis, Senior Planner-Active Transportation
City Planning Commission

Kayla Lowery, Intern
Division of Purchases & Supplies

Tomasz Kacki, Paralegal
Department of Law

On motions, the resolutions attached were adopted, except as may be otherwise noted. There being no further business, the meeting was adjourned at 3:05 p.m.

Jeffrey B. Marks
Secretary – Board of Control

Resolution No. 296-24

Adopted 6/26/24

By Director Keane

WHEREAS, under authority of Section 129.294 of the Codified Ordinances of Cleveland Ohio, 1976, and under Board of Control Resolution No. 679-23, adopted December 27, 2023, the City entered into City Contract No. PS2024-023 with Partners Environmental Consulting, Inc. to provide professional consulting services necessary to provide engineering, environmental, and related services needed, for environmental, safety, sustainability and regulatory compliance, for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities on an as-needed basis; and

WHEREAS, by its letter dated May 29, 2024, Partners Environmental Consulting, Inc. requested the City's consent to add subconsultants and to remove a subconsultant previously approved; now, therefore,

BE IT RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subconsultants by Partners Environmental Consulting, Inc. under City Contract No. PI2024-023 is approved:

<u>Subconsultants</u>	<u>Work</u>	<u>Percentage</u>
Sixmo Inc. (CSB)	\$5,000.00	0.07%
HR Construction Service, LLC (CSB)	\$10,000.00	0.013%
The K. Company, Inc. (FBE)	\$5,000.00	0.00%
OCS Technologies, Inc. (non-certified)	TBD	0.00%
Fulton & Associates Balance Co., LLC (non-certified)	TBD	0.00%
EMSL Analytical, Inc. (non-certified)	TBD	0.00%
Pace Analytical Services, LLC (non-certified)	TBD	0.00%
ECS Midwest, LLC (non-certified)	TBD	0.00%
SGS Galson Laboratories, Inc. (non-certified)	TBD	0.00%
Test America (non-certified)	TBD	0.00%
Gage-It, Inc. (non-certified)	TBD	0.00%
TSI, Inc. (non-certified)	TBD	0.00%

BE IT FURTHER RESOLVED By the Board of Control of the City of Cleveland that Board of Control Resolution No. 679-23, adopted December 27, 2023, is amended by removing Trescal, Inc. as a subconsultant;

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 679-23 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, McNair, Margolius

Resolution No. 297-24

Adopted 6/26/24

By Director Keane

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND, that any rates, charges and fees for sewerage service or products fixed in Board of Control Resolution No. 455-21, adopted November 17, 2021, that conflict with those fixed in this resolution are superseded and rescinded.

BE IT FURTHER RESOLVED that in accordance with Section 112 of the Charter of the City of Cleveland, rates, charges and fees for sewerage service or products of the Division of Water Pollution Control, Department of Public Utilities, are fixed as follows, subject to the approval of City Council:

Sewerage Service Rates

(a) Monthly Sewerage Service Rates.

	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
<u>Usage Rates (Per 1 MCF)</u>						
<u>Regular</u>	<u>\$16.97</u>	<u>\$18.41</u>	<u>\$20.62</u>	<u>\$23.09</u>	<u>\$25.86</u>	<u>\$28.96</u>
<u>Homestead</u>	<u>\$10.06</u>	<u>\$10.92</u>	<u>\$12.23</u>	<u>\$13.70</u>	<u>\$15.34</u>	<u>\$17.18</u>

Usage charges are not prorated. The charge used will correspond with the bill period end date.

The rates in this section are effective beginning January 1 of each year.

(b) Monthly Fixed Charge Based Upon Meter Size.

	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
<u>Monthly Fixed Charges</u>						
<u>5/8 in. to 1 in. Meter</u>	<u>\$8.90</u>	<u>\$9.65</u>	<u>\$9.90</u>	<u>\$9.90</u>	<u>\$9.90</u>	<u>\$9.90</u>
<u>1-1/2 to 2 in. Meter</u>	<u>\$27.15</u>	<u>\$29.45</u>	<u>\$30.20</u>	<u>\$30.20</u>	<u>\$30.20</u>	<u>\$30.20</u>
<u>3 in. to 4 in. Meter</u>	<u>\$69.25</u>	<u>\$75.15</u>	<u>\$77.05</u>	<u>\$77.05</u>	<u>\$77.05</u>	<u>\$77.05</u>
<u>6 in. Meter</u>	<u>\$128.60</u>	<u>\$139.55</u>	<u>\$143.05</u>	<u>\$143.05</u>	<u>\$143.05</u>	<u>\$143.05</u>
<u>8 in. to 10 in. Meter</u>	<u>\$182.90</u>	<u>\$198.45</u>	<u>\$203.40</u>	<u>\$203.40</u>	<u>\$203.40</u>	<u>\$203.40</u>
<u>12 in. Meter</u>	<u>\$271.90</u>	<u>\$295.00</u>	<u>\$302.40</u>	<u>\$302.40</u>	<u>\$302.40</u>	<u>\$302.40</u>
<u>Homestead</u>	<u>\$5.35</u>	<u>\$5.80</u>	<u>\$5.95</u>	<u>\$5.95</u>	<u>\$5.95</u>	<u>\$5.95</u>

If a meter size is not listed above, the customer will be charged the rate for the next meter size up. Fixed charges are not prorated. The charge used will correspond with the bill period end date.

(c) *Affordability Programs*. Special homestead and affordability program rates for customers will follow the same rules and requirements as set forth in Section 535.05 for the Division of Water.

(d) The rates in this section are effective beginning January 1 of each year.

Sewerage Service Fees and Charges

(a) WPC Ancillary Fees and Charges.

Fee Description	2024	2025	2026	2027	2028	2029
Lav Permit	\$763	\$763	\$763	\$763	\$763	\$763
Extend Permit	\$858	\$858	\$863	\$892	\$922	\$952
Repair Permit	\$406	\$578	\$597	\$617	\$638	\$659
Bulkhead Permit	\$114	\$114	\$114	\$114	\$114	\$114
Miscellaneous Sewer Permit	\$165	\$165	\$165	\$165	\$165	\$165
Re-Inspection Fee	\$393	\$425	\$440	\$455	\$470	\$485
Engineering plan copies (\$/copy)	\$1.45	\$1.51	\$1.56	\$1.62	\$1.67	\$1.73
Plan Review						
New Main Sewer (\$/foot)	\$2.10	\$2.20	\$2.25	\$2.35	\$2.45	\$2.55
Other Reviews (\$/hr)	\$126	\$138	\$142	\$147	\$152	\$157
Residential Parcel (\$/parcel)	\$66	\$66	\$68	\$70	\$73	\$75
Commercial Parcel (\$/parcel)	\$133	\$133	\$136	\$141	\$145	\$150
Stormwater						
Less than 1 acre	\$379	\$414	\$428	\$442	\$457	\$472
1-5 acres	\$570	\$621	\$642	\$664	\$686	\$709
6-10 acres	\$1,140	\$1,172	\$1,211	\$1,252	\$1,294	\$1,337
More than 10 acres	\$1,147	\$1,448	\$1,497	\$1,548	\$1,599	\$1,652
New Main Sewer Inspection Fee (\$/hr)	\$143	\$155	\$160	\$166	\$171	\$177
Locate sewer connection by video (per request)	\$711	\$745	\$770	\$796	\$823	\$850
Temporary Sanitary Discharge Permit	---	\$858	\$863	\$892	\$922	\$952
Temporary Storm Discharge Permit	---	\$414	\$428	\$442	\$457	\$472

(b) The fees and charges in this section are effective beginning January 1 of each year.

Yeas: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, McNair, Margolius

Resolution No. 298-24

Adopted 6/26/24

By Director Keane

REQUIREMENT CONTRACT

BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND that all bids received on May 29, 2024, for Purchase of Various Electrical Test Equipment and Labor and Materials Necessary to Maintain or Repair Electrical Test Equipment, and Training if Necessary for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Ordinance No. 881-2023, passed September 25, 2023, are rejected.

Yeas: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, McNair, Margolius

Resolution No. 299-24

Adopted 6/26/24

By Director Keane

REQUIREMENT CONTRACT

BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND that all bids received on March 15, 2024, for Supplemental Line Work Labor Services for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Ordinance No. 432-2023, passed October 2, 2023, are rejected.

Yeas: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, McNair, Margolius

Resolution No. 300-24

Adopted 6/26/24

By Director Francis

WHEREAS, under Purchase Order Nos. 2019*1355, 2019*1444, 2020*1078, 2021*1171 and 2022*424, the City acquired software licenses and services from Veovo Inc. for its Multi-User Flight Information Display System; and

WHEREAS, under various purchase orders to and contracts with Veovo Inc., the City through its Director of Port Control, has obtained the annual licenses and professional services necessary to implement and maintain the software for the Multi-User Flight Information Display System, including, but not limited to, upgrades, maintenance, support and training of the Multi-User Flight Information Display System; 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 and 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 Veovo Inc. to provide annual license, software maintenance and technical support for the Multi-User Flight Information Display System at Cleveland Hopkins International Airport, for a term of twelve months; 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 Veovo Inc. to provide annual license, software, maintenance and technical support for the Multi-User Flight Information Display System at Cleveland Hopkins International Airport, for a term of twelve months, is fixed at an amount not to exceed \$74,038.00.

Yeas: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Margolius

Resolution No. 301-24

Adopted 6/26/24

By Director DeRosa

FEE CHANGE

WHEREAS, Section 517.03 of the Codified Ordinances of Cleveland, Ohio, 1976 ("C.O.") authorizes the Director of Capital Projects, or designee, to charge and collect an application fee and a per trip fee from a shared mobility device and bicycle operation permittee in an amount established by the Board of Control; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND, that under the authority of C.O. Section 517.03, the per trip fee is increased from \$0.15 to \$0.20 per ride effective July 1, 2024.

Yeas: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Margolius

Resolution No. 302-24

Adopted 6/26/24

By Director Williams

WHEREAS, Ordinance No. 407-2024, passed May 20, 2024 by the Council of the City of Cleveland authorizes the Commissioner of Purchases and Supplies and the Mayor, by and at the direction of the Board of Control, to sell City-owned real property located at the southeast corner of Grovewood Avenue and East 164th Street (PPN: 113-19-134) for purposes of constructing single-family modular homes, found and determined to be not needed for City public use and more fully described in the ordinance, to Greater Cleveland Habitat for Humanity, Inc., or its designee, at a price not less than the appraised value of \$65,000, which has been determined to be fair market value; now, therefore,

BE IT RESOLVED by the Board of Control of the City of Cleveland that under Ordinance No. 407-2024, passed May 20, 2024 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies and the Mayor are directed to sell City-owned real property located at the southeast corner of Grovewood Avenue and East 164th Street (PPN: 113-19-134) for purposes of constructing single-family modular homes, as more fully described in the ordinance, to Greater Cleveland Habitat for Humanity, Inc., or its designee, at a price not less than the appraised value of \$65,000, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deeds of conveyance.

Yeas: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Margolius

Resolution No. 303-24

Adopted 6/26/24

By Director Williams

REQUIREMENT CONTRACT

BE IT RESOLVED, by the BOARD OF CONTROL of the CITY OF CLEVELAND that the bid of

Advanced Industrial Tire, Inc. dba Advanced Tire, Inc.

for an estimated quantity of tire repair and road service, all items, for the Division Motor Vehicle Maintenance, Department of Public Works, for a period of one year beginning with the later of the date of execution of a contract or the day following expiration of the currently effective contract for the goods and/or services, with two one-year renewal options, received on January 17, 2024, under the authority of Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$191,075.00 (1 % Net 10 days), 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: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Margolius

Resolution No. 304-24

Adopted 6/26/24

By Director Williams

STANDARD PURCHASE CONTRACT**BE IT RESOLVED, by the BOARD OF CONTROL of the CITY OF CLEVELAND** that the bid of

Classic International Inc. dba Classic Toyota

for the purchase of 12 passenger cars, all items, for the Division Motor Vehicle Maintenance, Department of Public Works, received on May 30, 2024, under the authority of Ordinance No. 684-2023, passed by Cleveland City Council on July 12, 2023, which on the basis of the order quantities would amount to \$286,428.00, is approved as the lowest and best bid, and the Director of Public Works is requested to enter into contract for the items.

Yeas: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Margolius

Resolution No. 305-24

Adopted 6/26/24

By Director Williams

STANDARD PURCHASE CONTRACT**BE IT RESOLVED, by the BOARD OF CONTROL of the CITY OF CLEVELAND** that the bid of

Classic International Inc. dba Classic Toyota

for the purchase of 10 SUV-compact-CIT, all items, for the Division Motor Vehicle Maintenance, Department of Public Works, received on May 30, 2024, under the authority of Ordinance No. 1356-2023, passed by Cleveland City Council on December 4, 2023, which on the basis of the order quantities would amount to \$392,482.70, is approved as the lowest and best bid, and the Director of Public Works is requested to enter into contract for the items.

Yeas: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Margolius

Resolution No. 306-24

Adopted 6/26/24

By Director Williams

STANDARD PURCHASE CONTRACT**BE IT RESOLVED, by the BOARD OF CONTROL of the CITY OF CLEVELAND** that the bid of

Statewide Ford, Inc.

for the purchase of 10 SUV-marked, all items, for the Division Motor Vehicle Maintenance, Department of Public Works, received on May 30, 2024, under the authority of Ordinance No. 684-2023, passed by Cleveland City Council on July 12, 2023, which on the basis of the order quantities would amount to \$715,000.00, is approved as the lowest and best bid, and the Director of Public Works is requested to enter into contract for the items.

Yeas: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Margolius

Resolution No. 307-24

By Director Williams

Adopted 6/26/24

PROFESSIONAL SERVICE CONTRACT

WHEREAS, under Ordinance No. 1385-2024, passed by the Council of the City of Cleveland on February 12, 2024, Board of Control Resolution No. 244-24, adopted May 15, 2024, authorized the Director of Public Works to contract with Alliant Insurance Services, Inc. for the professional services necessary to assess, recommend, and/or procure property insurance covering the municipally owned stadium facility located at 100 Alfred Lerner Way, for a period of one year; and

WHEREAS, Resolution No. 244-24 incorrectly stated the contract amount; now, therefore,

BE IT RESOLVED by the BOARD OF CONTROL of the CITY OF CLEVELAND that Resolution No. 244-24, adopted by this Board May 15, 2024, authorizing the Director of Public Works to enter into contract with Alliant Insurance Services, Inc. to assess, recommend, and/or procure property insurance covering the municipally owned stadium facility located at 100 Alfred Lerner Way is amended by changing the contract amount from "\$627,692.00" to "\$627,962.00," where appearing in the resolution.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 244-24 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Bibb, Acting Director Melnyk, Directors Keane, Francis, Williams, Interim Director Drummond, Directors Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Margolius

Schedule of the Board of Zoning Appeals

Monday, July 8, 2024

THE BOARD OF ZONING APPEALS WILL MEET IN ROOM 514 AT 9:30AM TO CONSIDER THE VARIANCE CASES BELOW.

Calendar No. 24-087: 1305 West 91st Street

Ward 15 – Jenny Spencer

Leo Annorize, owner, proposes to establish use as Limited Lodging (commonly known as Airbnb) for more than 91 days per calendar year in a Two-Family Residential District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Division (b)(1) of Section 337.251, which states Limited Lodging is permitted in a Residence District provided that Limited Lodging in a particular dwelling unit is provided for no more than 91 days per calendar year.

Calendar No. 24-091: 2489 Professor Street

Ward 3 – Kerry McCormack

Chad Kusa, owner, proposes to construct a new three-family dwelling on a 4,049 square-foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that in a Two-Family District, a three-family dwelling is not permitted; it is first permitted in a Multi-Family District.
2. Division (b) of Section 355.04, which states that the maximum gross floor area of a residence building in a 'B' Area District is one half the lot area or, in this case, 2,090 square feet. The proposed floor area is 4,000 square feet.

Calendar No. 24-101: 1555 East 118th Street

Ward 9 – Kevin Conwell

1555 East 118 St. LLC, owner, proposes application to erect one new, three-story, multi-unit building on a parcel of land with two existing residential houses (18 total units) and a 14-car parking area on newly created 22,845 square foot lot in a C1 General Retail Business District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states in a "C" Area District, maximum gross floor area of

residential building cannot exceed one half the lot size. On proposed lot, floor area is limited to 11,422 square feet and 26,187 square foot total floor area is proposed.

2. Division (a) of Section 349.04, which states that one accessory off-street parking space is required per dwelling unit, in this case, 18 spaces are required, and 14 spaces are proposed.
3. Division (b)(2) of Section 357.08, which states that a 20-foot rear yard is required where a rear yard of 5.5 feet is proposed.
4. Section 341.02 which states approval of the City Planning Commission/ Department is required.

Postponed from June 24, 2024

**Calendar No. 24-075: 4098 Rocky River Drive
Ward 17 – Charles Slife**

Rocky River Rental Property, Ltd., owners, proposes to establish use as a Tattoo Studio a C1 Residence-Office District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Division (b)(2)(P) of Section 343.11, which states that a Tattoo Studio is first permitted in a General Retail Business District; proposed location is in a Residence-Office District.
2. Division (b) of Section 347.12, which states that no such use shall be established within 1,000 feet of a residential district or day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation center or community center. *No Testimony Taken.*

POSTPONED FROM JUNE 24, 2024, DUE TO APPELLANT'S SCHEDULING CONFLICT.

Schedule of the Board of Zoning Appeals

Monday, July 15, 2024
9:30 a.m.

THE BOARD OF ZONING APPEALS WILL MEET IN ROOM 514 AT 9:30AM TO CONSIDER THE VARIANCE CASES BELOW.

Calendar No. 24-090: 3300 Clinton Avenue
Ward 3 – Kerry McCormack

Alex Frondorf, owner, proposes to erect a two-story frame (accessory), single-family residence on the rear half of the lot with attached garage & pool house in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Division (b)(2) of Section 357.09, which states that both Interior Side Yards shall total 6 feet, and the appellant is proposing 5 feet, 4 inches.
2. Division (a) of Section 357.05, which states Side-street Yard shall not be less than 5 feet, and the appellant is proposing 2 feet and 6 inches.
3. Division (b)(1) of Section 357.08, which states the Required Rear Yard shall not be less than height of main building or in this case 28 feet and 6 inches; the appellant is proposing 5 feet, 6 inches.
4. Division (b)(2)(C) of Section 357.09, which states the Minimum Required Interior Side Yard is 3 feet, and the appellant is proposing 2 feet and 10 inches.
5. Division (b) of Section 341.02, which states Landmarks Approval is required before issuance of building permit.

Note: Traffic Engineer Approval of Apron is Required Before Issuance Building Permit & Engineering & Survey Approval Required.

Calendar No. 24-092: 2170 East 103rd Street
Ward 6 – Blaine Griffin

The Cleveland Clinic Foundation, owners, proposes to build a temporary gravel parking lot in an F3 Limited Retail Business District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.10, which states a temporary permit shall not exceed 30 days in duration and the appellant is proposing three years.
2. Section 349.07, which states accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water

- is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials.
3. Section 352.10, which states a six-foot-wide landscaped frontage strip is required; none proposed.
 4. Section 358.05, which states fences in actual front yards shall not exceed four feet in height; proposed fence is eight feet high.
 5. Division (a) of Section 341.02, which states City Planning approval is required.

**Calendar No. 24-93: 2180 East 103rd Street
Ward 6 – Blaine Griffin**

The Cleveland Clinic Foundation, owners, proposes to build a temporary gravel parking lot in an F3 Limited Retail Business District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.10, which states a temporary permit shall not exceed 30 days in duration and the appellant is proposing three years.
2. Section 349.07, which states accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials.
3. Section 352.10, which states a six-foot-wide landscaped frontage strip is required; none proposed.
4. Section 358.05, which states fences in actual front yards shall not exceed four feet in height; proposed fence is eight feet high.
5. Division (a) of Section 341.02, which states City Planning approval is required.

**Calendar No. 24-94: 10106 Cedar Avenue
Ward 6 – Blaine Griffin**

The Cleveland Clinic Foundation, owners, proposes to build a temporary gravel parking lot in an F3 Limited Retail Business District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.10, which states a temporary permit shall not exceed 30 days in duration and the appellant is proposing three years.
2. Division (c)(4) of Section 348.04, which states that a parking lot as a main use is prohibited in the Urban Form Overlay District.
3. Section 349.07, which states accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water

is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials.

4. Section 352.10, which states a six-foot-wide landscaped frontage strip is required; none proposed.
5. Section 358.05, which states fences in actual front yards shall not exceed four feet in height; proposed fence is eight feet high.
6. Division (a) of Section 341.02, which states City Planning approval is required.

Calendar No. 24-95: 10112 Cedar Avenue

Ward 6 – Blaine Griffin

The Cleveland Clinic Foundation, owners, proposes to build a temporary gravel parking lot in an F3 Limited Retail Business District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.10, which states a temporary permit shall not exceed 30 days in duration and the appellant is proposing three years.
2. Division (c)(4) of Section 348.04, which states that a parking lot as a main use is prohibited in the Urban Form Overlay District.
3. Section 349.07, which states accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials.
4. Section 352.10, which states a six-foot-wide landscaped frontage strip is required; none proposed.
5. Section 358.05, which states fences in actual front yards shall not exceed four feet in height; proposed fence is eight feet high.
6. Division (a) of Section 341.02, which states City Planning approval is required.

Calendar No. 24-96: 10112 Cedar Avenue

Ward 6 – Blaine Griffin

The Cleveland Clinic Foundation, owners, proposes to build a temporary gravel parking lot in an F3 Limited Retail Business District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.10, which states a temporary permit shall not exceed 30 days in duration and the appellant is proposing three years.
2. Division (c)(4) of Section 348.04, which states that a parking lot as a main use is prohibited in the Urban Form Overlay District.

3. Section 349.07, which states which accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials.
4. Section 352.10, which states a six-foot-wide landscaped frontage strip is required; none proposed.
5. Section 358.05, which states fences in actual front yards shall not exceed four feet in height; proposed fence is eight feet high.
6. Division (a) of Section 341.02, which states City Planning approval is required.

**Calendar No. 24-97: 2164 East 103rd Street
Ward 6 – Blaine Griffin**

The Cleveland Clinic Foundation, owners, proposes to build a temporary gravel parking lot in an F3 Limited Retail Business District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.10, which states a temporary permit shall not exceed 30 days in duration and the appellant is proposing three years.
2. Division (c)(4) of Section 348.04, which states that a parking lot as a main use is prohibited in the Urban Form Overlay District.
3. Section 349.07, which states accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials.
4. Section 352.10, which states a six-foot-wide landscaped frontage strip is required; none proposed.
5. Section 358.05, which states fences in actual front yards shall not exceed four feet in height; proposed fence is eight feet high.
6. Division (a) of Section 341.02, which states City Planning approval is required.

**Calendar No. 24-098: 12210-12212 Lorain Avenue
Ward 16 – Brian Kazy**

Housing STS, LLC, owners, proposes to establish use as a bar in a C2 Local Retail Business District and a Pedestrian Retail Overlay District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.23, which states that for any nonresidential building or storefront facing a Pedestrian Retail Street Frontage, not less than sixty percent (60%) of the front façade between two and one-half and seven and one half feet in height shall be composed of transparent windows or doors. In addition, not

more than 25% of such window or door area on a building or storefront shall be covered with permanent signs.

Reinstated from May 13, 2024

**Calendar No. 24-038: 1055 Ivanhoe Road/ Violation Notice
Ward 8 – Michael Polensek**

216 Real Estate LLC., owner (c/o Jason Lewis), appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and division (d) of Section 329.02 of the Cleveland Codified Ordinances from Notice of Violation Number V24003721 issued on January 30, 2024, by the Cleveland Department of Building and Housing for failure to comply with Section 343.01 of the Cleveland Codified Ordinances, which states that new or used motor vehicles sales on a vacant lot or building is not permitted in a Local Retail Business District. (Filed February 23, 2024).

POSTPONED FROM APRIL 8, 2024, TO ALLOW TIME TO ACQUIRE A REPORT FROM THE BUILDING AND HOUSING INSPECTOR. DISMISSED ON APRIL 8, 2024, DUE TO APPELLANT'S UNEXPLAINED ABSENCE. HOWEVER, IT WAS REINSTATED AFTER THE APPELLANT EXPLAINED HIS TECHNICAL DIFFICULTIES.

Report of the Board of Zoning Appeals

Monday, June 24, 2024

At the meeting of the Board of Zoning Appeals on Monday, June 24, 2024, the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED**:

Calendar No. 24-047: 4600 Brookpark Road (Granted Conditionally)

Enviroserve Inc, owner, proposes to establish operation of a solid waste facility/transfer station in a B3 Semi-Industry District and a G3 General Industry District.

Calendar No. 24-066: Appeal of Eben Reed from the decision of the Commissioner Assessment and Licenses regarding denial of Tow Truck Application LUOU24-00065.

Calendar No. 24-068: Appeal of Charles Williams from the decision of the Commissioner of Assessments and Licenses to deny Tow Truck Application LUOU24-00071.

Calendar No. 24-076: 2291 Professor Avenue

TDGOZ Professor LLC, proposes to construct a new four-story, multi-family building with 43 dwelling units, amenity spaces and future restaurant space in split zoning: a B1 Two-Family Residential District and a C1 General Retail Business District.

Calendar No. 24-077: 1944 East 124 Place

Robbin D. Garcia, Trustee, proposes to erect a new three-story, single-family residence with front loaded attached garage in a C1 Multi-Family Residential District.

Calendar No. 24-078: 15009 Puritas Avenue

ASAM LLC, owner, proposes for addition and expansion of a convenience store to an existing gas station in a G2 Local Retail Business District.

The following appeals were **DENIED**: **None**

The following appeals were **WITHDRAWN**: **None**

The following appeals were **DISMISSED**: **None**

The following cases were **REMANDED**: **None**

The following cases were **POSTPONED**:

Calendar No. 24-075: Rocky River Rental Property, Ltd

4098 Rocky River Drive. July 8, 2024.

The following cases were heard by the Board of Zoning Appeals on Monday June 17, 2024, and the decisions were adopted and approved on Monday, June 24, 2024:

The following appeals were **APPROVED**:

Calendar No. 24-021: 6107 St. Clair Avenue

Edward Turk, owner, and Joseph Wentz, lessee propose to establish tattooing use in a C1 Local Retail Business District.

Calendar No. 24-081: 2325 Elm Street

Nautica Entertainment LLC., owner, proposes to establish use as a “performance place” in a K5 Limited Retail Business District.

Calendar No. 24-082: 12114 Lenacrae Avenue

Robbie Cayson, owner, proposes to establish use as Residential Facility for five occupants in a B1 Two-Family Residential District.

Calendar No. 24-084: 2111 West 33rd Place

Michael Madonia, owner, proposes to build a three-story, 2,177 square foot, single-family residence with attached garage on a 1,600 square foot lot located in a B1 Two-Family Residential District.

Report of the Board of Zoning Appeals

Monday, July 1, 2024

At the meeting of the Board of Zoning Appeals on Monday, July 1, 2024, the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED**:

Calendar No. 24-086: 4312 West 130th Street

ODMT LLC., owner, proposes to establish use as a used car sales and minor repair shop in General Retail Business and One-Family Residential.

The following appeals were **DENIED**: **None**

The following appeals were **WITHDRAWN**: **None**

The following appeals were **DISMISSED**:

Calendar No. 24-080: 1509 East 123 Street

MUAV. LLC.: appeal to create a substandard lot in residential district.

The following cases were **REMANDED**: **None**

The following cases were **POSTPONED**:

Calendar No. 24-083: Appeal of Assessments and Licenses

Tow Truck License Denial of Application RLUOU24-00043. POSTPONED TO AUGUST 5, 2024.

The following cases were heard by the Board of Zoning Appeals on Monday June 24, 2024, and the decisions were adopted and approved on Monday, July 1, 2024:

The following appeals were **APPROVED**:

Calendar No. 24-076: 2291 Professor Avenue

TDGOZ Professor LLC. proposed to construct a new, four-story, mixed-use building in a B1 Two-Family and a C1 General Retail Business District.

Calendar No. 24-077: 1944 East 124 Place

Robbin Garcia proposed to erect a new three-story, single-family residence in a C1 Multi-Family District.

Calendar No. 24-078: 15009 Puritas Avenue

ASAM LLC. proposes to erect an addition and expansion of a convenience store and gas station in a G2 Local Retail Business District.

Calendar No. 24-066: Appeal of Eben Reed from Assessments and Licenses Tow Truck License Denial of Application RLUOU24-00065.

Calendar No. 24-068: Appeal of Charles Williams from Assessments and Licenses Tow Truck License Denial of Application RLUOU24-00071.

Calendar No. 24-047: 4600 Brookpark Road

Enviroserve Inc. proposes to establish operation of a solid waste facility transfer station in a B# Semi-Industry District and a G# General Industry District.

The following cases were heard by the Board of Zoning Appeals on Monday June 3, 2024, and the decisions were adopted and approved on Monday, July 1, 2024:

The following appeals were APPROVED:

Calendar No. 24-072: 18332 and 18338 Ferncliffe Avenue (Conditionally)
Cleveland Muslim Community Center, owner, proposes to construct a parking lot in a Two-Family Residential District.

Calendar No. 24-073: 18319 and 18325 Fairville Avenue (Conditionally)
Cleveland Muslim Community Center, owner, proposes to construct parking lot in Two-Family zoning District.

Calendar No. 24-074: 12400 Crossburn Avenue
Euerle Group, LLC, proposes to establish use of an existing warehouse to an indoor and outdoor pickleball facility in a B1 Semi-Industry District and General Industry District.

Public Notice

City Of Cleveland Shared Mobility Device and Bicycle Vendor Rules and Regulations

Revisions to Rules and Regulations and Codified Ordinances

The existing rules and regulations are published in the City Record. The amendments are effective seven (7) days from being published in the *City Record*. The code governing the permit is published in Chapter 517 of the Codified Ordinances.

I. Permit Term

- a. The permit to any shared mobility vendor shall be issued for a period of 3 years based on the performance criteria set forth in paragraph (f) below.
- b. Permit applications shall be accompanied by an application fee of \$250.
- c. Permittees agree to remit \$0.20 per ride originating in the City of Cleveland to the City. Invoices will be sent to providers after the City receives the quarterly data reporting from providers described in Section X.
- d. Any new permit applications received after an application deadline will be held until an instance when a slot becomes available (i.e., one of the existing permitted applicants ceases operations or the city dismisses an operator) or the next permit cycle (whichever occurs first) and evaluated in the spring according to the following anticipated 3-year permit schedule (start year 2024, next start year 2027). The permit schedule is as follows:
 - January/February/March: Permit application opens for the new shared mobility permit cycle
 - March/April: Permit application due by the date specified in the permit application
 - April/May: Permit decisions for the new permit cycle announced
 - June 1: effective date of new permits
- e. The Director may evaluate the use and occupancy of mobility devices in the right-of-way and may adjust the total number of permitted devices on a bi-monthly basis, as detailed in the dynamic fleet policy in Section V.
- f. The Director of Capital Projects' performance criteria shall consist of the evaluation criteria contained in the City's evaluation sheets for the permit applications, the data collected under Section X below, the permittee's compliance with Chapter 517 of the Cleveland Codified Ordinances, and these rules and regulations.

II. Insurance Coverage/Indemnification

- a. Each permittee shall indemnify, defend and hold harmless the City of Cleveland and its officers, employees and agents for any and all losses, liabilities, claims, causes of action and damages to property or injury to persons (including intellectual property infringement) while engaging in the performance of the permit. The City will be responsible for its own acts and omissions, and those of its officers, employees and agents, for which it is legally liable.
- b. Each permittee shall furnish and maintain public liability and property damage insurance as will protect the permittee and the City of Cleveland from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage in an amount of not less than One Million Dollars (\$1,000,000.00) on account of an accident involving injuries, including death, to one (1) or more persons and property damage insurance in an amount of not less than One Million Dollars (\$1,000,000.00), or a combined single limit of One Million Dollars (\$1,000,000.00) provided however, that this insurance requirement shall not be construed to limit permittee's indemnification obligations to the above-required limits of insurance. Such insurance shall also include the City of Cleveland as additional insured and shall further provide that the policy shall not terminate or be canceled prior to the expiration date of the permit without thirty (30) days written notice to the Director.
- c. Any damage to City of Cleveland's property from permittee's shared mobility devices shall be paid by the permittee contingent upon the City providing reasonable notice and documentation of each claim. Any such claims will be administered through the City's Law Department and will be subject to the Law Department's normal procedures for handling similar claims.
- d. Each permittee shall be and remain solely responsible to the City for the acts or faults of any its subcontractors and of such subcontractors' officers, agents and employees, each of whom shall for this purpose be deemed to be an agent or employee of permittee.
- e. Each permittee shall require each of its subcontractors to maintain the types and amounts of insurance required in paragraph (b) above.
- f. Permittees shall share any information in their possession about device use with the City where there is an injury, potential claim, or lawsuit related to device use.

III. Staffing/Operations

- a. Permittees shall have staffed operations located within Cuyahoga County for maintenance and rebalancing efforts.
- b. At least one (1) staff member located in Cuyahoga County must be a W-2 employee whose duties must include serving as permittee's direct contact for the

City of Cleveland for questions or concerns arising from day-to-day operations of permit activities.

- c. Permittees shall provide the Director with a direct contact for local staff that are capable of rebalancing and relocating improperly parked bicycles and scooters.
- d. Permittees shall provide the Director with a direct emergency contact for law enforcement to use in case of emergencies, and the name and address to which subpoenas should be sent to obtain rider information for a criminal investigation.
- e. Permittees shall have a 24-hour customer service phone number providing service in at least English and Spanish for customers to ask questions and report safety concerns, maintenance issues, and complaints.
- f. Permittees shall maintain a record of maintenance activities, including but not limited to device identification number and maintenance performed. These records shall be made available to the City of Cleveland upon request, and included in the quarterly report.
- g. All devices shall be maintained so as to operate in a safe and reliable manner at all times. If a device presents a maintenance concern, permittees are to immediately de-activate the device until the maintenance concern is addressed.
- h. Permittees shall participate in monthly check-in meetings with the City of Cleveland.

IV. Device Specifications

- a. All bicycles under this program shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 - Requirements for Bicycles. Additionally, all devices shall meet the safety standards established by the Consumer Product Safety Commission as well as those outlined by the International Organization of Standardization.
- b. All electric bicycles (e-bikes) under this program shall meet the National Highway Traffic Safety Administration's (NHTSA) definition of low-speed electric bicycles and shall be subject to the same requirements as ordinary bicycles. This means, among other requirements, that e-bikes shall have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. Additionally, the City may terminate any permit issued under this program if the battery or motor on a device is determined by the City to be unsafe for public use.
- c. Every device shall have a unique permanent identification number that is clearly displayed and visible to the user of the device, along with the permittee's logo and 24-hour customer service phone number. The unique permanent identification number must be provided to the City and must align with monthly data reports.

This information shall also be displayed in braille, as per Specification 800 of “Braille Books and Pamphlets” from the National Library Service for the Blind and Physically Handicapped of the Library of Congress.

- d. Every device shall be equipped with GPS equipment and shall ping at a minimum of every 90 seconds while in use.
- e. Permittees must be able to remotely lock down an individual device upon notice of an issue with the device that makes it unfit for normal use.
- f. Every device shall be equipped with an adequate brake.
- g. Other Mobility Device. If the Director of Capital Projects determines that a mobility device falls within the "other similar devices" described in Section 401.231 of the Cleveland Codified Ordinances because it is substantially similar, the Director may issue a permit that includes such mobility device. The Director shall state "Other Mobility Device" on the permit and shall include the speed regulations applicable to the Shared Mobility Device Vendor. The Director shall use Table 1 in making the determination.

Table 1. Other Mobility Device Regulatory Framework

Safety Parameter	Device Specifications	Regulatory Determinations
Stability: - Wheel diameter - Rider contact points	- All wheels are less than 14 inches¹ in diameter AND - Riders have 4 contact points (two hands and two feet)	Section VIII(d): Maximum speed governed by e- scooter regulation
	- All wheels are at least 14 inches in diameter AND - Riders have 5 contact points (two hands, two feet, and a seat)	Section VIII(d): Maximum speed governed by e-bike regulation
Visibility: Rear light and reflector height from the ground	The rear light and reflector are < 14 inches² from ground level	Section VIII(c): Operating hours governed by e-scooter regulation
	The rear light and reflector are 14 inches from ground level	Section VIII(b): Operating hours governed by e-bike regulation

- h. Permittees may operate the device(s) that they applied to operate. Additional devices shall be approved by the Director prior to deployment.

¹ Consistent with minimum wheel size for a pedal bicycle.

² Consistent with minimum height recommended in the UK Road Vehicles Lighting Regulations.

V. Permitted Fleet Size

- a. Permittees shall have an initial maximum fleet of 1,200 devices. An increase may be considered on a bi-monthly basis, depending on merit and the results of a quarterly compliance audit. To be eligible for an increase, permittees must meet the following:
 - i. No more than 5 violations issued by the City within the past 30 days.
 - ii. The hosting of at least 1 in-person education and/or outreach event per month.
 - iii. The hosting of at least 1 in-person varied payment, benefit, and/or discount education event and/or initiative per month, preferably in the areas designated by the City.
- b. If the City determines, at their sole discretion, that a permittee is not adhering to the Code and these Rules, the City may require the permittee to immediately reduce its maximum fleet size, either temporarily or permanently.

VI. Device Deployment/Rebalancing

- a. Each permittee shall establish a citywide service area, consistent with Cleveland's municipal boundaries.
- b. Cleveland is broken up into two zones, with each zone having requirements for fleet size.
 - i. Zone 1 includes the Statistical Planning Areas (SPAs) for Downtown, Ohio City, and University Circle. In this zone, devices are required to be in either a physical or geofenced hub if not ridden. This means that providers and riders must rebalance/park devices at hubs at all times.
 - ii. Zone 2 includes all other SPAs. In this zone, providers are required to rebalance at least five (5) devices per each physical or geofenced hub every day (maximum five (5) of any one device type, maximum ten (10) total devices per provider). Beyond this, providers can choose where to distribute devices throughout Zone 2, but priority in these locations should be near transit stations and bus stops, recreation centers, libraries, app-opening hot spots, and spots determined by the City.
- c. Designated micromobility hubs (deployment/rebalancing locations) Citywide will be specified to permittees via a shapefile provided by the City of Cleveland that highlights locations within commercial districts and near transit stations and bus stops, recreation centers, libraries, and parks. These hubs may also be marked with a sign and a collection of bike racks. Permittees are required to geofence (designate geographic boundaries using GPS or RFID technology) the designated deployment/rebalancing areas in their public-facing mobile apps. Requests for additional rebalancing locations may be submitted by emailing location specifics

and supporting data to sdavis2@clevelandohio.gov, or the City's designated shared mobility contact. The City will work with permittees to update designated locations on an ongoing basis.

- d. Each permittee may place a maximum of five (5) devices per device type in any given rebalancing location (ex., A vendor offering e-scooters and e-bikes would be authorized to place up to five e-scooters and five e-bikes in a single location.) The City will consider exceptions to this limit based on requests emailed to sdavis2@clevelandohio.gov, or the City's designated shared mobility contact, that include location specifics and supporting data.
- e. Any device parked in the same location for seven (7) consecutive days shall be rebalanced to another location.
- f. Permittees must meet a minimum ratio of at least one (1) bicycle with functional pedals for every two (2) scooters or non-bicycle mobility devices deployed. Exceeding this ratio with bicycles (i.e., providing more bicycles than a 1:2 ratio of bicycles to scooters) is permitted. Providing scooters is not required.
- g. The extent of operations should be, at a minimum, the City of Cleveland borders. Shared Mobility and Bicycle providers are not permitted to geofence off entire neighborhoods or zones of the city without permission from the City.
- h. A company may receive a conditional permit approval under the new entrant/small company category. A new entrant/small company is defined as a company that operates in five (5) or fewer total cities. If a new entrant/small company receives a conditional permit approval, the company will have eighteen (18) months from the issuance of the conditional permit approval to meet the City's criteria for a standard permit and launch the agreed upon number of shared mobility devices. If the new entrant/small company fails to meet the City's criteria and/or deploy the agreed upon number of devices in the timeframe specified, the slot may be filled by another company applicant. The City intends to issue one (1) new entrant/small company permit at a time, but reserves the right to issue more, fewer or none.
- i. The standard permit category is for national providers of shared mobility services. A national provider is defined as a company that operates in more than five (5) total cities. The City intends to issue up to two (2) standard permits at a time, but reserves the right to issue more, fewer or none. If a company is issued a permit under the standard permit category, the company must retain a minimum of one hundred (100) devices in the market and be active in the market throughout the duration of the permit term. A company is considered inactive in the market when the company has less than one hundred (100) total devices deployed for sixty (60) consecutive days or more. If a company becomes inactive, its permit may be terminated by the Director.

VII. User Parking Requirements

- a. Permittees shall restrict parking in Zone 1 to mandatory parking and rebalancing locations, provided to them by the City of Cleveland. These locations include physical “hubs” and geofenced locations.
- b. Permittees shall provide incentives to device users who return the device to an approved deployment/rebalancing/hub location in Zone 2.
- c. Permittees shall educate device users on proper parking locations, as detailed below, as reported through a plan that is included in their permit applications. For area-specific parking requirements, permittees shall use technology to guide users to the designated parking and rebalancing locations.
 - i. Mobility device users will be allowed to park mobility devices in any tree lawn or furniture zone area following specified clearance requirements from doorways, fire hydrants, curbs, curb ramps, and bus boarding zones.
 - ii. Parked devices shall not obstruct emergency exits or fire standpipes.
 - iii. Parked devices shall not be located within three (3) feet of the curb or occupy any portion of the roadway.
 - iv. Parked devices shall not be permitted within six (6) feet of any fire hydrant, within five (5) feet of any driveway, within three (3) feet of any ADA accessible curb ramp, or within five (5) feet of a designated bus stop or bus shelter.
 - v. Parked devices shall not be permitted at any location where the clear, continuous, unobstructed sidewalk for the passageway of pedestrians is reduced to less than five (5) feet.
 - vi. Parked devices must be upright and shall not impede or interfere with the reasonable use of any bicycle rack.
- d. Permittees shall correct improperly parked devices within 2 hours of notification.

VIII. Operational Safety Requirements and Seized & Impounded Devices

- a. Any inoperable device shall be removed from the right-of-way within 24 hours of notice provided by any means to the permittee by any individual or entity and shall be repaired before placing the device back into service.
- b. E-bikes may be available for rent for 24 hours a day, 7 days a week.
- c. E-scooters shall not be available for rent between 12 a.m. and 3 a.m., 7 days a week.
- d. Electric-assist devices shall be limited to a maximum speed of 15 mph for e-scooters and 20 mph for e-bikes. Speed regulations for other mobility devices shall be determined based on Section IV(g).

- e. Permittees shall label all devices with the following advisories, or provide the information via in-app notifications:
 - i. Wear a helmet when riding a scooter or bike.
 - ii. Follow traffic laws and do not ride on the sidewalk in business districts.
 - iii. Do not wear headphones while riding.
 - iv. No distracted riding (mobile phone usage, etc.).
 - v. Only one person per device at a time.
 - vi. Operating a scooter or bicycle after consuming drugs or alcohol can result in serious injury and legal ramifications.
 - vii. Failure to comply with these requirements may result in a ticket or suspension from use.
- f. Permittees shall ensure that their websites and mobile applications are accessible and in compliance with the Americans with Disabilities Act (ADA) web guidelines so that people of all different abilities, including vision, can easily communicate reports of misuse or injury.
- g. Permittees must provide helmets to users upon request. Permittee shall submit a report of helmet provision to the City of Cleveland as part of their quarterly report. Permittees must also supply the City of Cleveland with a minimum of 50 helmets per year for distribution.
- h. If at any point for any reason a device is to be impounded, the process will follow standard Cleveland Division of Police protocols for towing and impounding vehicles.
- i. Devices shall be removed from the right-of-way as quickly as possible, but within 24 hours, of a snowfall greater than two inches, to allow for sidewalk clearing and other snow removal activities.
- j. The City of Cleveland may seize any device and other associated equipment, whether placed with or without a permit, without prior notice if the equipment is placed in such a place or manner as to pose an immediate and serious danger to person or property, or if the condition of the equipment renders it unsafe, unsound, or hazardous so as to pose an immediate and serious danger. After seizure, the City of Cleveland shall promptly notify the permittee, and such individual shall have the right to request an informal hearing before the Director within ten (10) days after such notification to determine whether the seizure was proper. As a condition of recovering any equipment seized by the City, the permittee shall pay an impound fee covering the actual cost to the City of transporting and storing such device and other associated equipment.

VIII. Geographical Restrictions

- a. Permittees shall establish geofences that restrict device use before, during, and after each special event, subject to the timing requests and geofence map(s)

provided by the City of Cleveland. The City will provide a special events calendar to permittees that includes times, locations, and geofence footprints of events. While the City will make every effort to maintain an updated special events schedule, permittees are responsible for monitoring changes, including but not limited to weather postponements and playoff games, and adjusting geofencing accordingly.

- b. Additional geographic restrictions may be required in certain areas of university campuses, institutions, public spaces, or other parts of the city. Permittees shall use geofencing or other technology to restrict device access to these areas within 5 days of receiving a map or direction provided by the City of Cleveland.

IX. Data Reporting

- a. Permittees shall provide the City of Cleveland with the following quarterly data formatted according to a provided template due on the second Tuesday of January, April, July, and October:
 - i. Number of devices in circulation in the City of Cleveland;
 - ii. Number of active riders in the City of Cleveland;
 - iii. Number of trips that began in the City of Cleveland;
 - iv. Number of trips that ended in the City of Cleveland;
 - v. Device usage, including total miles (daily/monthly/quarterly/annually) in the City of Cleveland;
 - vi. Number and duration of rides/rider/day as well as rides/device type/day in the City of Cleveland;
 - vii. Monthly summary (heat maps) of device distribution and GPS- based natural movement in the City of Cleveland;
 - viii. Customer comments/complaints and resolution;
 - ix. Issues of theft/vandalism;
 - x. Number of helmets distributed to users with month of distribution and list of in-person events;
 - xi. Details of any safety incidents, including date and time, location, device ID, traveling path, and severity;
 - xii. Instances of illegal parking, including date and time of each parking complaint and the time to remedy the complaint; and
 - xiii. Number of users and rides taken under low-income, non-smartphone, and non-credit card program offerings.
 - xiv. Number of rides taken by home zip code
- b. Upon the occurrence of any of the following events, the permittee shall provide the information in division (a) above within ten (10) days of the event of the occurrence and remit payment to the City for all outstanding per ride fees due and owing within one (1) month of being invoiced by the City:

- i. The City revokes the permit in accordance with Section 517.06 of the Codified Ordinances, and the permittee has exhausted or waived its rights to appeal;
 - ii. The filing, execution or occurrence of: (i) a petition or other proceeding by, or a finding against, the permittee for its dissolution, reorganization or liquidation; (ii) a petition in bankruptcy by the permittee; (iii) an adjudication of permittee as bankrupt or insolvent; (iv) an assignment or petition for assignment for the benefit of creditors; or
 - iii. If Consultant abandons or discontinues its operations under the permit except when such abandonment or discontinuance is caused by fire, earthquake, war, strike, or other calamity beyond its control.
- c. Additionally, permittees shall supply real-time and historical data to the City of Cleveland via an application programming interface (API) following the Mobility Data Specification (MDS) Provider and General Bikeshare Feed Specification (GBFS).
- d. Permittees agree that their GBFS feeds will be made available to the public and third-party app developers by the City for the purposes of enhancing transportation choice and mode integration. The MDS Provider feed must be available to the City of Cleveland and contracted city partners through direct API access for the explicit purpose of program management. As such, these feeds must be consumable by third-party software.
- e. All data use rights shall be maintained for at least three years after the date when permittee ceases operation in a city. Permittees shall maintain feeds and API access for historical data for at least one year after the cessation of operation or revocation of their permit.
- f. The City may, in its sole discretion, release subsequent versions and/or updated versions of the specification and require permittees to use the most current version by releasing an automatic update and/or disabling support for the previous version.

X. Consumer Privacy/Protections

- a. Personally-identifiable information shall not be shared with the City of Cleveland or any other entity. Permittees shall ensure the privacy of their users and shall be in compliance with industry accepted practices related to privacy and safe storage of consumer data.
- b. Customers shall not be required to share personal data with third parties in order to use the services.
- c. Customers shall not be required to opt-in to providing access to their contacts and other private data in order to use the services.

- d. Permittees handling credit card data shall be compliant with Payment Card Industry Data Security Standards.dag

XI. Permittee Fines; Permit Suspension, Revocation, & Appeal

- a. Permittees agree to remit fines for violating these Rules and Regulations to the City as invoiced by the City. Up to five rides per day in violation of each of these rules are forgivable based on technology errors or inaccuracies in GPS readings. Violations will be determined using operator-provided data feeds as determined by shared mobility data management software.
 - i. Special events geofencing: \$20 per ride violating requirements
 - ii. Institutional geofencing: \$20 per ride violating requirements
- b. The City may carry out standardized random spot checks to ensure distribution, device functionality, and compliance to other rules and regulations. Companies found out of compliance during spot checks will be issued a \$200 fee for each violation.
- c. A permit granted under Chapter 517 of the Cleveland Codified Ordinances may be suspended or revoked by the Director at his/her discretion at any time if the permittee violates the conditions or Rules and Regulations of the permit. Additionally, if the operation of shared mobility device rentals on City streets and rights-of-way become a hazard or risk to the health, safety and welfare of the public, the Director may revoke existing permits and discontinue the issuance of permits under this Chapter. Upon suspension or revocation of a permit, the vendor shall, at no cost to the City, remove all shared mobility devices from the right-of-way.
 - i. The Director shall give written notice of suspension or revocation of the permit to the permittee or his or her agent stating the reasons therefor. The action shall be effective upon giving such notice to the permittee or to his or her agent, and the permittee shall have five (5) business days to remove all shared mobility devices from the public right-of-way. If the business owner or operator of the equipment fails to comply, the City may seize and remove the shared mobility devices.
 - ii. Within five (5) business days of receipt of the notice, the permittee may request a hearing before the Director. The Director shall forthwith hold the requested hearing, at which time the permittee shall be afforded the opportunity to give his or her version of the facts which gave rise to the Director's action. After the hearing the Director shall determine whether to reinstate the permit or to permanently rescind it. The action of the Director may be appealed in accordance with the provisions of the Charter.

XII. Other Provisions

- a. When requested by the City of Cleveland, permittees shall work with the City to conduct up to two user surveys per year. The City will provide questions, with input from providers, and the providers will administer the survey and share back all raw data.
- b. This permit does not give any permittee an exclusive right to operate a shared mobility program in the City of Cleveland. The City reserves the right to limit the number of shared mobility permits within the City.
- c. The City of Cleveland reserves the right to amend these rules and regulations as needed, which will become effective seven (7) days after being published in the City Record.
- d. No permit shall be transferable in any manner.
- e. Permittees shall provide immediate written notice to the Director of any recalls of devices, assist in outreach related to a recall, and cover costs related to any necessary outreach related to a recall.
- f. Permittees agree not to engage in anti-competitive behavior with other permittees, including falsifying data and sabotaging devices.

Directory of City Officials

City Council

Cleveland City Hall
601 Lakeside Avenue, Room 220
Cleveland, Ohio, 44114
Phone: 216-664-2840
www.clevelandcitycouncil.org

President of Council – Blaine A. Griffin

City Clerk, Clerk of Council – Patricia J. Britt

<i>Council Member</i>	<i>Ward</i>
Joseph T. Jones	1
Kevin L. Bishop	2
Kerry McCormack	3
Deborah A. Gray	4
Richard A. Starr	5
Blaine A. Griffin	6
Stephanie D. Howse-Jones	7
Michael D. Polensek	8
Kevin Conwell	9
Anthony T. Hairston	10
Danny Kelly	11
Rebecca Maurer	12
Kris Harsh	13
Jasmin Santana	14
Jenny Spencer	15
Brian Kazy	16
Charles Slife	17

Permanent Schedule – Standing Committees of the Council 2022-2025

MONDAY – Alternating

9:30 a.m. – **Health, Human Services and the Arts Committee:** Conwell (CHAIR), Maurer (VICE-CHAIR), Gray, Harsh, Howse-Jones, Slife, Starr.

9:30 a.m. – **Municipal Services and Properties Committee:** Bishop (CHAIR), Starr (VICE-CHAIR), Hairston, Jones, Kazy, Kelly, Maurer.

MONDAY

2:00 p.m. – **Finance, Diversity, Equity and Inclusion Committee:** Griffin (CHAIR), McCormack (VICE-CHAIR), Bishop, Conwell, Hairston, Kazy, Polensek, Santana, Spencer.

TUESDAY

1:30 p.m. – **Workforce, Education, Training and Youth Development Committee:** Santana (CHAIR), Howse-Jones (VICE-CHAIR), Gray, Jones, Slife, Spencer, Starr.

TUESDAY – Alternating

9:30 a.m. – **Development, Planning and Sustainability Committee:** Hairston (CHAIR), Santana (VICE-CHAIR), Harsh, Howse-Jones, Jones, McCormack, Spencer.

WEDNESDAY – Alternating

10:00 a.m. – **Safety Committee:** Polensek (CHAIR), Jones (VICE-CHAIR), Gray, Howse-Jones, Kelly, Slife, Starr.

10:00 a.m. – **Transportation and Mobility Committee:** McCormack (CHAIR), Slife (VICE-CHAIR), Bishop, Gray, Kazy, Maurer, Santana.

THURSDAY

10:00 a.m. – **Utilities Committee:** Kazy (CHAIR), Spencer (VICE-CHAIR), Bishop, Gray, Harsh, Kelly, Polensek.

The following Committees meet at the Call of the Chair:

Mayor's Appointments Committee: Jones (CHAIR), Griffin, Hairston, Harsh, Starr.

Operations Committee: McCormack (CHAIR), Bishop, Conwell, Griffin, Maurer.

Rules Committee: Griffin (CHAIR), Conwell, Maurer, McCormack, Polensek.

City Departments

City Hall
601 Lakeside Avenue
Cleveland, OH 44114

MAYOR – Justin M. Bibb

Bradford J. Davy, Chief of Staff

Jeff Epstein, Chief of Integrated Development

Sarah N. Johnson, Chief Communications Officer

Sonya Pryor-Jones, Chief of Youth and Family Success

Ryan M. Puente, Deputy Chief of Staff and Chief Government Affairs Officer

Bonnie Teeuwen, Chief Operating Officer

Michele Pomerantz, Chief of Education

AGING – Mary McNamara, Director

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS –

Carmella Davis, Secretary

Patrick M. Gallagher (Labor), Chair

Howard Bradley (Builder)

(Engineer)

Robert Maschke, Architect

Peggy Lipscomb, Alternate

BOARD OF ZONING APPEALS –

Elizabeth Kukla, Secretary

Members: Alanna Faith, Nina Holzer, Priscilla Rocha, Arleesha Wilson

BUILDING AND HOUSING –

Sally Martin O'Toole, Director

Divisions:

Navid Hussain, Commissioner, Construction Permitting

Richard Riccardi, Assistant Commissioner, Construction Permitting
Thomas E. Vanover, Commissioner, Code Enforcement

CITY AUDIT COMMITTEE –

Members: Laura Armstrong, Chair; Council President Blaine A. Griffin; Law Director Mark D. Griffin; Diane Downing; Sharon Dumas; Thomas Raguz.

CITY PLANNING COMMISSION – Joyce Pan Huang, Director

Members: Lillian Kuri, Chair, Gloria Jean Pinkney, Council Member Charles Slife, August Fluker, Denise McCray, Isabella McKnight, Andrew Sargeant.

CIVIL SERVICE COMMISSION – Rachon Long, Assistant Director

Gregory E. Jordan, President; Michael Flickinger, Vice President; India Pierce Lee, Secretary; Daniel J. Brennan, Member; Cyrus L. Patton, Member

COMMUNITY DEVELOPMENT – Alyssa Hernandez, Director

Divisions:

Administrative Service – Joy Anderson, Commissioner

Office of Fair Housing and Consumer Affairs – John Mahoney, Manager

Neighborhood Development – James Greene, Commissioner

Neighborhood Services – Louise Jackson, Commissioner

COMMUNITY POLICE COMMISSION – Jason Goodrick, Interim Executive

Director

Members: John Adams, Shandra Benito, James M. Chura, Charles Donaldson, Jr., Kyle Earley, Alana Garrett-Ferguson, Cait Kennedy, Gregory Reaves, Janice Ridgeway, Piet van Lier, Audrianna Rodriguez, Teri Wang, Sharena Zayed.

COMMUNITY RELATIONS BOARD – Angela Shute-Woodson, Executive Director;

Members: Mayor Justin M. Bibb, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman; Council Member Kevin L. Bishop, Daniel McNea, Stephanie

Morrison-Hrbek, Roland Muhammad, Luz Pellot, Robert Render, III, Gia Hoa Ryan, Council Member Richard Starr, Jay Westbrook, Peter Whitt.

ECONOMIC DEVELOPMENT – Thomas S. McNair, Director

FINANCE – Ahmed Abonamah, Director

Divisions:

Accounts – Lonya Moss-Walker, Commissioner

Assessments and Licenses – Dedrick Stephens, Commissioner

City Treasury – James Hartley, Treasurer

Financial Reporting and Control – James Gentile, Controller

Information Technology and Services –

Kimberly Roy Wilson, Commissioner

Internal Audit – Natasha Brandt, Manager

Printing and Reproduction – Michael Hewett, Commissioner

Purchases and Supplies – Tiffany White Johnson, Commissioner

Sinking Fund Commission – Betsy Hruby, Manager

Taxation – Kevin Preslan, Commissioner and Income Tax Administrator

Treasury – James Hartley, Treasurer

HUMAN RESOURCES – Matthew J. Cole, Director

Rachon N. Long, Assistant Director

LANDMARKS COMMISSION –

Members: Julie Trott-Heisey, Chair; Robert S. Strickland, Vice Chair; Michele Anderson; Allan Dreyer; Mark Duluk, City of Cleveland Architecture and Site Development; Councilwoman Deborah A. Gray; Cleveland City Planning Commission Director Joyce Huang; Christopher Loeser; Michael R. Sanbury; Raymond Tarasuck, Jr.; Dr. Regennia Williams.

LAW – Mark D. Griffin, Director

Michele Comer, Chief Counsel

Ronda Curtis, Chief Corporate Counsel
Elena Boop, Chief Trial Counsel
Aqueelah Jordan, Chief Prosecutor
Delanté Spencer Thomas, Chief Ethics Officer
John Skrtic, Law Librarian

MAYOR’S OFFICE OF CAPITAL PROJECTS – James D. DeRosa, Director

Divisions:

Architecture and Site Development – Carter Edman, Manager Engineering and
Construction – Richard J. Switalski, Manager Real Estate – Susanne Degennaro,
Commissioner

MAYOR’S OFFICE OF EQUAL OPPORTUNITY – Tyson Mitchell, Director

MAYOR’S OFFICE OF URBAN ANALYTICS AND INNOVATION – Elizabeth
Crowe, Director

MAYOR’S OFFICE OF SUSTAINABILITY – Sarah O’Keeffe, Director

PORT CONTROL – Bryant L. Francis, Director

Divisions:

Cleveland Hopkins International Airport & Burke Lakefront Airport – Khalid Bahhur,
Commissioner of Airports
Burke Lakefront Airport – Tony Campofredano, Airport Leader

PUBLIC HEALTH – David Margolius, M.D., Director

Divisions:

Air Quality – David Hearne, Commissioner
Environment – Wallace L. Chambers, Jr., Commissioner
Health – Frances Mills, Commissioner
Health Equity and Social Justice – Lita Marie Wills, Commissioner
Vital Statistics – Andrea Kacinari, City Registrar

PUBLIC SAFETY – Dornat A. Drummond, Director**Divisions:**

Animal Control Services – Cory Keller, Chief Animal Control Officer

Emergency Medical Service – Orlando Wheeler, Commissioner

Emergency Operations Center – Nicole Carlton, Assistant Director

Fire – Anthony P. Luke, Chief

Police – Dorothy A. Todd, Chief

Professional Standards – Roger C. Smith, Administrator

PUBLIC UTILITIES – Martin J. Keane, Director**Divisions:**

Cleveland Public Power – Ammon Danielson, Commissioner

Radio Communications – Brad Handke, Manager

TV 20 – Kathy Allen, General Manager

Utilities Fiscal Control – Catherine Troy, Chief Financial Officer

Water – Alex Margevicius, Commissioner

Water Pollution Control – Ramona Lowery-Ferrell, Commissioner

PUBLIC WORKS – Frank D. Williams, Director**Administration:**

Administration – John Laird, Manager

Susie Claytor, Executive Commissioner, Public Auditorium

Kim Johnson, Interim Executive Commissioner, Prevention, Intervention and
Opportunity for Youth and Young Adults

Divisions:

Motor Vehicle Maintenance – Jeffrey Brown, Commissioner

Neighborhood Resource and Recreation Centers – Samuel Gissentaner,
Commissioner

Park Maintenance and Properties – Toi Porch, Interim Commissioner

Parking Facilities – Kim Johnson, Commissioner

Property Management – Tom Nagle, Commissioner

Streets – Randell Scott, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Terrell H. Pruitt, Commissioner

WORKFORCE DEVELOPMENT & OHIO MEANS JOBS –

CLEVELAND/CUYAHOGA COUNTY – Michelle Rose, Executive Director

Cleveland Municipal Court

Justice Center

1200 Ontario Street

Cleveland, Ohio, 44113

www.clevelandmunicipalcourt.org

<i>Judge</i>	<i>Courtroom</i>
Presiding and Administrative Judge Michelle D. Earley	14-C
Judge Marilyn B. Cassidy	13-A
Judge Mark R. Majer	12-B
Judge Lauren C. Moore	15-A
Judge Andrea Nelson Moore	12-A
Judge Michael L. Nelson, Sr.	15-C
Judge Ann Clare Oakar	14-A
Judge Charles L. Patton, Jr.	14-B
Housing Court Judge W. Moná Scott	13-B
Judge Suzan M. Sweeney	12-C
Judge Jazmin Torres-Lugo	13-C
Judge Shiela Turner McCall	13-D
Judge Joseph J. Zone	14-D

Earle B. Turner – Clerk of Courts

Russell R. Brown, III – Court Administrator

Belinda Gest – Housing Court Administrator

Robert J. Furda – Chief Bailiff

Dean Jenkins – Chief Probation Officer

Gregory F. Clifford – Chief Magistrate

City Links

Board of Building Standards and Building Appeals

<http://planning.city.cleveland.oh.us/bza/bbs.html>

Board of Zoning Appeals

<http://planning.city.cleveland.oh.us/bza/cpc.html>

City Bids

Invitations to Bid

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/BID>

Requests for Proposals/Requests for Qualifications

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/RFP>

Cleveland Water

<http://www.clevelandwater.com/work-with-us/invitations-to-bid>

Water Pollution Control

http://wpc.clevelandwater.com/?page_id=3342

Cleveland Airports

<https://www.clevelandairport.com/about-us/business-cle/bids-rfps>

City Jobs

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/HumanResources>

<https://www.governmentjobs.com/careers/cleveland>

City of Cleveland

<http://www.city.cleveland.oh.us/>

City of Cleveland Charter and Codified Ordinances

<https://codelibrary.amlegal.com/codes/cleveland/latest/overview>

Civil Service Commission

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission>

Cleveland City Council

<http://www.clevelandcitycouncil.org/>

Cleveland Courts

Cleveland Municipal Court

<http://clevelandmunicipalcourt.org/home.html>

Clerk of Courts – Cleveland Municipal Court

<https://clevelandmunicipalcourt.org/clerk-of-courts>

Cleveland Housing Court

<http://clevelandhousingcourt.org/>