

The City Record

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Official Proceedings City Council

Cleveland, Ohio
Wednesday, July 10, 2024

The meeting of the Council was called to order at 6:24 p.m. with the President of Council Pro Tempore, Kerry McCormack, in the Chair.

Council Members present: Kevin L. Bishop, Kevin Conwell, Deborah A. Gray, Anthony T. Hairston, Kris Harsh, Stephanie D. Howse-Jones, Joseph T. Jones, Brian Kazy, Danny Kelly, Rebecca Maurer, Kerry McCormack, Michael D. Polensek, Jasmin Santana, Charles Slife, Jenny Spencer, Richard A. Starr.

Also present were: Mayor Bibb; Chiefs Davy, Epstein, Griffin, Johnson, Pomerantz, Puente, Teeuwen; Directors Drummond; Senior Strategist Davis.

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 Hairston, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Harsh.

Communications

File No. 696-2024

From Mayor Justin M. Bibb. Appointment to Board of Directors of Cleveland-Cuyahoga County Port Authority. Received.

File No. 697-2024

From Mayor Justin M. Bibb. Re-Appointments to Lead Safe Advisory Board. Received.

File No. 698-2024

From Trisha Simon Webster, Department of Human Resources, City of Cleveland. Notice of intent to apply for, and accept if awarded, a grant from Delta Dental for \$10,000 to assist with diabetes care and overall well-being of city employees. Received.

File No. 758-2024

Oath of Office for Toi Porch, Commissioner of Park Maintenance and Properties, Department of Public Works, City of Cleveland. Received.

File No. 759-2024

Oath of Office for Wesley Woods, Interim Commander, City of Cleveland. Received.

From Ohio Division of Liquor Control

File No. 723-2024

#6516298. Transfer of Ownership Application, D5 D6. Ohio City Goods LLC, 1442 West 28th Street (Ward 3).

File No. 724-2024

#8199010. Transfer of Ownership Application, D5A D6. 629 Euclid Hotel II LLC, 629 Euclid Avenue (Ward 3).

File No. 725-2024

#9240024. Transfer of License Application, D5. Vegan Club LLC, 13114 Shaker Square(Ward 4).

File No. 726-2024

#7586014. Transfer of Ownership Application, C1 C2. Rulsaw Inc., 3363 East 93rd Street (Ward 6).

File No. 727-2024

#9606930. Stock Application, D1 D2 D3 D3A. Wilchris Inc., 13933 Street Clair Avenue (Ward 8).

File No. 728-2024

#01007780867. Economic Development Transfer Application, C2. Aldi Inc. Ohio, 14651 Lorain Avenue (Ward 17).

File No. 729-2024

#8771220. Stock Application, D5J D6. 1942 Tacos & Tequila LLC, 1220 Huron Road (Ward 3).

File No. 730-2024

#5008359. Economic Development Transfer Application, D1 D2. Larder D&B LLC, 1455 West 29th Street (Ward 3).

File No. 731-2024

#5008359. Transfer of License Application, D3 D6. Larder D&B LLC, 1455 West 29th Street (Ward 3).

File No. 732-2024

#6315970. Stock Application, D5 D6. Lady Caroline LLC, 1153 Main Avenue (Ward 3).

File No. 733-2024

#3195544. Economic Development Transfer Application, D5. GingerGreyHospitality LLC, 10427 Clifton Boulevard (Ward 15).

File No. 734-2024

#52449540001. Stock Application, D5 D6. LMBS 3 LLC, 1300 East 9th Street (Ward 3).

File No. 735-2024

#05199280005. New License Application, D3 D3A. Batuke The Flavor of Brasil LLC, 12624 Larchmere Boulevard (Ward 6).

File No. 736-2024

#2495680. Economic Development Transfer Application, D5 D6. El Mercadito Latino Supermarket & Restaurant LLC, 4606 West 130th Street (Ward 16).

File No. 737-2024

#1624537. Transfer of Ownership Application, D5 D6. Collegetown Blue LP, 1938 Euclid Avenue (Ward 5).

File No. 738-2024

#7030980. New License Application, D5J. Porizi Bistro LLC, 1501 Euclid Avenue (Ward 3).

File No. 739-2024

#0346803. Transfer of Ownership Application, D2 D2X D3 D3A. Bad Medicine LLC, 13334 Lorain Avenue (Ward 16).

File No. 740-2024

#8987220. New License Application, C1. Tony's Beverage LLC, 831 East 140th Street (Ward 10).

File No. 741-2024

#4104018. New License Application, C1. Iskndaria LLC, 17229 Euclid Avenue (Ward 10).

File No. 742-2024

#00094660001. Stock Application, C1 C2. A&F Beverage Inc., 13920 Street Clair Avenue (Ward 10).

Appointments

File No. 751-2024

From Councilman Joseph T. Jones, Chair of Mayor's Appointment Committee of Cleveland City Council. Recommending the appointment of Ryan McCafferty to the Cleveland-Cuyahoga County Port Authority Board of Directors to a term ending in 2027. Without objection, the appointment is approved.

File No. 752-2024

From Councilman Joseph T. Jones, Chair of Mayor's Appointment Committee of Cleveland City Council. Recommending the appointment of Matt Ashton (business) to the Fair Employment Wage Board, for a one-year term. Without objection, the appointment is approved.

File No. 753-2024

From Councilman Joseph T. Jones, Chair of Mayor's Appointment Committee of Cleveland City Council. Recommending the appointment of John Patrick Hodge (labor) to the Fair Employment Wage Board, for a two-year term. Without objection, the appointment is approved.

File No. 754-2024

From Councilman Joseph T. Jones, Chair of Mayor's Appointment Committee of Cleveland City Council. Recommending the appointment of Helen Qin (business) to the Fair Employment Wage Board, for a two-year term. Without objection, the appointment is approved.

File No. 755-2024

From Councilman Joseph T. Jones, Chair of Mayor's Appointment Committee of Cleveland City Council. Recommending the appointment of Anastasia A. Elder to the Greater Cleveland Regional Transit Authority Board of Trustees, to complete a term ending in March 2026. Without objection, the appointment is approved.

File No. 756-2024

From Councilman Joseph T. Jones, Chair of Mayor's Appointment Committee of Cleveland City Council. Recommending the re-appointment of Wyonette M. Cheairs to the Lead Safe Advisory Board, for a four-year term. Without objection, the appointment is approved.

File No. 757-2024

From Councilman Joseph T. Jones, Chair of Mayor's Appointment Committee of Cleveland City Council. Recommending the re-appointment of Scott Kroehle to the Lead Safe Advisory Board, for a four-year term. Without objection, the appointment is approved.

Ordinances and Resolutions

Ceremonial Resolutions

Ceremonial resolutions are used by Council to recognize dignitaries and community members, and their accomplishments.

Resolutions of Condolence

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

Hairston	Res. No. 748-2024	Stephen W. Bailey, Jr.
Bishop	Res. No. 760-2024	Stephanie D. Rutledge
Bishop	Res. No. 761-2024	De’Von Shandel Moore
Conwell	Res. No. 762-2024	Dr. Harrison L. Adams
Gray	Res. No. 763-2024	Shirley Ann Jones
Gray	Res. No. 764-2024	Janice Cynthia Clark
Griffin	Res. No. 765-2024	Alphonso (Brent) Pollard
Hairston	Res. No. 766-2024	Gary Upchurch
Jones	Res. No. 767-2024	Elizabeth “Nancy” Tarver
Jones	Res. No. 768-2024	Charmaine Jones
Polensek and Hairston	Res. No. 769-2024	Joyce Marie Davis
Polensek	Res. No. 770-2024	Germaine Polensek
Polensek	Res. No. 771-2024	Gloria Pust
Griffin	Res. No. 772-2024	Lenell Anthony Allen
Spencer	Res. No. 773-2024	Eddie Alberto Caraballo
Conwell	Res. No. 774-2024	Robert Louis Buffington III
All Members of Council	Res. No. 775-2024	Cleveland Police Officer Jamieson R. Ritter, Badge No. 1176

Resolutions of Congratulations

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

Griffin	Res. No. 776-2024	Genola (Carpenter) Williams
Kazy	Res. No. 777-2024	Cleveland Public Library Rockport Branch Grand Re-Opening
Kelly	Res. No. 778-2024	Karen Bridegum
Polensek	Res. No. 779-2024	Alenka Jerak
Griffin	Res. No. 780-2024	National Association of University Women, Inc.

Resolutions of Recognition

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

Conwell	Res. No. 781-2024	Women's March-Cleveland Rally
Jones	Res. No. 782-2024	Torrence Hinton
Jones	Res. No. 783-2024	Arthur and Joanne Walton
Polensek	Res. No. 784-2024	Early Settlers Association
Hairston	Res. No. 785-2024	Malcolm L. Stewart, Sr.
Hairston	Res. No. 786-2024	Henry Butler, Jr.

Ordinances and Resolutions

First Reading Emergency Ordinances Referred

An ordinance is a City law written and enacted by City Council. Ordinances govern the actions, responsibilities and tax dollars of residents, businesses, organizations, city departments and visitors in Cleveland. Ordinances can be written and passed to address issues about housing, safety, public services, employment, the City budget and economic development. Many ordinances authorize the City to spend money on contracts and projects that support the mission of the City of Cleveland.

Ordinances are effective 30 days after passage. Emergency ordinances take effect immediately upon the Mayor's signature or 10 days after passage.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading.

If not passed under suspension after the first reading, the legislation is then sent to the appropriate City departments for review.

These ordinances were read for the first time on Wednesday, July 10, 2024, and referred to the appropriate City departments and Council Committees for review.

Click on an ordinance below to read it:

[Ord. No. 707-2024](#)

[Ord. No. 716-2024](#)

[Ord. No. 708-2024](#)

[Ord. No. 717-2024](#)

[Ord. No. 709-2024](#)

[Ord. No. 718-2024](#)

[Ord. No. 710-2024](#)

[Ord. No. 719-2024](#)

[Ord. No. 711-2024](#)

[Ord. No. 743-2024](#)

[Ord. No. 712-2024](#)

[Ord. No. 744-2024](#)

[Ord. No. 713-2024](#)

[Ord. No. 745-2024](#)

[Ord. No. 714-2024](#)

[Ord. No. 746-2024](#)

[Ord. No. 715-2024](#)

Ordinance No. 707-2024

By Council Members: McCormack, Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Works to enter into an amendment to the Property Operations and Programming Agreement, effective June 30, 2016, with Downtown Cleveland, Inc., as assignee of the Group Plan Commission, to provide a restricted contribution to support the ongoing maintenance obligations at Public Square.

WHEREAS, under Ordinance No. 1061-14, passed September 15, 2014, this Council, among other things, authorized the Director of Public Works to enter into the Property Operations and Programming Agreement (the “Agreement”) with the Group Plan Commission (“GPC”) relating to operating, preserving, maintaining, and providing ongoing programming and supplemental maintenance at Public Square; and

WHEREAS, GPC has since blended their staff with Downtown Cleveland, Inc. (“DCI”), and has requested the assignment of the Agreement to DCI; and

WHEREAS, the Director of Public Works consents to GPC’s assignment to DCI and will execute the assignment pursuant to the terms of the Agreement; 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 Works is authorized to enter into an amendment to the Agreement (the “Amendment”) to provide an additional restricted contribution to support the ongoing maintenance obligations at Public Square. After the referenced-assignment, all other terms and conditions contained in the Agreement shall remain the same.

Section 2. That the Amendment shall be prepared by the Director of Law.

Section 3. That the costs of the Amendment shall not exceed \$500,000.00 and shall be paid from Fund No. 01-9998-6320. (RQS 7001, RLA 2024-66)

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; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 708-2024

By Council Members: Bishop, Hairston and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to apply and accept one or more grants from Team NEO to support activities associated with the reconstruction of Redwood Road; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts, professional services, and other agreements; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes any real property and easements necessary for the improvement.

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 apply for and accept one or more grants in the approximate amount of \$750,000, and any other funds that may become available during the grant term from Team NEO to support activities associated with the reconstruction of Redwood Road; 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 this ordinance.

Section 2. That the legislative summary for the grant, **File No. 708-2024-A**, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$250,000, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of reconstructing a portion of Redwood Road from Nottingham Road to Cochran Avenue (the “Improvement”), for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 4. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That the Director of Capital Projects is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 6. That the Director of Capital Projects 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 for the Improvement, including but not limited to construction administrative services.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects 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 Capital Projects, and certified by the Director of Finance.

Section 7. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies for payment of any services which were necessary to implement the Improvement.

Section 8. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure costs associated with the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 9. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary for the Improvement.

Section 10. That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services which were necessary to construct the improvements described in this ordinance.

Section 11. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for the Improvement from any public or private entity; and that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 12. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property including but not limited to fee simple acquisitions, temporary easements, permanent easements, and work agreements as is necessary for the Improvement. The

consideration to be paid for the property and easements shall not exceed fair market value, as determined by the Board of Control

Section 13. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 14. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement this ordinance.

Section 15. That the cost of this ordinance, including the cash match, shall be paid from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597, 20 SF 702, 20 SF 712, 20 SF 718, the fund or funds to which are credited any gift or grant proceeds accepted under this ordinance, the cash match, cash contributions accepted and appropriated under this ordinance, and from any other funds approved by the Director of Finance, including future bond funds if issued for this purpose. (RQS 0103, RLA 2024-59)

Section 16. 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; and Law; Committees on Municipal Services and Properties; Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 709-2024

By Council Members: Hairston, Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public works to enter into one or more Concession Agreements for the operation of a food and beverage concession at Collinwood Athletic Complex, for the Department of Public Works, for a period of one year with two one year options to renew, exercisable by the Director of Public Works.

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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Works is authorized to enter into one or more Concession Agreements on the basis of competitive proposals for the operation of a food and beverage concession at Collinwood Athletic Complex for a period of one year with two one-year options to renew, exercisable by the Director of Public Works. The selection of the concessionaire or concessionaires shall be made by the Board of Control on the nomination of the Director of Public Works. The concession fee to be paid to the City shall be fixed by the Board of Control.

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 Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 710-2024

By Council Members: Polensek and Griffin (by departmental request)

An emergency ordinance authorizing the Director of the Community Relations Board to enter into one or more contracts with Ohio Guidestone to conduct the 2024-27 Fresh Start Program, for a term of one year with two one-year options to renew.

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 Community Relations Board is authorized to enter into one or more contracts with Ohio Guidestone to conduct the 2024-27 Fresh Start Program to provide assistance to incarcerated youth ages 15-22 through a pre-release program, for the Community Relations Board, for a term of one year with two one-year options to renew.

Section 2. That under Section 108(b) of the Charter, the services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of the Community Relations Board may sign all documents that are necessary to obtain such services and may enter into one or more contracts with the consultants selected through that cooperative process.

Section 3. The contract or contracts shall be paid from Fund No. 01-0109-6320. (RQS 0109, RLA 2024-69)

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 Community Relations Board; Finance; and Law; Committees on Safety; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 711-2024

By Council Members: Kelly, Bishop and Hairston (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Quan Am Temple to encroach into the public right-of-way of Bellaire Road by installing, using and maintaining a roof overhang.

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 to Quan Am Temple, 11931 Bellaire Road, Cleveland, Ohio 44135 ("Permittee") to encroach into the public right-of-way of Bellaire Road by installing, using and maintaining a roof overhang at the following location:

ENCROACHMENT

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Bellaire Road of part of the Original Rockport Township Section

10 and further bounded and described as follows:

Beginning at a 5/8" iron pin found bent (0.30 feet north and 0.22 feet east) at the intersection of the easterly right of way of Bellaire Road (100 feet wide) and the northerly right of way of Brookfield Avenue (50 feet wide);

Thence North 46°20'28" East along the easterly right of way of Bellaire Road, 57.85 feet to the Principal Place of Beginning of the "Encroachment Area" herein described;

Course 1: Thence North 02°31'46" East, 5.90 feet;

Course 2: Thence South 87°28'14" East, 5.66 feet to a point on the easterly right of way of said Bellaire Road;

Course 3: Thence South 46°20'28" West along easterly right of way of Bellaire Road, 8.18 feet to the Principal Place of Beginning, containing 0.0004 acres (17 square feet) as described by Peter J. Gauriloff, P.S. No. 8646 of The Riverstone Company in April of 2024 and subject to all legal highways, restrictions, reservations and easements.

Legal Descriptions approved by Eric B. Westfall, 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 encroachments permitted.

Section 3. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structures 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 encroachments.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment locations.

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; and Law; Committees on Municipal Services and Properties; and Development Planning and Sustainability.

Ordinance No. 712-2024

By Council Members: McCormack, Bishop and Hairston (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to The Rock and Roll Hall of Fame and Museum, Inc. to encroach into the public right-of-way of relocated Erieside Avenue by installing and using an earth retention system.

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 Rock and Roll Hall of Fame and Museum, Inc., 1100 Rock and Roll Boulevard, Cleveland, Ohio 44114, ("Permittee"), to encroach into the public right-of-way of relocated Erieside Avenue by installing and using an earth retention system (ERS) to safely perform the mass excavation and construction of the expansion of the Rock and Roll Hall of Fame Museum and a new community park, more fully described as follows:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of Original Two Acre Lot Nos. 21 and 22 and further bounded and described as follows:

Beginning on the 1" iron pin found in a monument box at the centerline intersection of Relocated Erieside Avenue (70 feet wide) and East 9th Street (formerly Erie Street) (99 feet wide);

Thence South 56°06'52" West along the centerline of Relocated Erieside Avenue 112.88 feet to a 1" iron pin found in a monument box (0.06 feet south, 0.02 feet west) at a point of curvature;

Thence along the curved centerline of said Relocated Erieside Avenue deflecting to the left, an arc of 141.37 feet and a delta of 27°00'00", said curve having a radius of 300.00 feet and a chord that bears South 42°36'52" West, 140.07 feet to a 1" iron pin found in a monument box (0.06 feet south, 0.19 feet west) at a point of tangency;

Thence North 60°53'08" West, 35.00 feet to the northerly right of way of Relocated Erieside Avenue;

Thence South 29°06'52" West along the northerly right of way of Relocated Erieside Avenue, 84.25 feet to the Principal Place of Beginning of the encroachment area herein described;

Course No. 1: Thence South 34°13'48" East, 45.33 feet to a point;

Course No. 2: Thence South 55°47'26" West, 78.94 feet to a point;

Course No.3: Thence South 33°43'08" East, 11.02 feet to a point;

Course No. 4: Thence South 56°05'11" West, 51.92 feet to the curved northerly right of way of Relocated Erieside Avenue;

Course No. 5: Thence along the curved northerly right of way of said Relocated Erieside Avenue deflecting to the left, an arc of 107.50 feet and a delta of 09°15'44", said curve having a radius of 665.00 feet and a chord that bears North 33°44'44" East, 107.38 feet to a point of tangency;

Course No. 6: Thence North 29°06'52" East along the northerly right of way of Relocated Erieside Avenue, 35.14 feet to the Principal Place of Beginning, containing 0.0579 acres (2,522 Square Feet) of land as described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in April 2024, subject to all legal highways, restrictions, reservations and easements of record.

Legal Description approved by Eric B. Westfall, P.S., 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; and Law; Committees on Municipal Services and Properties; and Development Planning and Sustainability.

Ordinance No. 713-2024

By Council Members: McCormack, Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to TREO DEVELOPMENT LLC to encroach into the public right-of-ways of Moltke Court and West 25th Street by using and maintaining pre-existing walls, stairs and a building overhang.

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 TREO DEVELOPMENT LLC, 2211 N. Elston Ave., Suite 306, Chicago, IL 60614 ("Permittee") to encroach into the public right-of-ways of Moltke Court and West 25th Street by using and maintaining pre-existing walls, stairs and a building overhang at the following location:

2461 West 25th Street

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, being part of Original Brooklyn Township Lot 69, further known as an area for encroachments into the right of ways of West 25th Street and Moltke Court as shown by the dedication plat recorded as AFN 202311300646 of Cuyahoga County Records;

Beginning at the intersection of the centerline of West 25th Street (formerly Pearl Street, 66 feet wide) with the centerline of Moltke Court (width varies); Thence North 20°53'02" West, along the centerline of West 25th Street, 23.68 feet; Thence North 69°06'58" East, 31.37 feet to the Principal Place of Beginning of the following described parcel:

Course 1: Thence continuing North 69°06'58" East, 1.63 feet to the easterly right of way of West 25th Street;

Course 2: Thence South 20°53'02" East, along the easterly right of way of West 25th Street, 4.14 feet to a point of curvature at the turnout from the easterly right of way of West 25th Street, to the northerly right of way of Moltke Court;

Course 3: Thence 6.50 feet along the arc of a curve in said turnout, deflecting to the left and having a radius of 5.00 feet, a delta of 74°28'46", and chord bearing South 50°07'25" East 6.05 feet to a point of tangency in the northerly right of way of Moltke Court;

Course 4: Thence North 84°38'12" East, along the northerly right of way of Moltke Court, 21.68 feet;

Course 5: Thence South $05^{\circ}21'48''$ East, 7.91 feet;

Course 6: Thence South $84^{\circ}38'12''$ West, parallel to the northerly right of Way of Moltke Court, 15.17 feet to a point of curvature;

Course 7: Thence 16.78 feet along the arc of a curve deflecting to the Rand having a radius of 12.91 feet, a delta of $74^{\circ}28'46''$, and chord bearing North $58^{\circ}07'25''$ West 15.63 feet to a point of tangency;

Course 8: Thence North $20^{\circ}53'02''$ West, parallel to the centerline of West 25th Street, 5.88 feet to the Principal Place of Beginning and containing 0.0047 acres of land (203.31 square feet) as calculated and described in February 2024 by Michael P. Spellacy, P.S. 8169 of Polaris Engineering and Surveying, and subject to all legal highways and easements of record. The intent of this instrument is to describe an area for encroachments within the dedicated public right of ways of parts of West 25th Street and Moltke Court.

Legal Descriptions approved by Eric B. Westfall,
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 encroachments permitted.

Section 3. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structures 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 encroachments.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment locations.

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; and Law; Committees on Municipal Services and Properties; and

Development Planning and Sustainability.

Ordinance No. 714-2024

By Council Members: McCormack, Bishop and Hairston (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to TTE Real Estate Group LLC to encroach into the public right-of-way of an unnamed short street between West 7th Street and West 10th Street by using and maintaining an existing driveway for access, parking and handicapped access/parking.

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 TTE Real Estate Group LLC, 2070 West 7th Street, Cleveland, OH 44113 (“Permittee”), to encroach into the public right-of-way of an unnamed short street between West 7th Street and West 10th Street, by using and maintaining an existing driveway for access, parking and handicapped access/parking at the following location:

Driveway and Parking Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the William Slade Jr. Allotment of part of the Original Brooklyn Township Lot No. 87, as shown by the plat recorded in Volume 1, Page 23 of Cuyahoga County Map Records and further bounded and described as follows:

Beginning at a 1” iron pin found (0.03 feet north, 0.00 feet east) in a monument box at the centerline intersection of West 7th Street (formerly University Street) (90 feet wide) and a Short Street (60 feet wide) as shown on the William Slade Jr. Allotment recorded in Volume 1, Page 23 of Cuyahoga County Map Records; Thence South 58°42’30” West along the centerline of said Short Street, 49.79 feet to the westerly right of way of West 7th Street; Thence South 37°29’00” East along the westerly right of way of West 7th Street, 13.08 feet to the Principal Place of Beginning of the encroachment area herein described;

Course No. 1: Thence South 37°29’00” East continuing along the westerly right of way of West 7th Street, 17.10 feet to the southerly right of way of said Short Street;

Course No. 2: Thence South 58°42’30” West along said southerly right of way of Short Street, 45.50 feet to a point;

Course No. 3: Thence North 20°58’54” West, 15.50 feet to a point;

Course No. 4: Thence North 50°58'15" West, 13.00 feet to a point;

Course No. 5: Thence North 58°42'30" East, 28.00 feet to the westerly right of way of West 7th Street to the Principal Place of Beginning, containing 0.0165 acres of land as described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in May 2024, subject to all legal highways, restrictions, reservations and easements of record.

Legal Descriptions approved by Eric B. Westfall, 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 encroachments permitted.

Section 3. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structures 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 encroachments.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment locations.

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; and Law; Committees on Municipal Services and Properties; and Development Planning and Sustainability.

Ordinance No. 715-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the Director of Finance to enter into an agreement with the law firm of Kegler, Brown, Hill & Ritter Co., L.P.A. for state lobbying services for the City of Cleveland, for a period of one year, with one option to renew for an additional year, 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 enter into an agreement with Kegler, Brown, Hill & Ritter Co., L.P.A. for state lobbying services for the City of Cleveland for a period of one year, with one option to renew for an additional year, exercisable by the Director of Finance, in an amount not to exceed \$70,000, plus costs and expenses, and payable from Fund No. 01-9998-6320. (RQS 0117, RL 2024-76)

Section 2. That the agreement shall be prepared by the Director of Law and shall contain such terms, conditions and provisions as the Director considers necessary to protect and benefit the public interest.

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; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Ordinance No. 716-2024

By Council Members: Kazy and Griffin (by departmental request)

An emergency ordinance determining the method of making the public improvement of repairing and improving the filters at the Nottingham Water Treatment Plant; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary for the improvement.

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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of repairing and improving the filters at the Nottingham Water Treatment Plant (the “Improvement”), for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 4. That the Director of Public Utilities 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 for the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants 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, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 5. That under Section 108(b) of the Charter, the services 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 obtain such services and may enter into one or more contracts with the consultants selected through that cooperative process.

Section 6. That the cost of the contracts and other expenditures authorized shall be paid from Fund No. 52 SF 001. (RQS 2002, RLA 2024-61)

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 Utilities; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 717-2024

By Council Members: Kazy and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to analyze and recommend safety improvements to process hazards and to provide services to address potential process hazards encountered during maintenance activities, for a period or periods not to exceed a total of two years; and for additional monitoring, maintenance, and support for a period or periods not to exceed a total of four years.

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 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 to analyze and recommend safety improvements to process hazards and to provide services to address potential process hazards encountered during maintenance activities, for a period or periods not to exceed a total of two years. The agreement(s) may also include payment of a one-time subscription fee and ongoing subscription and service fees for additional monitoring and maintenance, and for support, for a period or periods not to exceed a total of four years.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants 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, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That under Section 108(b) of the Charter, the services 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 obtain such services and may enter into one or more contracts with the consultants selected through that cooperative process.

Section 3. That the cost of the contract or contracts and applicable subscription and service fees authorized shall be paid from Fund No. 52 SF 001 and from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose. (RQS 2002, RL 2024-51)

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 Utilities; Finance; and Law; Committees on Utilities; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 718-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on-road vehicles, apparatus, and off-road equipment, cabs, bodies and accessories, equipment, and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the Department of Public Utilities.

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 make one or more written standard purchase 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 required for the purchase, lease, or lease with option to purchase, of various types of on-road vehicles, apparatus, and off-road equipment, cabs, bodies and accessories, equipment, and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle rehabilitation, training, and inspections, as needed, in the estimated sum of \$9,676,500, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Utilities, as described below:

2024 Enterprise Capital Vehicle Plan

Item Number	Item Description	Division	Quantity	Estimated Cost	Extended Estimated Cost
1	Sedan	Water	1	\$35,000	\$35,000
2	SUV AWD	Water	2	\$51,500	\$103,000
3	Pickup F150	Water	4	\$50,000	\$200,000
4	Pickup F250 w/plow &	Water	1	\$65,000	\$65,000
5	Pickup F350	Water	1	\$80,500	\$80,500
6	Cargo Van T150	Water	1	\$50,000	\$50,000
7	Cargo Van T250	Water	10	\$56,150	\$561,500
8	Cargo Van T350	Water	1	\$62,000	\$62,000
9	Pipe Truck Type A	Water	5	\$285,000	\$1,425,000
10	Tandem Axle Dump	Water	3	\$310,500	\$931,500
11	Backhoe/Trailer	Water	3	\$213,000	\$639,000

12	ATV Gator w/ plow	Water	2	\$25,000	\$50,000
13	Mower – 72”	Water	2	\$25,000	\$50,000
14	Bobcat	Water	1	\$89,000	\$89,000
				CWD TOTAL	\$4,341,500
15	Crew Dump Truck	WPC	2	\$190,000	\$380,000
16	Backhoe w/ Trailer	WPC	1	\$285,000	\$285,000
17	Tandem Axle Dump Truck	WPC	1	\$250,000	\$250,000
18	Sewer Cleaning Equipment	WPC	3	\$575,000	\$1,725,000
19	SUV AWD Explorer	WPC	4	\$50,000	\$200,000
20	Knuckle Boom Truck	WPC	1	\$390,000	\$390,000
21	Cement Mixer	WPC	2	\$7,000	\$14,000
22	Heavy Duty Pickup	WPC	1	\$85,000	\$85,000
23	Pickup Truck F450	WPC	1	\$110,000	\$110,000
				WPC TOTAL	\$3,439,000
24	Cargo Van T150	CPP	5	\$65,000	\$325,000
25	Cargo Van HD	CPP	1	\$70,000	\$70,000
26	60’ Bucket Truck	CPP	1	\$335,000	\$335,000
27	Derrick Truck	CPP	2	\$415,000	\$830,000
28	Support Vehicles	CPP	6	\$40,000	\$240,000
29	Pole Trailer (Dinky)	CPP	2	\$23,000	\$46,000
				CPP TOTAL	\$1,846,000
30	Pickup F150	Administratio	1	\$50,000	\$50,000
				ADMINISTRATION TOTAL	\$50,000
				GRAND TOTAL	\$9,676,500

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. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the Director of Public Utilities is authorized to apply for and accept funding from the Northeast Ohio Regional Sewer District (“NEORS”) for Community Cost Share Program funding to pay for the costs of the Water Pollution Control vehicles

eligible under the program for reimbursement; that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that funds are appropriated for the purposes described in this ordinance.

Section 3. 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 Works 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 4. That the costs of the standard and requirement contract or contracts shall be paid from Community Cost Share Program funding and shall also 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. (RQS 7015, RL 2024-66)

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; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 719-2024

By Council Members: Hairston and Griffin (by departmental request)

An emergency ordinance to amend Sections 2, 3, 4, 5, 6, 7, and 8 of Ordinance No. 482-2022, passed May 25, 2022, relating to establishing the entire City of Cleveland as a Community Reinvestment Area.

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 2, 3, 4, 5, 6, 7, and 8 of Ordinance No. 482-2022, passed May 25, 2022, are amended to read as follows:

Section 2. That the entire area within the municipal boundaries of the City of Cleveland, as depicted on the zoned boundary map contained in the above-mentioned file, is ~~divided into three~~ designated a Community Reinvestment Areas Area (“CRA”) under Section 3735.65 et seq. of the Revised Code.

Section 3. That Community Reinvestment ~~Area~~ Subarea #1, the Strong Market Area (~~“CRA Area #1”~~) (“CRA Subarea #1”), Community Reinvestment ~~Area~~ Subarea #2, the Middle Market Area (~~“CRA Area #2”~~) (“CRA Subarea #2”), and Community Reinvestment ~~Area~~ Subarea #3, the Opportunity Area (~~“CRA Area #3”~~) (“CRA Subarea #3”) (~~jointly the “CRAs”~~) are areas where the construction of new residential structures and the remodeling of existing residential structures are declared to be a public purpose for which exemptions from real property taxation shall be granted in the following manner in accordance with Section 3735.67 of the Revised Code:

From the date of passage of this Ordinance until December 31, 2023,

(a) The owner of any such real property in the ~~CRAs~~ CRA may file an application with the Housing Officer for an exemption from real property taxation for a period of 15 years for 100% of the increased assessed taxes for new construction projects consisting of one and two family residential properties and multi-family residential structures consisting of three or more units.

(b) The owner of any such real property in the ~~CRAs~~ CRA may file an application with the Housing Officer for an exemption from real property taxation for a period of 15 years for 100% of the increased assessed taxes for the remodeling of existing multi-family residential structures consisting of three or more units where remodeling costs are greater than \$15,000 per unit or \$500,000 per structure.

(c) The owner of any such real property in the ~~CRA~~ CRA may file an application with the Housing Officer for an exemption from real property taxation for a period of 15 years for 100% of the increased assessed taxes for the remodeling of one and two family residential properties where remodeling costs are greater than \$2,500.

(d) For mixed-use projects, defined as those containing both residential and commercial components, only the residential component is eligible for tax abatement in accordance with the approved schedule.

An owner who has submitted a Part-One Application with the City and a completed submission of Schematic Drawings on or before December 31, 2023 will remain eligible for the above abatement schedule.

From January 1, 2024 until the sunset date exemptions from real property taxation shall be granted in the following manner:

SINGLE FAMILY NEW CONSTRUCTION

(e) The owner of any restricted affordable housing, where all units are affordable at 80% Area Median Income (“AMI”) or below for a minimum of 15 years, in the ~~CRA~~ CRA may file an application with the Housing Officer for an exemption from real property taxation for a period of 15 years for 100% of the increased assessed taxes for new construction projects consisting of one, two, and three family residential properties.

(f) The owner of any non-restricted housing in (i) CRA Subarea #1 may file an application with the Housing Officer for an exemption from real property taxation for a period of 15 years for 85% of the increased assessed taxes not to exceed \$350,000.00, (ii) CRA Subarea #2 may file an application with the Housing Officer for an exemption from real property taxation for a period of 15 years for 100% of the increased assessed taxes not to exceed \$400,000.00, and (iii) CRA Subarea #3 may file an application with the Housing Officer for an exemption from real property taxation for a period of 15 years for 100% of the increased assessed taxes not to exceed \$450,000.00 for new construction projects consisting of one, two, and three family residential properties.

(g) The owner of any housing that meets the City of Cleveland Aging in Place standards in the ~~CRA~~ CRA may file an application with the Housing Officer for an exemption from real property taxation for a period of 15 years for 100% of the increased assessed taxes not to exceed \$450,000.00 for new construction projects consisting of one, two, and three family residential properties.

SINGLE FAMILY REMODELING

(h) The owner of any restricted affordable housing, where all units are affordable at 80% Area Median Income (“AMI”) or below for a minimum of 15 years, in the

~~CRA~~s CRA may file an application with the Housing Officer for an exemption from real property taxation for a period of 15 years for 100% of the increased assessed taxes for the remodeling of one, two, and three family residential properties where remodeling costs are greater than \$5,000.

(i) The owner of any housing in the ~~CRA~~s CRA may file an application with the Housing Officer for an exemption from real property taxation for a period of 15 years for 100% of the increased assessed taxes not to exceed \$450,000.00 for the remodeling of one, two, and three family residential properties where remodeling costs are greater than \$5,000.

(j) For mixed-use projects, defined as those containing both residential and commercial components, only the residential component is eligible for tax abatement in accordance with the approved schedule.

MULTIFAMILY NEW CONSTRUCTION

(k) The owner of any residential real property may file an application with the Housing Officer and shall be eligible for an exemption from real property taxation (i) for a period of 15 years for 100% in CRA Subarea #3, and in CRA Subarea #1 and CRA Subarea #2 if all units are affordable as defined in the table attached in the above-mentioned file, (ii) for a period of 15 years for 85% in CRA Subarea #1, and (iii) in CRA Subarea #2, for a period of 15 years for 90% of the increased assessed taxes for new construction multi-family projects consisting of four or more units occurring according to the rules outlined in Section 3735.67 of the Revised Code. The owner must enter into a Community Benefits Agreement (“CBA”) with the City’s Department of Community Development. The CBA must require that the owner comply with the Codified Ordinances of Cleveland, Ohio, 1976, Chapters 187, 188, and 189 and must include a requirement that the owner set aside affordable units in accordance with the table attached in the above-mentioned file. The CBA may waive the set aside requirements in the event the owner makes a voluntary payment in accordance with the table.

MULTIFAMILY REMODELING

(l) The owner of any residential real property in the ~~CRA~~s CRA may file an application with the Housing Officer and shall be eligible for an exemption from real property taxation for a period of 15 years for one hundred percent (100%) of the increased assessed taxes resulting from the remodeling of existing multi-family residential structures consisting of four or more units where remodeling costs are greater than \$15,000 per unit or \$500,000 per structure for the activities described in Section 3735.67 of the Revised Code. The owner must enter into a CBA with the City’s Department of Community Development. The CBA must require that the owner comply with the Cleveland Codified Ordinances Chapters 187, 188, and 189 and must include a requirement that the owner set aside affordable units in accordance with the table placed in the above-mentioned

file. The Agreement may waive the set aside requirements in the event the owner makes a voluntary payment in accordance with the table.

(m) Notwithstanding the provisions of (a) through (l) above, for any residential property that has been determined to be a dwelling structure of historical or architectural significance, and is a certified historic structure that has been subject to federal tax treatment under 26 U.S.C. 47 and 170(h), as amended, and in which units within the structure have been leased to individual tenants for five consecutive years, and which dwelling is being converted from for-rent to for-sale, and for which an exemption has previously been granted, the owner of such dwelling may apply for an extension of the exemption period for an additional period of 10 years from the date of the approval of application for extension. The exemption from real property taxation for the new 10-year period shall be for 100% of the assessed taxes for the difference in value between the County Auditor's value of the unit before abatement at the time of condominium conversion and the for-sale value following the conversion. The owner must amend any existing Agreement with the City prior to being granted the extension.

Section 4. That all owners of real property in the ~~CRA~~ CRA that file an application with the Housing Officer for an exemption from real property taxation, must demonstrate that new construction or remodeling meets the City's Cleveland Green Building Standard found in the *Cleveland Green Building Standard Handbook*, effective December 5, 2017, and which may be amended or updated from time to time by the Department of Community Development, in order to be eligible for residential tax abatement. The Director of the Department of Community Development is authorized to set and collect application fees.

Section 5. That the Bureau Chief who manages the Division of Housing Development ~~Commissioner of Neighborhood Development~~ for the City of Cleveland shall serve as Housing Officer, as defined by Section 3735.65 et seq. of the Revised Code, for the Community Reinvestment Areas described above and shall administer all activities carried out under Section 3735.65 et seq. of the Revised Code and this ordinance.

Section 6. That a Housing Council shall be appointed for the ~~Community Reinvestment Areas~~ CRA under Section 3735.69 of the Revised Code, and the City of Cleveland has previously established the Housing Council that will continue to serve as the Housing Council for ~~these Community Reinvestment Areas~~ the CRA, and shall make an annual inspection of the properties within the ~~Area~~ CRA for which abatements have been granted and shall hear appeals under Section 3735.70 of the Revised Code.

Section 7. That under Section 3735.68 of the Revised Code, the City may terminate the residential tax exemption after the first year if the Housing Officer finds that the property is not being properly maintained or repaired due to the neglect of the owner, that the owner is in default of the CBA, that the property is being used for limited lodging or short term rental as defined in the Codified

Ordinances of Cleveland, Ohio, 1976, that the City has revoked the owner's Rental Registration, or that the property taxes have become delinquent; and once terminated shall not reinstate the tax exemption. The Housing Officer shall include this requirement on the application for tax exemption signed by the applicant. The City shall require the owner of property whose exemption has been revoked to reimburse the taxing authorities within whose taxing jurisdiction the exempted property is located for the amount of real property taxes that would have been payable to those authorities had the property not been exempted from taxation.

Section 8. That the Community Reinvestment ~~Areas~~ Area described in this ordinance shall expire on June 4, 2027.

Section 2. That existing Sections 2, 3, 4, 5, 6, 7, and 8 of Ordinance No. 482-2022, passed May 25, 2022, 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 Community Development; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 743-2024

By Council Members: Howse-Jones, Hairston and Griffin (by departmental request)

An emergency ordinance to amend Section 1 of Ordinance No. 406-2024, passed May 6, 2024, relating to the sale of certain City-owned properties no longer needed for the City's public use located at 1848 East 101st Street and 9910 Woodward Avenue to Gordon Crossing Land Co., LLC for purposes of future development.

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 1 of Ordinance No. 406-2024, passed May 6, 2024, is amended to read as follows:

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described properties are no longer needed for the City's public use:

PPN 119-12-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being part of Original 100 Acre Lot No. 401 and bounded and described as follows:

Beginning at the point of intersection of the Westerly line of East 101st Street (formerly Republic Street) with the Northerly line of land conveyed to William W. Harris by deed dated March 7, 1872 and recorded in Volume 194, Page 596 of Cuyahoga County Records; thence Westerly along said Northerly line of land so conveyed being also the Southerly line of Woodward Court, N.E. as dedicated by plat recorded in Volume 78 of Maps, Page 39 of Cuyahoga County Records, 125 feet; thence Southerly on a line parallel to said Westerly line of East 101st Street, 36 feet; thence Easterly on a line parallel to said Northerly line of land so conveyed to William W. Harris, 125 feet to the Westerly line of East 101st Street; thence Northerly along the Westerly line of East 101st Street 36 feet to the place of beginning, as appears by said plat, be the same more or less.

Property Address: 1848 E 101St St, Cleveland, Ohio 44106

~~PPN 119-12-084~~

~~And known as being: 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. 401, bounded and described as~~

follows:

Beginning the Southwesterly corner of the parcel of land conveyed by H.A.C. Bennett, widow, to Louisa Sprague, by deed dated October 12, 1899, and recorded in Volume 723, Page 445 of Cuyahoga County Records; thence Northerly along the Westerly line of the land conveyed to Louisa Sprague as aforesaid and along the Westerly line of land conveyed by Frances A. Jones and Anna Bell Jones, husband and wife to Louisa Sprague by deed dated October 10, 1891, and recorded in volume 508, Page 6 of County Records, 137 feet to the Northerly line of land conveyed to Louisa Sprague, by deed recorded in Volume 508, Page 6 of Cuyahoga County Records, as aforesaid, which is also the Southerly line of Woodward Court Avenue, N.E.; thence Easterly along said Northerly line, which is also the Southerly line of Woodward Court, N.E., 45 feet; thence Southerly parallel with the first described line, 137 feet to a point in the Southerly line of land conveyed to Louisa Sprague, by deed recorded in Volume 723, Page 445, distant Easterly 45 feet from the place of beginning, thence Westerly along said Southerly line, 45 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Property Address: ~~9910 Woodward Ave. Cleveland, OH 44106~~

PPN No. 119-12-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original One Hundred Acre Lot No. 401, bounded and described as follows:

Beginning in the Southerly line of Woodward Avenue, N.E. formerly known as Woodward Court, N.E. at a point distant 104.00 feet Easterly measured along said Southerly line from the Northeasterly corner of land conveyed by Louisa Sprague, widow, to Anna L. Brazell by deed dated March 1, 1917, and recorded in Volume 1950, Page 317 of Cuyahoga County records, thence Southerly parallel with the Easterly line of said premises conveyed to Anna L. Brazell, 98.50 feet to a point, thence Westerly parallel with the Southerly line of Woodward Avenue, N.E. 0.80 feet to a point, thence Southerly 25.50 feet to a point distant Easterly measured along a line parallel with the Southerly line of Woodward Avenue N.E., 102.70 feet from the Easterly line of said premises conveyed to Anna L. Brazell, thence Easterly parallel with the Southerly line of Woodward Avenue N.E., 1.30 feet to a point, thence Southerly parallel with the Easterly line of said premises conveyed to Anna L. Brazell, 12.99 feet to a point in the Southerly line of land conveyed by H.A.C Bennett, widow, to Louisa Sprague by deed dated October 12, 1899 and recorded in Volume 723, Page 445 of Cuyahoga County records said point being distant 104.00 feet Easterly measured along said Southerly line from the Southeasterly corner of land conveyed to Anna L. Brazell, as aforesaid, thence Easterly along said Southerly line or land so conveyed to Louisa Sprague, 50.20 feet to the Southwesterly corner of land conveyed by Louisa Sprague, widow, to Max Rubin by deed dated March 26, 1914 and recorded in Volume 1557, Page 170 of Cuyahoga County records, thence

Northerly along said Westerly line of land so conveyed to Max Rubin and along the said Westerly line extended 137.00 feet to said Southerly line of Woodward Avenue, N.E., thence Westerly along said Southerly line of Woodward Avenue, N.E., 53.42 100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Property Address: 9910 Woodward Ave. Cleveland, OH 44106

Section 2. That existing Section 1 of Ordinance No. 406-2024, passed May 6, 2024, 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 Community Development; City Planning Commission; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 744-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance to amend the title and Sections 1, 5, 5a, 5b and 6 of Ordinance No. 683-2021, passed September 27, 2021, as amended by Ordinance No. 581-2024, passed June 3, 2024, and to supplement the ordinance by adding new Section 5d, relating to the Lakefront Pedestrian Bridge and authorizing contracts.

WHEREAS, Ordinance No. 683-2021, passed September 27, 2021, as amended by Ordinance No. 581-2024, passed June 3, 2024, authorized the Director of Capital Projects, among other things, to employ by contract or contracts one or more consultants or one or more firms of consultants to provide professional services necessary to implement the North Coast Connector Project, aka the Lakefront Pedestrian Bridge Connector to the Lakefront and other associated infrastructure (the “Project”); and

WHEREAS, the unique design, time, budgetary, or other material requirements of this project may benefit from the special coordination and expeditiousness possible by combining the performance of both the professional design services and the construction of one or more public improvements comprising the Project in a design-build contract with a single entity; 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 title and Sections 1, 5, 5a, 5b and 6 of Ordinance No. 683-2021, passed September 27, 2021, as amended by Ordinance No. 581-2024, passed June 3, 2024, are amended to read as follows:

AN EMERGENCY ORDINANCE Authorizing the Director of Capital Projects to apply for and accept funding from the Ohio Department of Transportation for the preliminary alternative study of the Lakefront Pedestrian Bridge; authorizing the Director to apply for and accept gifts, grants, and other funding from other entities; to enter into contract with Osborn Engineering Company for traffic modeling and engineering services; authorizing other professional services agreements; determining the method of making the public improvement of constructing the bridge; and authorizing the Director to enter into one or more public improvement contracts for the making of the improvement or one or more design-build contracts; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes real property and easements.

Section 1. That the Director of Capital Projects is authorized to apply for and accept state funding from the Ohio Department of Transportation (“ODOT”) for the following infrastructure preliminary alternative study and design and engineering services for the construction of a land bridge and other associated infrastructure to support project development: CUY 2-15.26 – Lakefront Pedestrian Bridge Connector to the Lakefront ~~(the “Project”)~~ component of the Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 5. That the Director of Capital Projects 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 for the Project ~~and for the Improvement described below, to~~ implement various public improvements necessary and appropriate to create safe vehicular, pedestrian and multi-modal connectivity between downtown Cleveland and the lakefront and to improve and/or construct roadways to safely convey all modes of transport and other services needed to implement the North Coast Connector Project aka the Lakefront Pedestrian Bridge Connector Project, including but not limited to construction of a non-vehicular bridge connecting Mall C to the Lakefront; the partial reassignment of State Route 2 between West 3rd Avenue and Interstate 90 from limited access to local access roadway; the reconfiguration of State Route 2; the addition of an intersection and roadway for the 18th Street extension; Port Road relocation; removal, installation and/or construction of all other improvements including, drainage upgrades, utility relocation; installation of curb, sidewalk, driveways, pedestrian, bicycle, and multi-modal paths/trails, traffic and pedestrian signaling, signage, markings, and all other appurtenances necessary for completion of the Project.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects 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 Capital Projects, and certified by the Director of Finance.

Section 5a. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public ~~improvement~~ improvements of the ~~Lakefront Pedestrian Bridge and other associated infrastructure~~ (“~~Improvement~~”) Project by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 5b. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvements comprising the Project with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 6. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property including but not limited to gift, fee simple acquisitions, temporary easements, and permanent easements and work agreements necessary to complete the Project. The consideration to be paid for the property and easements shall not exceed fair market value to be determined by the Board of Control.

Section 2. That the existing title and Sections 1, 5, 5a, 5b and 6 of Ordinance No. 683-2021, passed September 27, 2021, as amended by Ordinance No. 581-2024, passed June 3, 2024, are repealed.

Section 3. That Ordinance No. 683-2021, passed September 27, 2021, as amended by Ordinance No. 581-2024, passed June 3, 2024, is amended by adding new Section 5d to read as follows:

Section 5d. That, as an alternative to Sections 5a and 5b of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of designing and constructing one or more components of the Project, for the Office of Capital Projects, by one or more design-build contracts duly let to one or more persons, firms, or corporations or any combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the schedule, qualification of the proposed design professional and construction firm or firms, the community benefits offered, and the risks and the objectives of the particular public improvement and the Project.

The selection of the person, firm, or corporation to design and construct the Project shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Capital Projects after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for the Project. The contract or contracts authorized shall be prepared by the

Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

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 Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 745-2024

By Council Members: Hairston and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Economic Development to enter into one or more agreements with The Cleveland Foundation to establish, manage, and implement an endowment fund for the acquisition, aggregation and remediation of sites located throughout the City; and to enter into one or more amendments the Services Agreement No. PS 2023-0341 with the Cuyahoga County Land Reutilization Corporation and the Site Readiness for Good Jobs Fund to transfer funds from the Services Agreement and payment responsibilities to the Sites Fund and any other changes necessary to implement this ordinance.

WHEREAS, under Ordinance No. 487-2023, passed May 22, 2023, the Director of Economic Development entered into Services Agreement PS 2023-0341 (the “Service Agreement”) with the Cuyahoga County Land Reutilization Corporation, an Ohio non-profit community improvement corporation (the “Land Bank”), and the Site Readiness for Good Jobs Funds, an Ohio non-profit corporation (the “Sites Fund”), to acquire, aggregate, and remediate vacant, underutilized, and/or blighted land within the City’s municipal boundaries essential to revitalization and development of the City’s economy (the “Program”); and

WHEREAS, the City desires to enter into one or more agreements with The Cleveland Foundation to establish an endowment fund for the Program (the “Endowment Fund”) in an amount not to exceed \$50,000,000, to be paid from the remaining funds on the Service Agreement and other City funding; and

WHEREAS, the board of the Sites Fund unanimously passed Resolution 2024.007 at its June 13, 2024, meeting authorizing the Chairman of the Sites Fund board to enter into a memorandum of understanding with The Cleveland Foundation to establish the Endowment Fund; and

WHEREAS, the board of The Cleveland Foundation authorized the creation of the Endowment Fund at its June 27, 2024, meeting; and

WHEREAS, the Service Agreement will need to be amended to reflect these changes; 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 Codified Ordinances of the City of Cleveland, Ohio, 1976, the Director of Economic Development is authorized

to enter into one or more agreements with The Cleveland Foundation to establish the Endowment Fund.

Section 2. That the Director of Economic Development is authorized to enter into one or more amendments to the Services Agreement to provide that payments to the Land Bank will be made by the Sites Fund and to make any other changes necessary to implement this ordinance.

Section 3. That the agreement(s) and amendment(s) shall be prepared by the Director of Law and shall contain such terms and conditions as the Director of Law determines necessary to protect and benefit the public interest.

Section 4. That the cost of the agreement(s) authorized in Section 1 of this ordinance shall not exceed \$50,000,000 and shall be paid from the remaining funds on the Service Agreement and from other funds approved by the Director of Finance. (RQS 9501, RLA 2024-68)

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 Economic Development; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 746-2024

By Council Members: Hairston and Griffin (by departmental request)

An emergency ordinance to remove certain parcels of property from the Shore-to-Core-to-Shore TIF District created by Ordinance No. 38-2024, passed March 25, 2024, pursuant to 5709.40(B); to declare certain improvements to real property to be a public purpose and exempt from taxation pursuant to Section 5709.41 of the Revised Code for an initial period of thirty (30) years; to require the owners of the improvements to make service payments in lieu of the exempt taxes; to determine that the real property is in a blighted area of an impacted city; to determine that the owners of the improvements will make service payments in lieu of taxes in an amount that will exceed one million five hundred thousand dollars in a future year; to extend the exemption from taxation pursuant to Section 5709.51 of the Revised Code for an additional fifteen (15) year period; and authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Cleveland LD, LLC, and/or its designee, to redevelop Cleveland's riverfront.

WHEREAS, on November 3, 2023, the City of Cleveland (the "City") and Cleveland LD, LLC entered into a Master Development Agreement (the "Master Development Agreement") concerning, among other things, redevelopment of the Cuyahoga Riverfront area of Downtown Cleveland; and

WHEREAS, the Master Development Agreement contemplates that the City, subject to City Council approval, will create one or more tax increment financing districts pursuant to Section 5709.41 of the Ohio Revised Code (the "Bedrock .41 TIF") encompassing certain parcels of property, as depicted on the parcel list and map placed in File No. 746-2024-A and incorporated into this ordinance (the "Property" and each parcel thereof, as presently configured or as reconfigured in the future, a "Parcel" and collectively, the "Parcels"), owned by Cleveland LD, LLC or one or more of its affiliates or designees (the "Developer"); and

WHEREAS, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City and the real property is then leased or conveyed by the City; and

WHEREAS, under Ordinance No. 482-2024, passed June 3, 2024 (the "Chain of Title Ordinance"), the City has entered into the chain of title for each Parcel; and

WHEREAS, in accordance with the Master Development Agreement, City Council now desires to adopt this ordinance (the "Bedrock .41 TIF Ordinance") to declare Improvements (as defined below) to the Property to be a public purpose and exempt from taxation; and

WHEREAS, as contemplated in the Master Development Agreement, on March 25, 2024 City Council approved Ordinance No. 38-2024 (the “Shore-to-Core-to-Shore TIF District Legislation”), creating a TIF area pursuant to Section 5709.40(B) of the Ohio Revised Code to leverage growth in Cleveland’s Downtown and near west side (the “Shore-to-Core-to-Shore TIF District”) to provide for the funding of public infrastructure improvements that directly benefit the Shore-to-Core-to-Shore TIF District; and

WHEREAS, the Shore-to-Core-to-Shore TIF District currently includes certain of the Parcels, and the City now wishes to amend the Shore-to-Core-to-Shore TIF District Legislation to remove all Parcels identified on the parcel list and map placed in the above-mentioned file from the Shore-to-Core-to-Shore TIF District so those Parcels may be made part of this Bedrock .41 TIF Ordinance; and

WHEREAS, the Property is in a blighted area of an impacted city, as those terms are defined in Section 1728.01 of the Revised Code; and

WHEREAS, the Developer intends to develop the Property in furtherance of the City’s urban redevelopment activities in accordance with the Master Development Agreement; and

WHEREAS, under Section 5709.42 of the Revised Code, the City may require the owner of each Improvement to make annual Service Payments (as defined below) in an amount equal to the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation; and

WHEREAS, under Section 5709.41(C)(1) of the Revised Code, the exemption may exceed 75% of the Improvements for up to thirty (30) years without the approval of the Board of Education of the Cleveland Municipal School District (the “School District”) if the ordinance declaring the Improvements to be a public purpose specifies Service Payments shall be paid to the School District in the amount of taxes that would have been payable to the School District if the Improvements had not been exempted from taxation; and

WHEREAS, the School District has received notice as required by Section 5709.83 of the Revised Code; and

WHEREAS, pursuant to Section 5709.51 of the Revised Code, the City may extend the exemption from taxation for an additional period of not more than thirty (30) additional years, if the City determines that the owners of the Property will make Service Payments in an amount that will exceed one million five hundred thousand dollars in any future year, and if this ordinance provides that, during the additional period, the District will receive compensation equal in value to the amount of taxes that would be payable to the School District if the Improvements had not been exempted from taxation; and

WHEREAS, as contemplated in the Master Development Agreement, and in order to induce and enable the Developer to engage in the redevelopment of the Cuyahoga Riverfront area of Downtown Cleveland, including, without limitation, certain public infrastructure, (the “Project”), the City has determined that it is necessary and in the best interest of the City to enter into a Tax Increment Financing Agreement (the “TIF Agreement”) with the Developer, wherein the City agrees to pledge (a) the Service Payments authorized and required pursuant to this Bedrock .41 TIF Ordinance to the Developer to pay or reimburse costs of the Project and (b) a portion of the payments received by the City pursuant to the Shore-to-Core-to-Shore TIF District Legislation (the “District Service Payments”) to the Developer to pay or reimburse costs of public infrastructure improvements eligible for funding pursuant to the Shore-to-Core-to-Shore TIF District Legislation, and

WHEREAS, this ordinance constitutes an emergency ordinance providing for the immediate preservation of the public peace, property, health or safety for the reasons stated in the recitals and in order to facilitate the prompt undertaking of the Project and to begin the remediation of the blighted conditions in the Parcels; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Ordinance 38-2024, passed March 25, 2024, is hereby amended to remove all Parcels as identified in the above-mentioned file that are currently part of the Shore-to-Core-to-Shore TIF District from the Shore-to-Core-to-Shore TIF District to be made part of this Bedrock .41 TIF.

Section 2. That one hundred percent (100%) of the increase in the assessed value of the Property, on a parcel by parcel basis, subsequent to the acquisition of the Property by the City pursuant to the Chain of Title Ordinance (the “Improvements,” as defined in Section 5709.41(A)(2) of the Revised Code), including both Improvements used or to be used for residential purposes and Improvements used or to be used for non-residential purposes, is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing in tax year 2027 (the “Commencement Year”) and ending thirty (30) years after the Commencement Year (with such thirty (30) year period constituting the “Initial Term”), all in accordance with the requirements of Sections 5709.41 and 5709.42 of the Revised Code. The exemption provided by this ordinance is subordinate to any exemption for a Parcel granted pursuant to Sections 3735.65 et seq. or 5709.61 et seq. of the Revised Code.

Section 3. That, under Section 5709.42 of the Revised Code, the owners of the Improvements shall make service payments in lieu of the exempt taxes (“Service Payments”) to the Cuyahoga County Fiscal Officer or Treasurer, or to that official’s designee, and that the Service Payments shall be charged and collected in the same manner, and shall be in an amount not less than, the taxes that would have been paid had the Improvements not been exempt from taxation.

Section 4. That Council hereby determines that the City of Cleveland is an impacted City pursuant to Section 1728.01(C)(1); that over seventy percent (70%) of the Parcels

are blighted parcels as defined in Section 1.08 of the Ohio Revised Code, as set forth more particularly in an appendix placed in the above-mentioned file, which is hereby incorporated into this Ordinance, and in the blight study submitted by Developer; that the blighted Parcels substantially impair or arrest the sound growth of the state or a political subdivision of the state, retard the provision of housing accommodations, constitute an economic or social liability, or are a menace to the public health, safety, morals, or welfare in their present condition and use; and therefore that the Property is located in a blighted area of an impacted City pursuant to Section 1728.01 of the Ohio Revised Code, as incorporated into Section 5709.41 of the Ohio Revised Code.

Section 5. That Council hereby determines that the Service Payments to be made pursuant to Section 3 of this Ordinance and Section 5709.42 of the Revised Code will exceed one million five hundred thousand dollars in a future year.

Section 6. That the exemption from taxation provided in Section 2 of this Ordinance shall be extended, pursuant to Section 5709.51 of the Revised Code, for an additional period of fifteen (15) years commencing upon the conclusion of the Initial Term (the “Additional Term”), with the final tax year of exemption from taxation being tax year 2071, and that the owners of the Improvements shall continue make Service Payments pursuant to Section 3 of this Ordinance and Section 5709.42 of the Revised Code during the Additional Term.

Section 7. That the Cuyahoga County Fiscal Officer or Treasurer, or that official’s designee, is hereby directed during the Initial Term and the Additional Term to distribute to the School District a portion of the Service Payments in an amount equal to the taxes that would have been payable to the School District had the Improvements to that Parcel not been exempt from taxation.

Section 8. There is established the Riverfront Urban Redevelopment Tax Increment Equivalent Fund (the “Bedrock 41 TIF Fund”) into which shall be deposited Service Payments, along with any other payments with respect to each Improvement that are received in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “Property Tax Rollback Payments”). The Service Payments and Property Tax Rollback Payments shall be used for costs of urban redevelopment, including costs permitted by the TIF Agreement, or for other purposes as determined by the Director of Economic Development.

Section 9. The Director of Economic Development is authorized to enter into the TIF Agreement, which TIF Agreement shall provide for, among other things, the payment of or reimbursement to the Developer for the certain costs of (a) the Project from amounts deposited into the Bedrock 41 TIF Fund and (b) public infrastructure improvements eligible under the Shore-to-Core-to-Shore TIF District Legislation from District Service Payments. The amount of District Service Payments pledged to reimburse the Developer under the TIF Agreement shall not exceed 40% of the total District Service Payments

received by the City. The TIF Agreement authorized by this Ordinance shall be prepared by the Director of Law and approved and certified by the Director of Finance.

Section 10. Any obligations of the City pursuant to the TIF Agreement (the “City Obligations”) constitute a special obligation of the City and are payable solely from Service Payments, District Service Payments or Property Tax Rollback Payments received by the City and no other funds are pledged for the payment of the City Obligations. Neither the Developer nor any other beneficiary of the City Obligations have a right to have taxes levied for the payment of the City Obligations.

Section 11. That, pursuant to Section 5709.41(E) of the Revised Code, the Clerk of this Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Department of Development within fifteen days after its passage. On or before March 31st of each year that the exemption set forth in Section 2 hereof remains in effect, the Director of Economic Development shall prepare and submit, or cause to be prepared and submitted, to the Director of the Ohio Department of Development the status report required under Section 5709.41(E) of the Revised Code.

Section 12. That City officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all of the things as are necessary for and incidental to carrying out the provisions of this Ordinance.

Section 13. That this Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including ORC 121.22.

Section 14. That in order to facilitate the prompt undertaking of the Project and to begin the remediation of the blighted conditions in the Parcels and for the other reasons stated in the recitals, this Ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all 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 date permitted by law.

Referred to Directors of Economic Development; City Planning Commission; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

Ordinances and Resolutions

First Reading Emergency Ordinances Read in Full and Passed

An ordinance is a City law written and enacted by City Council. Ordinances govern the actions, responsibilities and tax dollars of residents, businesses, organizations, city departments and visitors in Cleveland. Ordinances can be written and passed to address issues about housing, safety, public services, employment, the City budget and economic development. Many ordinances authorize the City to spend money on contracts and projects that support the mission of the City of Cleveland.

Ordinances are effective 30 days after passage. Emergency ordinances take effect immediately upon the Mayor's signature or 10 days after passage.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading.

These ordinances were read for the first time on Wednesday, July 10, 2024, the rules were suspended, and the legislation was passed by an affirmative two-thirds vote of all members elected to Council.

Click on an ordinance below to read it:

[Ord. No. 699-2024](#)

[Ord. No. 747-2024](#)

[Ord. No. 700-2024](#)

[Ord. No. 787-2024](#)

[Ord. No. 720-2024](#)

[Ord. No. 788-2024](#)

[Ord. No. 721-2024](#)

[Ord. No. 790-2024](#)

[Ord. No. 722-2024](#)

Ordinance No. 699-2024**By Council Members:** McCormack

An emergency ordinance consenting and approving the issuance of a permit for the ASAE Convention 5K on August 11, 2024, managed by Hermes Sports & 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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the ASAE Convention 5K on August 11, 2024, managed by Hermes Sports & Events; START on Lakeside Avenue at Mall C; head west on Lakeside Avenue; turn right on West 3rd Street; turn right on Al Lerner Way; continue over East 9th Street, onto North Marginal Road; TURNAROUND; continue over East 9th Street, onto Al Lerner Way; turn left on West 3rd Street; turn left on Lakeside Avenue; FINISH on Lakeside Avenue at Mall C; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Ordinance No. 700-2024**By Council Members:** McCormack

An emergency ordinance consenting and approving the issuance of a permit for the Santos in Tremont 1 mile run, December 14, 2024, managed by Hermes Sports & 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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Santos in Tremont 1 mile run, December 14, 2024, managed by Hermes Sports & Events; START at The SouthSide, 2207 West 11th Street; head south on West 11th Street; turn left on Starkweather Avenue; turn left on Professor Avenue; FINISH at The SouthSide, 2207 West 11th Street; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Ordinance No. 720-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance to amend Section 5 of Ordinance No. 194-2021, passed March 29, 2021, as amended, relating to salaries 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 5 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 1281-2022, passed December 5, 2022, and Ordinance No. 338-2024, passed March 25, 2024, is amended to read as follows:

Section 5. Special Assistants to the Mayor, Secretaries to Directors of Departments, Secretary of the Civil Service Commission, Secretary to Director of Department of Port Control, Assistant Directors. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Classification	Minimum	Maximum
1	Special Assistant to the Mayor	31,866.00	147,183.39
2	Secretary to Directors of Departments	36,590.39	180,754.88
3	Secretary of the Civil Service Commission	31,866.00	126,147.04
4	Secretary to Director of Department of Port Control	41,312.22	187,511.24 <u>220,000.00</u>
5	Assistant Director	36,590.39	181,854.88
6	<u>Assistant Director of Port Control</u>	<u>31,866.00</u>	<u>215,000.00</u>

Section 2. That existing Section 5 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 1281-2022, passed December 5, 2022, and Ordinance No. 338-2024, passed March 25, 2024, 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.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 1.

Voting Yea: Bishop, Conwell, Gray, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: Hairston.

Absent: Griffin.

Ordinance No. 721-2024

By Council Members: Gray, Hairston and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Economic Development to enter into a forgivable loan agreement with SH SQ, LLC, or its designee, to provide economic development assistance to partially finance tenant improvements and equipment costs associated with retaining Dave's Supermarket in Shaker Square, and other associated costs necessary to redevelop the property.

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 a forgivable loan agreement with SH SQ, LLC, or its designee, to partially finance tenant improvements and equipment costs associated with retaining Dave's Supermarket in Shaker Square, and other associated costs necessary to redevelop the property.

Section 2. That the summary for the loan, **File No. 721-2024-A**, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be materially changed without additional legislative authority.

Section 3. That the Director of Economic Development is authorized to accept such collateral as the director determines is sufficient in order to secure repayment of the loan.

Section 4. That the Director of Economic Development is authorized to accept monies in repayment of the loan, if not forgiven, and to deposit the monies in Fund No. 17 SF 006.

Section 5. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 6. That the cost of any funding made under this ordinance shall not exceed \$250,000 and shall be paid from Fund Nos. 01-001-9997 and other funds approved by the Director of Finance. (RQS 9501, RL 2024-73).

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.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Ordinance No. 722-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance approving the collective bargaining agreement with the Cleveland Police Patrolmen's Association (C.P.P.A.) Investigative Research Unit; and to supplement Ordinance No. 194-2021, passed March 29, 2021, as amended, by adding new Section 59, 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 under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Cleveland Police Patrolmen's Association (C.P.P.A.) Investigative Research Unit, under the terms contained in File No. 722-2024-A ("Agreement") for the period from April 1, 2024 through March 31, 2025, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit to be implemented pursuant to the terms of the Agreement.

Section 2. That Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 248-2021, passed April 19, 2021, is supplemented by adding new Section 59 to read as follows:

Section 59. Cleveland Police Patrolmen's Association (C.P.P.A.) Investigative Research Unit. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<u>Minimum</u>	<u>Maximum</u>
1 Investigative Research Specialist	26.27	33.64

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.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Ordinance No. 747-2024

By Council Members: McCormack, Hairston and Griffin (by departmental request)

An emergency ordinance approving the addition of property located at 1301 East 9th Street to the Northeast Ohio Advanced Energy District; accepting and approving a petition and plan from a property owner in the District identifying a special energy improvement project; declaring it necessary to conduct the special energy improvement project; providing for the assessment of the cost of such special energy improvement project; authorizing the Director of Economic Development to enter into an Energy Project Cooperative Agreement and a Special Assessment Agreement to implement the project; and declaring an emergency.

WHEREAS, this Council adopted Resolution No. 1078-10 and passed Ordinance No. 1551-13, which authorized the City of Cleveland to establish and participate in the Northeast Ohio Advanced Energy District, formerly known as the Cleveland First-Suburbs Development Council Advanced Energy Special Improvement District (the “District”); and

WHEREAS, the District is an energy special improvement district formed under Chapter 1710 of the Ohio Revised Code (the “Revised Code”) and is authorized to levy assessments to pay costs for developing and implementing plans for public improvements and public services that benefit the special improvement district, including special energy improvement projects as defined in Chapter 1710 of the Revised Code; and

WHEREAS, Chapter 1710 of the Revised Code authorizes property owners to petition the City to add their property to the District and request the imposition of a special assessment on their property to support a special energy improvement project; and

WHEREAS, Erieview Tower Residential LLC (the “Owner”) is the owner of Permanent Parcel Nos. 101-34-324, 101-34-325, 101-34-326, 101-34-327, 101-34-328, 101-34-329, 101-34-330, 101-34-331, 101-34-332, 101-34-333, 101-34-334, 101-34-335, located at 1301 East 9th Street, Cleveland Ohio 44114 (the “Property”); and

WHEREAS, the Property constitutes one hundred percent of the property now proposed to be added to the District and the Owner has submitted a petition (the “Project Petition”) to the City and the District requesting that the Property be added to the District and that special assessments be placed upon the Property (the “Special Assessments”) to secure the Project Advance, as that term is defined in the Energy Project Cooperative Agreement (the “Cooperative Agreement”), from Peachtree Group (together with its affiliates, successors, or assigns, the “Lender”) to fund the special energy improvement project (the “Project”) further described in the plans and specifications (the “Project Plan”) attached to the Project Petition; and

WHEREAS, the District has reviewed and approved the Project Petition and the Project Plan and, under Section 1710.02(E) of the Revised Code, the Project Petition and the Project Plan are to be approved or disapproved by ordinance of this Council within sixty days of filing of the Project Petition with the City in accordance with Section 1710.02(E) of the Revised Code; 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 Project Petition and the Project Plan placed in **File No. 747-2024-A** are approved, and this Council consents to the addition of the Property to the District.

Section 2. That it is determined and declared necessary and conducive to the public health, convenience, and welfare of the City to conduct the Project as defined in the Project Plan for a 25-year period and that the Property will be specifically benefited by the Project and shall be assessed to pay for the costs of the Project, calculated according to the Cooperative Agreement.

Section 3. That the Project Plan placed in the above-mentioned file is approved with a maximum amount of Special Assessments of \$41,781,686.50 which is sufficient to pay the costs of the Project, including other related financing costs in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, which costs were set forth in the Petition and previously reported to Council and are now on file in the offices of the Clerk of Council and the Director of Finance and that the maximum Special Assessments are levied and assessed on the Property. The maximum interest portion of the Special Assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The Special Assessments are to be assessed against the Property commencing in tax year 2026 for collection in 2027 and shall continue through tax year 2050 for collection in 2051; provided, however, if the proceedings relating to the Special Assessments are completed at such time that the County Fiscal Officer of Cuyahoga County, Ohio determines that collections shall not commence in 2027, then the collection schedule may be deferred by one year. The semi-annual installment of the Special Assessments shall be collected in each calendar year equal to a maximum semi-annual amount of Special Assessments as shown in the Project Petition.

As requested in the Petition, the final aggregate amount of the Special Assessments may be in an amount less than the aggregate amount of \$41,781,686.50 if the final rate of interest for the financing for the Project is less than the assumed maximum rate of interest. If the rate of interest is less than the assumed maximum rate of interest such that the aggregate amount of Special Assessments necessary to repay the financing for the Project is less than the aggregate amount of \$41,781,686.50, the Owner and the provider of the financing shall certify a final schedule of Special Assessments to the City, which final schedule shall be certified to the County Fiscal Officer of Cuyahoga County, Ohio for collection.

All Special Assessments shall be certified by the Clerk of Council to the County Fiscal Officer pursuant to the Petition and Chapter 727.33 of the Revised Code to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Project Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Project Petition and the List of Special Assessments attached to the Project Petition.

Section 4. That no notes or bonds of the City of Cleveland shall be issued in anticipation of the levy or collection of the special assessments.

Section 5. That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council a list of Special Assessments under the provisions of this ordinance showing the amount of the Special Assessments against each lot or parcel of land to be assessed in accordance with the Project Petition and the Project Plan. When the Special Assessments have been filed, the Clerk of Council shall cause notice of the adoption of this ordinance and the filing of the estimated Special Assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed. The Commissioner of Assessments and Licenses and the Director of Finance are authorized and directed to deliver to the Cuyahoga County Fiscal Officer a certified copy of this Ordinance and any related certificate or cover page required by the Cuyahoga County Fiscal Officer for the certification of special assessments within 15 days after the passage of this Ordinance.

Section 6. That the Director of Economic Development is authorized, on behalf of the City, to negotiate and enter into the Cooperative Agreement and a Special Assessment Agreement to provide for the calculation, imposition, and payment of the Special Assessments.

Section 7. That any such agreements shall be prepared by the Director of Law.

Section 8. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees and the fees are appropriated to cover costs incurred in processing the Project Petition and servicing the Special Assessments. The fees shall be deposited to and expended from 17 SF 305, Loan Fees Fund.

Section 9. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 10. 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.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Ordinance No. 787-2024**By Council Members:** Spencer

An emergency ordinance authorizing the Director of the Department of Public Safety to enter into agreement with Northwest Neighborhoods Community Development Corporation for the Summer Safety Film Series 2024 through the use of Ward 15 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 Northwest Neighborhoods Community Development Corporation for the Summer Safety Film Series for a community expo promoting public safety in Ward 15 through the use of Ward 15 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$4,700.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

<u>Ward</u>	<u>Amount</u>	<u>Project Number</u>
Ward 15	\$4,700.00	G24668

Section 3. That the Law Department has reviewed and approved this proposal on July 9, 2024. The Department has reviewed and approved the proposal on July 8, 2024. Project shall begin as August 1, 2024.

Section 4. 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 5. 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 by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Ordinance No. 788-2024**By Council Members:** Gray

An emergency ordinance authorizing the Director of the Department of Economic Development to enter into agreement with Thynk Liquidation LLC and or designee for the Thynk Liquidation Bin Store renovation through the use of Ward 4 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 Economic Development is hereby authorized to enter into agreement with the Thynk Liquidation LLC and or designee for the Thynk Liquidation Bin Store for the public purpose of economic development and business renovation through the use of Wards 4 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

<u>Ward</u>	<u>Amount</u>	<u>Project Number</u>
Ward 4	\$5,000.00	G24666

Section 3. That the Law Department has reviewed and approved this proposal on July 9, 2024. The Department has reviewed and approved the proposal on June 3, 2024. Project shall begin as of July 1, 2024.

Section 4. 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 5. 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 by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Ordinance No. 790-2024**By Council Members:** Spencer

An emergency ordinance authorizing the Director of the Department of City Planning to enter into agreement with Northwest Neighborhoods Community Development Corporation for the West 65th Street Public Art Project through the use of Ward 15 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 City Planning is hereby authorized to enter into agreement with the Northwest Neighborhoods Community Development Corporation for West 65th Street Public Art Project for the public purpose of reimagining an art mural through the use of Ward 15 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$19,000.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

<u>Ward</u>	<u>Amount</u>	<u>Project Number</u>
Ward 15	\$19,000.00	G24669

Section 3. That the Law Department has reviewed and approved this proposal on July 9, 2024. The Department has reviewed and approved the proposal on July 9, 2024. Project shall begin as of June 1, 2024.

Section 4. 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 5. 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 by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Ordinances and Resolutions

First Reading Ordinances Referred

An ordinance is a City law written and enacted by City Council. Ordinances govern the actions, responsibilities and tax dollars of residents, businesses, organizations, city departments and visitors in Cleveland. Ordinances can be written and passed to address issues about housing, safety, public services, employment, the City budget and economic development. Many ordinances authorize the City to spend money on contracts and projects that support the mission of the City of Cleveland.

Ordinances are effective 30 days after passage. Emergency ordinances take effect immediately upon the Mayor's signature or 10 days after passage.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading.

If not passed under suspension after the first reading, the legislation is then sent to the appropriate City departments for review.

These ordinances were read for the first time on Wednesday, July 10, 2024, and referred to the appropriate City departments and Council Committees for review.

Click on an ordinance below to read it:

Ord. No. 791-2024

Ordinance No. 791-2024

By Council Members: Kelly and Hairston

An ordinance changing the zoning use of a parcel of land north of Madison Avenue between West 100th Street and West 101st Street from Local Retail to General Retail as identified on the attached map; and removing the Pedestrian Retail Overlay District designation for the same parcel of land (Map Change No. 2681).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Use District of lands bounded and described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being all of sublots 26, 27, 28, 29, 36 and 37 in the Jacob Mueller's Subdivision of part of Original Brooklyn Township Lot Nos. 9 and 12 as shown by the recorded plat in Volume 18 of Maps, Page 21 of Cuyahoga County Map Records and being further described as follows:

Beginning at a drill hole set marking the Westerly line of West 100th Street (48 feet wide) and the Northerly line of Madison Avenue (60 feet wide);

COURSE I: Thence South 89 degrees 25' 00" West, along the Northerly line of said Madison Avenue, 133.59 feet to a p.k. nail set;

COURSE II: Thence South 89 degrees 27' 30" West, along the Northerly line of said Madison Avenue, 98.86 feet to a 5/8" iron pin set at the Southwest corner of said Sublot 37;

COURSE III: Thence North 00 degrees 32' 30" West, along the Westerly line of said Sublot No. 37, 171.61 feet to the Northwest corner of said Sublot 37 (witness a stone monument with a drill hole found 0.09 feet South and 0.04 feet West);

COURSE IV: Thence North 87 degrees 29' 20" East, along the Northerly line of said Sublot 37, 57.38 feet to a 5/8" iron pin set in the Westerly curved cul-de-sac of Mueller Court (16 feet wide);

COURSE V: Thence along the Southwesterly curved line of said Mueller Court, being the arc of a curve deflecting to the right an arc distance of 62.51 feet to a 5/8" iron pin set at the Northwesterly corner of Sublot 26, said curve having a radius of 22.50 feet and a chord which bears South 82 degrees 05' 51" East, 44.26 feet;

COURSE VI: Thence North 87 degrees 29' 20" East, along the Southerly line of said Mueller Court, 125.50 feet to a p.k. nail set in a stone retaining wall and the West line of said West 100th Street;

COURSE VII: Thence South 02 degrees 30' 40" East, along the Westerly line of said West 100th Street, 171.40 feet to the Place of Beginning as surveyed and described in August 1998 by Joseph Gutoskey, P.S, 7567. Bearings used herein are to an assumed meridian and arc intended to indicate angles only.

The above described parcel is also known as being Parcel No. 1 in the Plat of Consolidation City of Cleveland-Cuyahoga County of part of Original Brooklyn Township Lots Nos. 9 and 12, as shown by the recorded plat in Volume 298 of Maps, Page 58 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

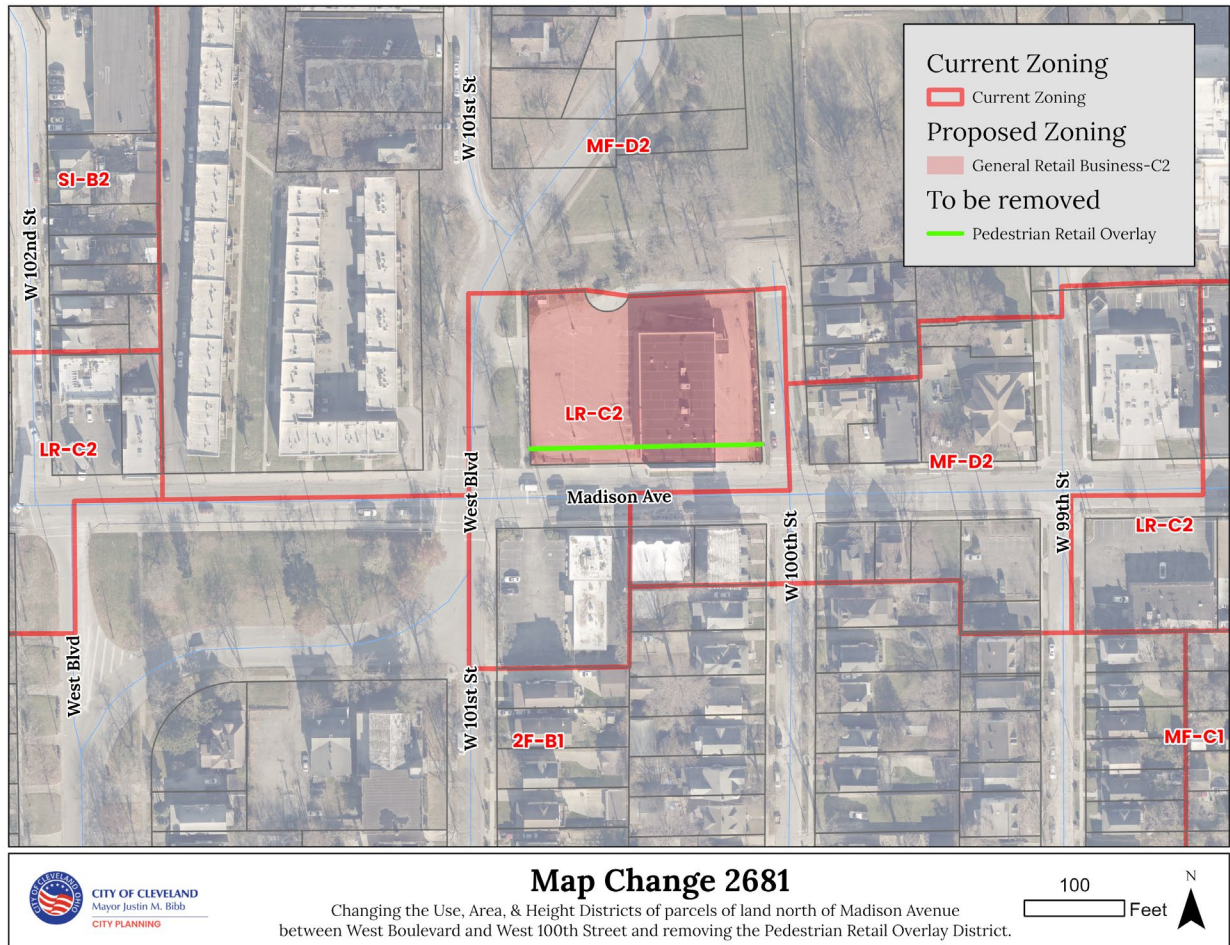
Assessor Parcel No.: 001-28-030

And as identified on the attached map shall be changed to a 'General Retail Business' District, and retain a 'C' Area District, and a '2' Height District.

Section 2. That the Pedestrian Retail Overlay District designation for the parcel of land described above and as outlined on the attached map is hereby removed from the Building Zone maps of the City of Cleveland.

Section 3. That the changed zoning of lands described in Section 1 and 2 shall be identified as Map Change No. 2681, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



**Referred to the Directors of City Planning Commission; and Law;
 Committee on Development Planning and Sustainability.**

Ordinances and Resolutions

First Reading Emergency Resolutions Read in Full and Adopted

A resolution is an informal enactment stating a decision or expressing the opinion of Council regarding a particular item of business, an event, issue or person.

Resolutions are effective 30 days after adoption. Emergency resolutions take effect immediately upon the Mayor's signature or 10 days after adoption.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading.

These resolutions were read for the first time on Wednesday, July 10, 2024, the rules were suspended, and the legislation was adopted by an affirmative two-thirds vote of all members elected to Council.

Click on a resolution below to read it:

[Res. No. 701-2024](#)

[Res. No. 705-2024](#)

[Res. No. 702-2024](#)

[Res. No. 706-2024](#)

[Res. No. 703-2024](#)

[Res. No. 749-2024](#)

[Res. No. 704-2024](#)

[Res. No. 789-2024](#)

Resolution No. 701-2024**By Council Members:** Polensek**An emergency resolution objecting to the renewal of a C1, C2 and D6 Liquor Permit at 15521 St. Clair Avenue.**

WHEREAS, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

WHEREAS, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

WHEREAS, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Council does hereby record its objection to the renewal of a C1, C2, and D6 Liquor Permit, Permit No. 0259640 owned by Aroosh, Inc. 15521 St. Clair Avenue, Cleveland, Ohio 44110, and requests the Superintendent of the Division of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Superintendent of the Division of Liquor Control.

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.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Resolution No. 702-2024**By Council Members:** Harsh**An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 4818-22 Memphis Avenue and patio.**

WHEREAS, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

WHEREAS, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

WHEREAS, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 3845983 owned by H I M, Inc., DBA Memphis Tavern, 4818-22 Memphis Avenue and patio, Cleveland, Ohio 44144, and requests the Superintendent of the Division of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Superintendent of the Division of Liquor Control.

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.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Resolution No. 703-2024**By Council Members:** Harsh**An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 5200 Memphis Avenue.**

WHEREAS, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

WHEREAS, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

WHEREAS, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit No. 88362900005 owned by Telstar, Inc., DBA Cameo Lounge, 5200 Memphis Avenue, Cleveland, Ohio 44144, and requests the Superintendent of the Division of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Superintendent of the Division of Liquor Control.

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.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Resolution No. 704-2024**By Council Members:** Polensek**An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 13933 St. Clair Avenue, 1st floor.**

WHEREAS, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

WHEREAS, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

WHEREAS, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 9606930 owned by Wilchris, Inc., DBA Christina's Lounge, 13933 St. Clair Avenue, 1st floor, Cleveland, Ohio 44110, and requests the Superintendent of the Division of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Superintendent of the Division of Liquor Control.

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.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Resolution No. 705-2024**By Council Members:** Gray

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 13709 Bartlett Avenue, and repealing Resolution No. 444-2024, objecting to said permit.

WHEREAS, this Council objected to a New C1 Liquor Permit at Bartlett Convenient, LLC, 13709 Bartlett Avenue, Cleveland, Ohio 44128, Permit No. 0491421, by Resolution No. 4444-2024 adopted by the Council on April 22, 2024; 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 New C1 Liquor Permit at Bartlett Convenient, LLC, 13709 Bartlett Avenue, Cleveland, Ohio 44128, Permit No. 0491421, by Resolution No. 444-2024 adopted by the Council on April 22, 2024; and 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 by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Resolution No. 706-2024**By Council Members:** Kazy

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 14606 Puritas Avenue, and repealing Resolution No. 1096-2023 objecting to said permit.

WHEREAS, this Council objected to a transfer of ownership of a C1 and C2 Liquor Permit to Joe 14606 Corp., DBA N & N Beverage, 14606 Puritas Avenue, Cleveland, Ohio 44135, Permit No. 4317007 by Resolution No. 1096-2023 adopted by the Council on September 25, 2023; 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 C1 and C2 Liquor Permit to Joe 14606 Corp., DBA N & N Beverage, 14606 Puritas Avenue, Cleveland, Ohio 44135, Permit No. 4317007 by Resolution No. 37-2020, 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 by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Resolution No. 749-2024

By Council Members: McCormack

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 4310-12 Clark Avenue, 1st floor and basement, and repealing Resolution No. 865-2023 objecting to said permit.

WHEREAS, this Council objected to the renewal of the D1, D2, D3 and D3A Liquor Permit, owned by E J Tavern, Inc., DBA Romeos, 4310-12 Clark Avenue, 1st floor and basement, Cleveland, Ohio, Permit No. 2389493, by Resolution No. 865-2023 adopted by the Council on August 16, 2023; 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 the D1, D2, D3 and D3A Liquor Permit, owned by E J Tavern, Inc., DBA Romeos, 4310-12 Clark Avenue, 1st floor and basement, Cleveland, Ohio, Permit No. 2389493, by Resolution No. 865-2023 containing such objection, be and the same is hereby repealed.

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 by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Resolution No. 789-2024**By Council Members:** Griffin**An emergency resolution appointing one member to the Civilian Police Review Board.**

WHEREAS, Section 115-2 of the Charter of the City of Cleveland, effective November 8, 2016, requires that Council appoint four members to the nine-member Civilian Police Review Board; and

WHEREAS, pursuant to Charter Section 115-2, Council requested and has reviewed applications to fill a recently vacated seat for a term ending August 8, 2024, and has selected from the applicants a member to the Board whose term begins immediately upon adoption of this Resolution; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, in that Council must fill one recently vacated seat on the Civilian Police Review Board so that it complies with its obligations under the Charter, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council hereby appoints Glenn Parker III to the Civilian Police Review Board for a term beginning on July 10, 2024, and ending on August 8, 2024.

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 by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 16. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 16. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin.

Ordinances and Resolutions

Second Reading Emergency Ordinances Passed

An ordinance is a City law written and enacted by City Council. Ordinances govern the actions, responsibilities and tax dollars of residents, businesses, organizations, city departments and visitors in Cleveland. Ordinances can be written and passed to address issues about housing, safety, public services, employment, the City budget and economic development. Many ordinances authorize the City to spend money on contracts and projects that support the mission of the City of Cleveland.

Ordinances are effective 30 days after passage. Emergency ordinances take effect immediately upon the Mayor's signature or 10 days after passage.

Under the Charter, legislation cannot be passed until it has been read on three separate days, unless this requirement is dispensed with by a two-thirds vote of the Council. This is known as passing legislation "under suspension." Ordinances may be passed under suspension after either the first or second reading. If not passed under suspension after the first reading, the legislation is then sent to the appropriate City departments for review.

After departmental review, the ordinance is returned to Council for consideration in a public hearing before the appropriate Council Committee(s). Council Members and City departments can recommend changes, or amendments, to the legislation during the hearing process. After the review is complete and any amendments have been made, the legislation is read a second time at a Council meeting. A second reading allows Council Members and the public to hear what changes have been made to the law. Amendments cannot be made after the second reading of the legislation.

These ordinances were read for the second time on Wednesday, July 10, 2024, the rules were suspended, and the legislation was passed by an affirmative two-thirds vote of all members elected to Council.

Click on an ordinance below to read it:

[Ord. No. 468-2024](#)

[Ord. No. 612-2024](#)

[Ord. No. 521-2024](#)

[Ord. No. 613-2024](#)

[Ord. No. 580-2024](#)

[Ord. No. 614-2024](#)

[Ord. No. 582-2024](#)

[Ord. No. 623-2024](#)

[Ord. No. 584-2024](#)

[Ord. No. 625-2024](#)

[Ord. No. 594-2024](#)

[Ord. No. 627-2024](#)

Ord. No. 629-2024

Ord. No. 645-2024

Ord. No. 632-2024

Ord. No. 662-2024

Ord. No. 634-2024

Ord. No. 663-2024

Ord. No. 640-2024

Ord. No. 664-2024

Ord. No. 641-2024

Ord. No. 665-2024

Ord. No. 642-2024

Ord. No. 666-2024

Ord. No. 643-2024

Ord. No. 667-2024

Ord. No. 644-2024

Ordinance No. 468-2024

By Council Members: McCormack and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts with AeroCloud System Inc., for the purpose of providing an automated airport gate scheduling and billing management software solution for the Common Use Airport Operations program, for the Department of Port Control, for a period of one-year, with five one-year options to renew, exercisable by the Director of Port Control.

Approved by the Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 521-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance to discontinue the Divisions of Recreation and Park Maintenance and Properties and the Office of Special Events and Marketing, by repealing various sections of Chapter 131, as amended and enacted by various ordinances; to amend Section 131.02 relating to the duties of the Director of Public Works; to create the Department of Parks and Recreation; to enact new Sections 133.01 to Sections 133.46; and to amend various other sections of the codified ordinances, as amended and enacted by various ordinances, relating to the foregoing changes.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 4, at reserved Sections 133.11 and 133.12, strike both Sections in their entirety and insert:

“Section 133.11 Division of Urban Forestry

There is established a Division of Urban Forestry in the Department of Parks and Recreation which shall be administered and controlled by a Commissioner of Urban Forestry and subject to the provisions of the Charter and ordinances of the City, and to the direction of the Director of Parks and Recreation.

Section 133.12 Duties of the Commissioner of Urban Forestry

The Commissioner of Urban Forestry shall, with the approval of the Director of Parks and Recreation, appoint all officers and employees in his or her division. The Commissioner of Urban Forestry shall control and manage the removal of dead and hazardous trees; prevent unsafe conditions relating to tree growth; trim trees for clearance of streetlights, traffic signals and signs, pedestrian and vehicular traffic, and building clearance; remove overgrown tree roots that cause raised sidewalks, and overgrown tree lawns; develop, coordinate, and implement the City’s tree canopy; and provide public information regarding the care of trees.”.

2. In Section 4, at new Section 133.40, lines 7 and 8, after “all aspects of” strike “the planting, maintenance, removal and disposal of trees,”.

3. In Section 5, line 3, before the legislative history for Section 163.04, insert the following:

“Section 161.05, as amended by Ordinance No. 1121-18, passed December 3, 2018,”;

in line 4, after the legislative history for Section 163.04, insert the following:

“Sections 341.05, 341.051, 341.052, 341.053, 352.05 and 352.06, as amended or enacted by Ordinance No. 1121-18, passed December 3, 2018.”;

and in line 8, after the legislative history for Section 447.02, insert the following:

“Sections 509.14, 509.99, 510.04 as amended by Ordinance No. 1121-18, passed December 3, 2018.”.

4. In Section 5, between before amended Section 163.04 insert the following new section:

“Section 161.05 Regulation of Environmental Changes; Certificate of Appropriateness

No person owning, renting or occupying property which has been designated a landmark or which is situated in a designated landmark district shall make any environmental change in such property unless a certificate of appropriateness has been previously issued by the Commission with respect to such environmental change. The following procedures shall apply to all alterations, demolitions, removals or constructions of such property in the City:

(a) Any application to the Department of Building and Housing for a building permit for an environmental change shall also be deemed an application for a certificate of appropriateness, and shall be forwarded to the Commission, together with copies of all detailed plans, designs, elevations, specifications and documents relating thereto, and, for any environmental change on one (1) or more acres of land, and for any environmental change to an apartment, townhome or condominium of four (4) or more units situated on any size parcel of land, a copy of a Tree Preservation Plan meeting the requirements set forth in Section 341.051, within seven (7) days after receipt of the application. An application for a certificate of appropriateness may be filed by the applicant directly with the Commission at the same time that an application for a building permit is filed or in lieu of filing for a building permit, if no building permit is required for the proposed environmental change. The Commissioner of ~~Park Maintenance and Properties~~ Urban Forestry or a designee shall review any Tree Preservation Plan and shall notify the Director of Building and Housing of approval or disapproval as set forth in Section 341.051. The general requirements of tree preservation in Section 341.052 shall apply to any person seeking to make an environmental change on one (1) or more acres of land, and to any person seeking to make an environmental change to an apartment, townhome or condominium of four (4) or more units situated on any size parcel of land.

(b) The Commission shall evaluate applications to determine whether or not the environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property and to determine whether or not the environmental change proposed by the applicant is consistent with the spirit and purposes of this chapter.

(1) In evaluating applications for alterations or construction of property, the Commission shall consider the following standards created by the U.S. Department of the Interior:

A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment;

B. The historic character of a property shall be retained and preserved. The removal of historic materials or alternation of features and spaces that characterize a property shall be avoided;

C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;

D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;

E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved;

F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;

H. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;

I. New additions, exterior, alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment; and

J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential

form and integrity of the historic property and its environment would be unimpaired.

(2) In evaluating applications for demolition or removal of property, the Commission shall consider the following standards:

A. The architectural and historic significance of the subject building or structure;

B. The significance of the building or structure in contributing to the architectural or historic character of its environs;

C. In the case of a request to move a building or other structure, the relationship between the location of the subject building or structure and its overall significance;

D. The present and potential economic viability of the subject building or structure, given its physical condition and marketability;

E. If the demolition will remedy conditions imminently dangerous to life, health, or property, as determined in writing by the Department of Building and Housing, the Division of Fire or the Department of Public Health; and

F. The appropriateness of the proposed new structure or use and its impact on the surrounding community.

(c) If the Commission finds that the environmental change proposed by the applicant will not adversely affect any significant historical or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this chapter, or will remedy conditions imminently dangerous to life, health or property, as determined in writing by the Department of Building and Housing or the Division of Fire or the Department of Public Health, then the Commission shall issue a certificate of appropriateness.

(d) If the Commission finds that the environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property or is inappropriate or inconsistent with the spirit and purposes of this chapter, the Commission may either deny the application or delay action on the application. Any decision to delay action on the application shall be by mutual agreement of the Commission and the applicant and shall be for a period not to exceed six (6) months. During the delay period, the Commission shall conduct further investigation with regard to the proposed environmental change, conduct negotiations with the applicant and any other party in an effort to find a means of preserving the property, or explore alternatives to the proposed environmental change. The Commission may also investigate the feasibility of all available ways and means of preserving the improvement, including without limitation, inducing by contract or other consideration the creation of covenants restricting the use of property, leasing and subleasing the

property for the purposes of preservation and acquiring by eminent domain or contract or conveyance all or any part of or interest in the property.

(e) At the end of the delay period, the Commission shall either approve or deny the application, or delay action. A decision to delay action, at the end of one (1) delay period, shall be by mutual agreement of the Commission and the applicant and shall be for a period not to exceed six (6) months. The Commission shall only agree to a second and final delay period if the Commission determines that this additional time period may be useful in securing an alternative to the proposed environmental change. At the end of the second and final delay period, the Commission shall either approve or deny the application for a certificate of appropriateness.

(f) Upon the issuance, denial or a delay in the issuance of a certificate of appropriateness, the Commission shall give written notices of the issuance, denial or delay in the issuance to the applicant and the Department of Building and Housing. The Commission shall provide written notice of the issuance, denial or delay in the issuance of a certificate of appropriateness to the applicant and the Department of Building and Housing within forty-five (45) days of the receipt by the Commission of an application from either the applicant or the Department of Building and Housing.

(g) If no action has been taken by the Commission on an application for a certificate of appropriateness to approve, deny or delay action within forty-five (45) days after such application has been received by the Commission, the certificate of appropriateness shall be deemed issued.”.

5. In Section 5, between amended Section 163.04 and 411.05, insert the following new sections:

Section 341.05 Administrative Procedures

The following procedures are established to govern the processing of applications for Building Permits subject to the regulations of this chapter.

(a) Contents of Application. In addition to meeting application requirements established in the Building Code and Zoning Code for Building Permit applications, applications governed by the provisions of this chapter shall include the following elements.

(1) Color photographs showing the subject property in the context of adjoining properties within two hundred fifty (250) lineal feet on either side of the subject property.

(2) Architectural drawings including elevation drawings and site plans for the construction or exterior alterations proposed, indicating design materials, colors, illumination, sign placement, and landscaping.

(3) In the case of a proposed demolition, a plan showing the proposed re-use of the property, including both interim and long-term reuse plans, if appropriate.

(4) Information indicating project elements that contribute to an environmentally sustainable development.

(5) A Tree Preservation Plan, if required, pursuant to this chapter.

(6) Other materials listed in guides that may be prepared by the staff of the City Planning Commission and provided to applicants.

(b) *Determination of Applicability and Transmittal to City Planning Director.* Upon receipt of an application for a Building Permit, the Director of Building and Housing shall use the standards of Section 341.02 to determine whether the proposed action is governed by the provisions of this chapter. If it is determined that the action is governed by these provisions, the Director of Building and Housing shall promptly transmit the application to the Director of the City Planning Commission.

(c) *Transmittal to Local Design Review Advisory Committee.* Upon receipt of a complete application, the City Planning Director shall promptly transmit the application for review and recommendation by the Local Design Review Advisory Committee, as established in Section 341.06. Other required City reviews may be conducted concurrently, as appropriate. In the case of an application for an action that the City Planning Director deems to have no significant impact on the design or appearance of the property, the Director may approve the application administratively without referral to the Local Design Review Advisory Committee.

(d) *Standards for Review.* An application received pursuant to the provisions of this chapter shall be reviewed in accordance with the design guidelines of Section 341.07 and any supplemental guidelines adopted by the City Planning Commission for a particular district. A Tree Preservation Plan received pursuant to this chapter shall be reviewed by the Commissioner of Urban Forestry ~~Park Maintenance and Properties~~ in accordance with Section 341.051.

(e) *Local Design Review Committee Meeting and Action.*

(1) *Meeting.* The City Planning Director shall inform the applicant of the time and location of the Local Design Review Advisory Committee meeting at which the application will be considered. That consideration shall take place at the next regularly scheduled meeting of the Committee occurring at least five (5) days after acceptance of a complete application by the City Planning Director.

(2) *Action.* The Local Design Review Advisory Committee shall recommend either approval, approval with modifications or conditions, or disapproval of the application. The Committee may choose to postpone action in order to permit the applicant to prepare revisions if the applicant agrees to such postponement. If the applicant does not agree to a postponement, the Committee shall take action on

the application at the meeting. The Committee shall provide a written record of its recommendation to the City Planning Commission.

(f) *City Planning Commission Meeting and Action.* After action by the Local Design Review Advisory Committee, or a failure to act at a meeting in accordance with the requirements of this section, the City Planning Director shall inform the applicant of the time and location of the City Planning Commission meeting at which the application will be considered. The City Planning Commission shall either approve or disapprove the application or approve the application with modifications or conditions. The Commission may choose to postpone action in order to permit the applicant to prepare revisions if the applicant agrees to such postponement. The Commission shall take action no later than forty-five (45) days after acceptance of a complete application by the City Planning Director unless the applicant has agreed to one (1) or more postponements, including agreed postponements in the Local Design Review Committee process.

(g) *Administrative Approval.* Pursuant to the "Rules of the City Planning Commission" regarding administrative approvals, the City Planning Director is authorized to act on behalf of the Commission in approving applications recommended for approval by the Local Design Review Advisory Committee and for applications that meet the standard stated in division (c) of this section. Use of the administrative approval procedure is not authorized in the case of applications for demolition or moving of buildings, other than for buildings that are deemed to be minor accessory structures. Generally, applications for development of new commercial or institutional buildings and for residential developments involving six (6) or more units shall not be approved without referral to the Local Design Review Advisory Committee and the City Planning Commission.

(h) *Exemptions.* No referral to the City Planning Commission or a Local Design Review Advisory Committee shall be required for projects approved under the City's Storefront Renovation Program. Such projects may be approved by the action of the City Planning Director subsequent to approval under the Storefront Renovation Program.

Section 341.051 Tree Preservation Plan Required

(a) For any development project that meets the criteria of Section 341.02 ("development project") and is situated on one (1) or more acres of land, and for apartment, townhome or condominium projects of four (4) or more units situated on any size parcel of land, a Tree Preservation Plan shall be submitted as part of the Building Permit application. The Tree Preservation Plan shall be approved by the Commissioner of Urban Forestry ~~Park Maintenance and Properties~~ ("Commissioner") or a designee before a Building Permit is issued. A Tree Preservation Plan is not required for single-family dwellings, two-family dwellings, and three-family dwellings or for any person, firm, or corporation demolishing a building or structure pursuant to a valid demolition permit issued under Chapter 3115 of this Code.

(b) The Tree Preservation Plan shall include: (1) the location, botanical name, dimension at breast height (DBH), and vertical height of all existing trees on the property; (2) the intent to preserve, relocate, or replace each tree; (3) measures to be taken to protect new and mature trees during construction, and to protect roots and soil during construction, following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time; and (4) any other information the Commissioner or a designee requires to determine compliance with this chapter. The Tree Preservation Plan shall be adhered to during all phases of construction on any development project for which a Tree Preservation Plan is required.

(c) The Commissioner or designee shall review all Tree Preservation Plans and notify the City Planning Director of approval or disapproval within thirty (30) business days of submittal of the Tree Preservation Plan. When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant. The notice shall specify the modifications, terms and conditions that are necessary for approval of the plan. The Commissioner or designee may make periodic inspections of trees within the development site to ensure compliance with this chapter. If the Commissioner does not approve or disapprove the Tree Preservation Plan within thirty (30) business days of its submittal, the Tree Preservation Plan is deemed approved.

Section 341.052 Tree Preservation General Requirements

The following are basic provisions for the preservation of private and public trees during construction of development projects on one (1) or more acres of land, for apartment, townhome or condominium projects of four (4) or more units situated on any size parcel of land, and for protecting public trees under Section 509.14.

(a) All trees with a DBH of over six (6) inches shall be preserved, maintained and protected during construction, a tree's roots shall be protected, and the size of the Tree Protection Zone shall be, in accordance with *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time.

(b) Trees on the property shall not be removed without prior written approval from the Commissioner of Urban Forestry ~~Park Maintenance and Properties~~ ("Commissioner") or a designee and only if one (1) or more of the following situations apply:

(1) The tree poses a risk. To verify that a risk exists, the City may require a tree risk assessment be performed by the Commissioner or designee or an International Society of Arboriculture (ISA) Certified Arborist with the ISA qualification.

(2) The tree is planted too close to an existing structure, such that it is either damaging or has the clear potential to damage the structure.

(3) The tree inhibits an infrastructure repair due to its proximity to the needed infrastructure repair. Trees should not be removed simply because a sidewalk is raised or cracked, unless it is determined that removal of the tree is necessary for the sidewalk repair.

(4) The tree has structural defects (e.g., split trunk, poor branch attachments), is damaged to the point that it cannot recover and grow properly, or that it will grow in a misshapen or unsightly manner that could result in failure.

(5) The tree is infested with an epidemic insect or disease where the recommended control is not applicable and removal is necessary to prevent transmission of the insect or disease to other trees. The City may require this condition to be verified by the Commissioner or designee or an ISA-Certified Arborist.

(6) The Commissioner or a designee determines that the removal of the tree is necessary to carry out construction in compliance with approved plans.

(c) A person, firm or corporation may appeal the decision whether to remove a tree under division (b) to the Commissioner within ten (10) business days of the date of the notice of the decision. The Commissioner shall have jurisdiction to affirm, reverse or modify the decision and shall do so within ten (10) days of the date of the appeal. A person aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

(d) A tree that is removed shall be replaced with a tree of appropriate species as selected by the Commissioner or designee and in a location where it will grow to replace the removed tree without posing the risks for which the tree was removed. Instead of replacing a tree removed pursuant to this section, a developer may pay the City the value of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication. All funds collected pursuant to this division shall be deposited in the Tree Preservation Fund established under Chapter 509 of the Codified Ordinances.

Section 341.053 Civil Penalties for Damaged Trees or Trees Removed Without Approval

(a) Any person, firm, or corporation required to submit a Tree Preservation Plan that damages a tree located in the development site, due to the failure to properly protect or maintain the tree during construction pursuant to Section 341.052, whether by negligence or otherwise, shall be charged one thousand dollars (\$1,000.00) per area of damage to the above ground portion of the tree. If the damage can be repaired or reduced following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time, the party responsible for the damage shall hire an ISA-Certified Arborist to repair or reduce the damage at the cost of the responsible

party. If the damage to the tree is adequately repaired by the ISA-Certified Arborist, in the discretion of the Commissioner of Urban Forestry ~~Park Maintenance and Properties~~ ("Commissioner") or designee, the Commissioner may waive the civil fine.

(b) Any person, firm, or corporation required to submit a Tree Preservation Plan that harms a tree within the development site by failing to properly protect the roots in violation of Section 341.052 or division (e) of Section 352.05, such that an ISA-Certified Arborist believes the tree will fall or decline and die within two (2) calendar years of the date of completion of construction, shall be charged the full value of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

(c) Any person, firm or corporation required to submit a Tree Preservation Plan that removes any tree located in the development site in violation of Section 341.052, shall be charged a civil fine of one thousand dollars (\$1,000.00) for each tree removed in addition to the full cost of any removed tree based on the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

(d) The Commissioner or a designee shall have the authority to charge the civil fines set forth in this section. All civil fines and costs collected pursuant to this section shall be deposited in the Tree Preservation Fund established under Chapter 509 of the Codified Ordinances.

(e) A person, firm or corporation required to submit a Tree Preservation Plan that receives a civil fine under this section may appeal to the Commissioner within ten (10) business days of the date of the notice of the civil fine. The Commissioner shall have jurisdiction to affirm, reverse, or modify the decision and shall do so within ten (10) days of the date of the appeal. A person aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

Section 352.05 Requirements for All Landscaped Areas

(a) *Permitted Forms of Screening.* Screening required in item 2 of the table contained in Section 352.11 and the Screen Barrier required in the table contained in Section 352.10 may take the form of:

(1) A landscaped earthen berm;

(2) A concrete or masonry wall;

(3) A wood, wrought iron, tubular steel, or similar decorative fence as approved by the Director of the City Planning Commission as compatible with the character of the area in which the fence is to be placed;

(4) A compact hedge or other live evergreen vegetative barrier; or

(5) A combination thereof.

Fences and walls used to meet screening requirements shall display a finished face toward adjacent streets and properties.

(b) *Types of Landscaping Materials.* As determined by the Commissioner of Park Maintenance and Properties, or the Commissioner of Urban Forestry, as appropriate, ("Commissioner") or a designee, or in accordance with standards promulgated by the appropriate Commissioner or designee, all varieties of living landscape materials used shall be:

(1) Healthy, hardy, and drought-resistant consistent with the availability of water for artificial irrigation; and

(2) Suitable for the climate and environmental influences on the site, such as exposure to sun, wind, water, heat, automobile exhaust fumes, and road salt; and

(3) Compatible with the slope of the site, with existing vegetation to be preserved and with utility lines above or below ground level; and

(4) Tree selection shall be based on recommended species in the Cleveland Tree Plan as it may be amended from time to time.

(c) *Ground Cover In Landscaped Strips.* Grass or other ground cover shall be planted over all landscaped strips including earthen faces of berms, except in areas planted in flowers, shrubs, or trees, so as to present a finished appearance and reasonably complete coverage within three (3) months after planting.

Non-living landscaping materials such as sand, stones, rocks, or barks may be substituted for living cover over a maximum of thirty percent (30%) of the landscaped area. No artificial plants or turf shall be used.

(d) *Preservation of Landscaping.*

(1) *Credit Toward Requirements.* The Director of Building and Housing, in consultation with the Commissioner of Park Maintenance or the Commissioner of Urban Forestry, as appropriate, or designee, shall credit healthy trees or shrubs existing on a site prior to development and proposed to be preserved toward the requirements of the table contained in Section 352.11.

Except as provided herein for bonus credits, each preserved tree or shrub meeting the applicable requirements of the table contained in Section 352.11 shall reduce by one (1) the number of new trees or shrubs required.

(2) Bonus Credit for Larger Trees. Larger preserved trees shall reduce the number of new trees required in the table contained in Section 352.11 as follows:

<u>Trunk Caliper of Existing Tree to be Preserved*</u>	<u>Reduction in Number of New Trees Required</u>
<u>8 - 16 inches</u>	<u>2 trees</u>
<u>Over 16 inches</u>	<u>3 trees</u>
<u>* Measured 4.5 feet above grade at base.</u>	

(e) Tree Protection During Construction. An applicant may claim a credit for preservation of existing trees and shrubs under division (d) of this section, and shall certify that all trees and shrubs for which a credit is claimed are currently healthy. An applicant shall adhere to the requirements of this section with respect to all trees on the site, including the trees for which the credit is claimed.

(1) Tree protection during construction, including bark and root protection, shall be according to Best Management Standards and ANSI Standards for Arboriculture as may be amended from time to time.

(2) Damage Mitigation. Despite following Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, significant damage has been done to the roots, the tree may need to be removed based on the assessment by the Commissioner of Urban Forestry or a designee. In this case, the owner shall replace the tree with a tree or trees of equal or greater diameter that are approved by the Commissioner of Urban Forestry or a designee, or the owner shall make payment to the City's Tree Preservation Fund for the replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

Tree limbs damaged during construction shall be addressed following Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time.

(3) Removal of Barriers. Protective fences and barriers around trees shall be removed only as the final stage of post-construction cleanup.

(f) Berming. Berms used for screening shall be a minimum of two (2) feet high at all points. The interior face of a berm may be retained by a wall, terrace, or other means acceptable to the Director of Building and Housing in lieu of taking the form of an earthen slope.

All earthen berm faces on which ground cover is not yet completely established shall be protected from erosion by a mulch and/or an erosion control net.

Slopes for earthen faces shall not exceed thirty- three percent (33%) if covered with grass and fifty percent (50%) if covered with other vegetative cover.

(g) *Curbing.* All landscaped strips located in or abutting parking areas shall be separated on all sides from the parking surface by curbing consisting of concrete, stone, brick, asphalt, or other material approved by the Director of Building and Housing as having comparable appearance and durability. Curbing shall be in good condition upon installation.

(h) *Other.* Other requirements shall be as specified in the table contained in Sections 352.11.

Section 352.06 Installation and Maintenance

(a) *Assurance of Installation.* Before issuing any Certificate of Occupancy for any application to which the provisions of this chapter apply, the Director of Building and Housing shall determine that either:

(1) Landscaping and screening required in this chapter have been fully installed;
or

(2) If seasonal or weather conditions or other factors preclude such installation at the time of application, that financial sureties have been submitted to guarantee installation within nine (9) months of the date of issuance of the certificate.

Financial sureties shall be in the form of a performance bond, letter of credit, cash or property escrow, or other form approved by the Director of Building and Housing. They shall be in the amount of one hundred ten percent (110%) of the estimated cost of the materials and their installation based on figures approved by the Commissioner of Park Maintenance and Properties ("Commissioner") Director of Parks and Recreation or a designee.

(b) *Installation Procedures.* All tree materials shall be installed in conformance with the most current procedures established by *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time. All other living landscaping materials shall be installed in conformance with the most current procedures established by the American Association of Nurserymen or its successor organization. A permanently-installed underground irrigation system shall be provided for a required landscape area if it is determined by the Commissioner of Urban Forestry or a designee that such irrigation is required for proper maintenance of the type of landscape materials proposed for installation.

(c) *Maintenance and Replacement.* The owner, occupant, tenant, and agent of each, if any, shall be jointly and severally responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required under this chapter so as

to preserve at least the same quantity, quality, and screening effectiveness as initially installed.

A preserved existing tree that dies or is destroyed shall be replaced by:

(1) A replacement tree or trees of equal or greater diameter approved by the Commissioner of Urban Forestry or a designee;

(2) The trees recommended in the Cleveland Tree Plan as it may be amended from time to time; or

(3) The owner may make payment into the City's Tree Preservation Fund for the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

All living and non-living landscaping, including fences, walls, and ornamental lighting, shall be maintained in a good condition at all times so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

Any unhealthy or dead vegetation shall be replaced with healthy living plantings no later than the end of the next applicable planting season.

(d) *Removal.* Installed landscaping and screening may not be removed except temporarily for replacement or maintenance unless the zoning of an abutting parcel is changed to a district that does not require a Transition Strip or unless any other condition that mandates landscaping or screening hereunder no longer applies to the property.”.

6. In Section 5, between amended Section 447.02 and 557.07, insert the following new sections:

“Section 509.14 Protecting Trees During Construction

(a) No person in charge of the erection, repair, alteration or removal of any building or structure within the City shall fail to properly preserve, maintain, and protect, pursuant to the general requirements of Section 341.052, public trees that are in the vicinity of the building or structure from damage that may be caused by or may be a result of the erection, repair, alteration or removal of the building or structure.

(b) No person in charge of the erection, repair, alteration or removal of any building or structure within the City shall remove any public tree in the vicinity of the building or structure without prior written approval of the Commissioner of Urban Forestry ~~Park Maintenance and Properties~~ or a designee and then only if one (1) or more of the situations under division (b) of Section 341.052 apply.

Section 509.99 Penalty

(a) Any person, firm or corporation which violates Sections 509.01, 509.05, 509.09, or 509.11 shall be fined not more than one hundred dollars (\$100.00) for each offense.

(b) Any person, firm or corporation which violates Sections 509.03, 509.06, 509.08, 509.12 or 509.13 shall be fined not more than five hundred dollars (\$500.00) for each offense.

(c) Any person, firm or corporation which violates Sections 509.02, 509.04 or 509.10 shall be fined not more than one thousand dollars (\$1,000.00) for each offense.

(d) Civil Penalties.

(1) Any person, firm, or corporation that fails to properly preserve, maintain, and protect a public tree during construction as required under division (a) of Section 509.14, shall be charged one thousand dollars (\$1,000.00) per area of damage to the roots or the above ground portion of the tree. If the damage can be repaired or reduced following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time, the party responsible for the damage shall hire an ISA-Certified Arborist to repair or reduce the damage at the cost of the responsible party. If the damage to the tree is adequately repaired by the ISA-Certified Arborist, in the discretion of the Commissioner of Urban Forestry ("Commissioner") or designee, the Commissioner may waive the civil fine.

(2) Any person, firm, or corporation that removes any public tree in violation of division (b) of Section 509.14 shall be charged a civil fine of one thousand dollars (\$1,000.00) for each tree removed in addition to the full cost of the removed tree based on the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

(3) ~~The Commissioner of Park Maintenance and Properties~~ ("Commissioner") or designee shall have the authority to charge the civil fines set forth in division (d) of this section. All civil fines collected pursuant to this division (d) shall be deposited in the Tree Preservation Fund.

(e) Every violation by the same person, firm or corporation of Sections 509.01 to 509.13 which continues on any day succeeding the first violation, constitutes an additional violation for each of such succeeding days.

(f) In addition to civil liability for the cost of any work performed by the Commissioner or designee, any person who fails to comply with an order of the Commissioner to trim,

preserve or remove any dead or diseased tree, or branch or limb of the dead or diseased tree, dangerous to person or property or to prevent the spread of disease to trees upon public property or streets within the time specified in the order shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both.

(g) A person, firm or corporation that receives a civil fine under division (d) of this section may appeal to the Commissioner within ten (10) business days of the date of the notice of the civil fine. The Commissioner shall have jurisdiction to affirm, reverse, or modify the decision and shall do so within ten (10) days of the date of the appeal. A person aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

Section 510.04 General Public Right-of-Way Use Regulations

(a) Public Right-of-Way Route. A completed initial and annual registration of a Service Provider to Occupy or Use the Public Right-of-Way under Sections 510.02 and 510.03 shall apply to only the types of Facilities and locations along the Public Right-of-Way that were identified by the Service Provider in the registration form.

(b) Nonexclusive Right to Occupy the Public Right-of-Way. Registration of a Service Provider granted under Sections 510.02 and 510.03 shall not confer any exclusive right, privilege, license or franchise to Occupy or Use the Public Right-of-Way of the City to operate a System for delivery of Services or any other purposes.

(c) Rights Permitted. Registration of a Service Provider under Sections 510.02 and 510.03 shall not convey any right, title or interest in the Public Right-of- Way.

(d) Maintenance of Facilities. Each Service Provider shall maintain its System and Facilities in good and safe condition and in a manner that complies with all applicable federal, State and local requirements.

(e) Safety Procedures. A Service Provider or other Person acting on its behalf shall use suitable barricades, flags, flaggers, lights, flares and other measures as necessary and under applicable State and local requirements for the safety of all members of the general public and to prevent injury or damage to any Person, vehicle or property by reason of the work in or affecting such Public Right-of-Way or property.

(f) Interference with the Public Rights-of-Way. No Service Provider may locate or maintain its Facilities so as to unreasonably interfere with the use of the Public Right-of-Way by the City, by the general public or by other Persons authorized to use or be present in or on the Public Right-of-Way. To the extent permitted by law, all Facilities shall be moved by the Service Provider, temporarily or permanently, as determined by the Director.

(g) Damage to Public and Private Property. No Service Provider nor any Person acting on the Service Provider's behalf shall take any action or permit any action to be done which may impair or damage any City Property, including trees, Public Right-of-Way, Other Ways or other public or private property located in, on or adjacent thereto.

(h) Restoration of Public Right-of-Way, Other Ways and City Property.

(1) When a Service Provider, or any Person acting on its behalf, does any work in or affecting any Public Right-of-Way, Other Ways or City Property, it shall, after the work is completed and at its own expense, promptly remove any obstructions and restore such ways or property, within ten (10) to sixty (60) days, at the Director's discretion, to as good a condition as existed before the work was undertaken, unless otherwise directed by the City.

(2) If weather or other conditions do not permit the complete restoration required by this section, the Service Provider shall temporarily restore the affected ways or property as directed by the Director, to the extent practical or feasible. Such temporary restoration shall be at the Service Provider's sole expense and the Service Provider shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent permanent restoration.

(i) Duty to Provide Information.

(1) Within ten (10) days of a written request from the Director each Service Provider shall furnish the City with documentation sufficient to show that the Service Provider has complied with all requirements of this chapter.

(2) Within ten (10) days of a written request from the Director, each Service Provider shall make available for inspection by the City at reasonable times all books, records, maps and other documents, maintained by the Service Provider with respect to its Facilities in the Public Right-of-Way.

(3) A Service Provider operating under a tariff issued by the PUCO shall cooperate with the City upon request of the Director for assistance with the "design ticket" process of the Ohio Utility Protection Service.

(j) Assignments or Transfers. Registration to Occupy or Use the Public Right-of-Way may be, directly or indirectly, transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the Service Provider, by operation of law or otherwise, without consent of the City, so long as:

(1) The City is notified of the proposed transfer on or before the date of transfer or upon approval of any jurisdictional agency, including the PUCO; and

(2) The transferee shall fully comply with this chapter within sixty (60) days of the transfer, including, but not limited to, providing:

A. All information required by the Registration to Occupy or Use the Public Right-of-Way under Sections 510.02 and 510.03; and

B. Any other information reasonably required by the Director.

(k) Transactions Affecting Assignments or Transfers. Any transactions that singularly or collectively result in a change of twenty-five percent (25%) or more of the ownership or ultimate working control of a Service Provider, of the ownership or working control of the Service Provider's Facility, or of control of the capacity or bandwidth of the Service Provider's System, Facilities or substantial parts of the Facility shall be considered an assignment or transfer under division (j) of this section. Transactions between Affiliated entities are not exempt from division (j) of this section.

(l) Revocation of Registration. To the extent permitted by law, a Service Provider's registration to Occupy or Use the Public Right-of-Way of the City may be revoked for any one (1) of the following reasons:

(1) Construction, Reconstruction, installation, location, operation or Excavation at an unauthorized location;

(2) Construction, Reconstruction, installation, location, operation or Excavation in violation of City safety and/or Construction requirements;

(3) Material misrepresentation or lack of candor by or on behalf of a Service Provider in any permit application or registration required by the City;

(4) Failure to relocate or remove Facilities, or failure to restore the Public Right-of-Way, as required by this chapter;

(5) Failure to pay fees, costs, taxes or compensation when and as due the City;

(6) Insolvency or bankruptcy of the Service Provider;

(7) Violation of material provisions of this chapter.

(m) Notice and Duty to Cure. In the event that the Director believes that grounds exist for revocation of a Service Provider's registration to Occupy or Use the Public Right-of-Way, the Director shall give the Service Provider written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the Service Provider a reasonable period of time not exceeding thirty (30) days to furnish evidence:

(1) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;

(2) That rebuts the alleged violation or noncompliance; and/or

(3) That it would be in the public interest to impose some penalty or sanction less than revocation.

(n) It is within the Director's reasonable discretion to waive a portion or portions of this chapter where the requirements, in the Director's judgment, are not necessary or appropriate to protect the City's interests and the purposes and intent of this chapter.

(o) Record Drawings. Within sixty (60) days after completion of Construction, registered Service Providers shall furnish the City with the following information for Facilities Constructed for the Service Provider in detail acceptable to the Director based on consultation with the Service Provider:

(1) The location, size, depth, grade, and route of any Underground Facilities, including proximity to other existing Facilities within the area excavated for the Construction;

(2) The location, height and route of any Overhead Facilities, including pole attachments;

(3) The location and position of any Above Ground Facilities and evidence of an AGF Installation Permit issued under Section 510.06 for the Facilities.

Information supplied under division (o) of this section shall be submitted in an electronic format which is available to the Service Provider and acceptable to the Director, or, if an acceptable electronic format is not available, on paper.

(p) Field Identification. Commencing on January 1, 2008, Service Providers shall field identify in a readily available location by means of a mark or tag in a manner, form and at such time as is acceptable to the Director in accordance with national and state standards and regulations, all new or replacement Facilities constructed or installed at the surface of the Public Right-of-Way and, in conjunction with Public Right-of-Way improvements constructed by the City, all existing Facilities owned by a Service Provider and located on the surface of the portion of the Public Right-of-Way to be improved by the City.

(q) Restoration of Improvements. On completion of any Construction work, registered Service Providers shall promptly repair any and all Public Rights-of-Way and provide property improvements, fixtures, structures and Facilities which were damaged during the course of Construction, restoring the same as nearly as practicable to its condition before the start of Construction.

(r) Trees in Public Right-of-Way; Cost of Replacement.

(1) In performing any Construction work that may impact trees with roots, trunk or branches within the Public Right-of-Way, the Service Provider shall follow

Best Management Standards and ANSI Standards for Arboriculture as may be amended from time to time.

(2) When tree roots must be affected by any Construction work within the Public Right-of-Way, the Service Provider shall submit specifications with the permit or construction plans and shall follow guidelines in Best Management Standards and ANSI Standards for Arboriculture as may be amended from time to time. The Commissioner of ~~Park Maintenance and Properties~~ Urban Forestry ("Commissioner") or a designee shall review and approve the specifications prior to commencement of Construction work.

(3) A Service Provider that damages a tree located in Public Right-of-Way, due to the failure to properly protect or maintain the tree during Construction as required under division (r)(1), whether by negligence or otherwise, shall be charged one thousand dollars (\$1,000.00) per area of damage to the roots or the above ground portion of the tree. If the damage can be repaired or reduced following Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, the Service Provider shall hire an ISA-Certified Arborist to repair or reduce the damage at the Service Provider's cost. If the damage to the tree is adequately repaired by the ISA-Certified Arborist, in the discretion of the Commissioner or designee, the Commissioner may waive the civil fine. The civil fines shall be deposited into the City's Tree Preservation Fund.

(4) Trees within the Public Right-of-Way may not be removed without prior consultation with the Commissioner or a designee. Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, shall be utilized when removing trees from the Public Right-of-Way. Compensation for trees removed in connection with Construction work performed by a Service Provider, based upon the replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication, shall be paid to the City's Tree Preservation Fund prior to completion of Construction work. A Service Provider shall not be required to compensate the City for trees removed at the City's request.

(5) The Commissioner or designee shall have the authority to charge the civil fines and replacement costs as set forth in this division. Civil fines under this section may be appealed to the Commissioner within ten (10) business days of the date of the notice of the civil fine. The Commissioner shall have jurisdiction to affirm, reverse or modify the decision and shall do so within ten (10) days of the date of the appeal. A Service Provider aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

(s)Landscape Restoration.

(1) All trees, landscaping and grounds removed, damaged or disturbed as a result of the Construction, Reconstruction, installation, maintenance, repair, replacement, or removal of Facilities must be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work as determined by the Commissioner or a designee, except to the extent that tree trimming is necessary to prevent the interference of tree branches with Overhead Facilities. Except in the case of emergency, trees within the Public Right-of-Way shall not be pruned without prior notice to the Commissioner or a designee. Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, shall be utilized when pruning trees in the Public Right-of-Way. Any Service Provider that fails to prune a tree using Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, such that the tree is damaged, as determined by the Commissioner or designee, shall be fined the full replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication, which shall be paid to the City's Tree Preservation Fund. If trees are damaged during Construction, Reconstruction, installation, maintenance, repair, replacement, or removal of Facilities, such that an ISA-Certified Arborist determines that the tree will fall or decline and die as a result of the damage, the Service Provider shall pay compensation to the City's Tree Preservation Fund based upon the replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication. If, in the opinion of the Commissioner or a designee, any trees cannot be replaced or restored in the same location, then either: (A) an equal number of trees, the type(s) of which shall be approved by the Commissioner or a designee, shall be planted in the Public Right-of-Way at a location or locations determined by the Commissioner or a designee; or (B) the Service Provider shall pay to the City's Tree Preservation Fund the replacement cost based on the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication, for an equal number of trees. The Commissioner or designee shall have the authority to charge the replacement cost as set forth in this division.

(2) All restoration work within the Public Right-of-Way shall be done under landscape plans approved by the Director.

(t) Responsibility of Owner. The owner of the Facilities to be Constructed, Reconstructed, installed, located, operated, maintained or repaired and, if different, the Service Provider, are responsible for performance of and compliance with all provisions of this section."

7. In Section 5, line 3, before the legislative history for Section 163.04, insert the following:

“Section 161.05, as amended by Ordinance No. 1121-18, passed December 3, 2018,”;

in line 4, after the legislative history for Section 163.04, insert the following:

“Sections 341.05, 341.051, 341.052, 341.053, 352.05 and 352.06, as amended or enacted by Ordinance No. 1121-18, passed December 3, 2018,”;

and in line 8, after the legislative history for Section 447.02, insert the following:

“Sections 509.14, 509.99, and 510.04, as amended by Ordinance No. 1121-18, passed December 3, 2018,”.

8. In Section 7, line 3, after “Divisions of” insert “Urban Forestry.”

Approved by the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 580-2024

By Council Members: Hairston and Griffin (by departmental request)

An emergency ordinance to amend Section 1 of Ordinance No. 671-2023, passed June 5, 2023, as amended, relating to authorizing the Director of Community Development to provide financial assistance to projects providing housing in the City of Cleveland.

Approved by the Directors of Community Development; Finance; and Law; Committee on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 582-2024

By Council Members: McCormack, Bishop and Hairston (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to BERGES, LLC to encroach into the public right-of-way of Follett Court by installing, using and maintaining a private sanitary sewer line and a private storm sewer line.

Approved by the Directors of Capital Projects; City Planning Commission; Finance; and Law; Committee on Municipal Services and Properties; and Development Planning and Sustainability.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 584-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants or one or more firms of consultants to perform various construction activities for roads, bridges and City facilities, not to exceed a total term of thirty months.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 1, line 7, after “management” insert a comma.

Approved by the Directors of Capital Projects; Finance; and Law; Committee on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 594-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to apply for and accept a grant from the United States Department of Transportation for the 2024 Safe Streets and Roads for All Grant; authorizing the Director of Capital Projects, or appropriate Director, to enter into contracts to implement the grant; determining the method of making the public improvement of constructing safety improvements on Lee Road, Lorain Avenue and East 93rd Street and through quick-build demonstration projects on Kinsman Road, Superior Avenue and Denison Avenue; authorizing contracts to make the improvement; to apply for and accept any gifts or grants from any public or private entity; authorizing the Commissioner of Purchases and Supplies to acquire, accept and record real property and easements that are necessary for the improvement; and authorizing other agreements.

Approved by the Directors of Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 612-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Works to execute one deed of permanent easement and two deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights at several City-owned properties located along Belvoir Boulevard within NEORSD's Nine Mile Creek Debris Rack Project area and declaring the easement rights not needed for the City's public use.

Approved by the Directors of Public Works; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 613-2024

By Council Members: Hairston and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Community Development and the Commissioner of Purchases and Supplies to enter into one or more agreements with Land Assembly for Neighborhood Development, Ltd., or its designee, providing for the option to purchase and sale of City owned property and to enter into one or more agreements with STA Realty, Inc., and Land Assembly for Neighborhood Development, Ltd., or their successors and assigns, providing for the purchase of certain real properties located primarily in the Upper Chester area of the Hough neighborhood.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the third whereas clause, line 2, in Section 1, line 7, and in Section 2, line 5, after “021-26-059,” insert “021-27-143,” in all places; and in the third whereas clause, line 3, in Section 1, line 8, and in Section 2, line 6, strike “113-07-035,” in all places.

Approved by the Directors of Community Development; City Planning Commission; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 614-2024**By Council Members:** Kelly

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Variety Properties, LLC or designee to provide economic development assistance to partially finance costs associated with renovating the vacant Variety Theater building.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 2, line 2, at the end, insert “(RQS 9501, RL 2024-72)”

Approved by the Directors of Economic Development; Finance; and Law; Committees on Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 623-2024

By Council Members: Conwell and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Department of Homeland Security for BioWatch Program; and authorizing the Director to enter into various written standard purchase and requirement contracts for courier services needed to transport BioWatch samples to the Ohio Department of Health for testing.

Approved by the Directors of Public Health; Finance; and Law; Committees on Health Human Services and the Arts; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 625-2024

By Council Members: McCormack and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. CT 3001 NF2014-005 with Aircraft Services International Inc., dba Menzies Aviation, for professional services to manage and operate an Airport-owned fuel storage and distribution facility known as the South Fuel Farm located at Cleveland Hopkins International Airport.

Approved by the Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 627-2024

By Council Members: McCormack and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Port Control to lease certain office space located at Burke Lakefront Airport to conduct business as an architectural and engineering firm, for a term of one year, with three one-year options to renew, exercisable by the Director of Port Control.

Approved by the Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 629-2024

By Council Members: McCormack and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. PS 2023-71 with AvAir Pros Services, Inc. for improving the in-line baggage handling system at Cleveland Hopkins International Airport.

Approved by the Directors of Port Control; Finance; and Law; Committees on Transportation and Mobility; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 632-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance to make additional appropriations of Twenty Four Million Two Hundred Thousand Dollars (\$24,200,000) to the General Fund.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. Insert new Section 2 to read as follows:

“Section 2. That additional legislative authority is necessary for any professional services contract entered into using the funds appropriated in this ordinance for the purposes of entering into contract with a Tax Incremental Financing (“TIF”) consultant and shall be a direct award with the consultant being named in the additional legislation.”.

2. Renumber existing Section 2 as new “Section 3”.

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 14. Nays 1.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer.

Voting Nay: Starr.

Absent: Griffin, Jones.

Ordinance No. 634-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the Director of Human Resources to employ one or more professional consultants to provide the professional services necessary to design, develop, and deliver a comprehensive training program for departmental staff performing Human Resources functions, for a term of one year with two one-year options to renew, exercisable by the Director of Human Resources.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 3, line 1, after “shall” insert “not exceed \$75,000 and shall”.

Approved by the Directors of Human Resources; Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 640-2024

By Council Members: Polensek and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Finance enter into various contracts for the Law Enforcement Records Management System, the Computer Aided Dispatch System, the Officer Intervention Program and to enter into various other contracts to implement this ordinance.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 11, line 3, strike “RL” and insert “RLA”.

Approved by the Directors of Public Safety; Finance; and Law; Committees on Safety; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 641-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance determining the method of making the public improvement of designing and constructing or constructing, rehabilitating, renovating, replacing or otherwise improving cemeteries, including site improvements and appurtenances, and the West Park Cemetery Gate House; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works or the Office of Capital Projects.

Approved by the Directors of Public Works; Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 642-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance determining the method of making the public improvement of designing and constructing or constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including site improvements and appurtenances; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works or the Office of Capital Projects.

Approved by the Directors of Public Works; Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 643-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance determining the method of making the public improvement of designing and constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, ancillary recreation buildings, parks and playgrounds, and other similar structures or amenities, on City-owned and City-leased park property, including site improvements and appurtenances; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works or the Office of Capital Projects.

Approved by the Directors of Public Works; Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 644-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance determining the method of making the public improvement of designing and constructing or constructing, rehabilitating, renovating, replacing or otherwise improving roadways, streets, bridges, sidewalks, and other similar projects, including site improvements and appurtenances; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works or the Office of Capital Projects.

Approved by the Directors of Public Works; Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 645-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants necessary for the Dominion East Ohio Gas Pipeline Infrastructure Replacement Program, for a period of one year with four one-year options to renew, exercisable by the Director of Capital Projects.

Approved by the Directors of Capital Projects; Finance; and Law; Committees on Municipal Services and Properties; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 662-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$1,250,000 for the purpose of providing funds to improve municipal cemetery facilities, buildings, structures and grounds and authorizing related matters.

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 663-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$11,000,000 for the purpose of providing funds to acquire heavy duty trucks and equipment for performing functions of the city's department of public works and department of public safety, including the division of fire, and authorizing related matters.

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 664-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$5,000,000 for the purpose of providing funds to acquire vehicles and equipment for performing functions of the city's departments, including the department of public works and department of public safety, and authorizing related matters.

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 665-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$9,250,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters.

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 666-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$15,000,000 for the purpose of providing funds to improve buildings and structures, and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare and for the provision of necessary fixtures, furnishings, equipment, technology, appurtenances, utilities, and site improvements for the purpose and authorizing related matters.

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinance No. 667-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$26,000,000 for the purpose of providing funds to improve the municipal street system and related facilities and authorizing related matters.

Approved by the Directors of Finance; and Law; Committee on Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Ordinances and Resolutions

Second Reading Emergency Resolutions Adopted

A resolution is an informal enactment stating a decision or expressing the opinion of Council regarding a particular item of business, an event, issue or person. Resolutions are used by Council to recognize dignitaries and community members and their accomplishments.

Resolutions are effective 30 days after adoption. Emergency resolutions take effect immediately upon the Mayor's signature or 10 days after adoption.

Typically, legislation cannot be adopted until it has been read on three separate days. However, this requirement is dispensed with a two-thirds vote by the Council, placing the legislation "under suspension." Once under suspension, the legislation can be adopted after the second reading.

These resolutions were read for the second time on Wednesday, July 10, 2024, the rules were suspended, and the legislation was adopted by an affirmative two-thirds vote of all members elected to Council.

Click on a resolution below to read it:

Res. No. 483-2024

Res. No. 619-2024

Resolution No. 483-2024

By Council Members: McCormack, Hairston and Griffin (by departmental request)

An emergency resolution providing for the reassessment of the cost of the services of the Ohio City – Cleveland Business Improvement District to correct an error in the benefitted parcel numbers; and declaring an emergency.

Approved by the Directors of City Planning Commission; Finance; and Law; Committees on Development Planning and Sustainability; and Finance Diversity Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Resolution No. 619-2024

By Council Members: Polensek, Bishop, Hairston and Griffin (by departmental request)

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to improving Euclid Beach Boulevard (entire street) and E. 159th Street (from Euclid Beach Boulevard to Lakeside Avenue) by design, inspection, reconstructing, repairing and/or installing of roadways, sidewalks, driveway aprons, curbs (including adjustments of castings and landscaping, if necessary), storm sewer, storm sewer structures, and other necessary appurtenances, if necessary, encroaching upon the public right-of-way.

Approved by the Directors of Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; Development Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

Motion by Council Member Hairston to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Harsh.

The rules were suspended. Yeas 15. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 15. Nays 0.

Voting Yea: Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Santana, Slife, Spencer, Starr.

Voting Nay: None.

Absent: Griffin, Jones.

Official Proceedings Adjournment City Council

Cleveland, Ohio
Wednesday, July 10, 2024

MOTION

On the motion of Council Member Hairston, the absence of Council Member Blaine A. Griffin is hereby authorized. Seconded by Council Member Harsh.

The Council Meeting adjourned at 7:24p.m. to meet at the call of the chair. The next meeting of Council will be on Wednesday, August 7, 2024, immediately following a Committee of the Whole meeting which begins at 9:00 a.m.



Patricia J. Britt
City Clerk, Clerk of Council

Council Committee Meetings

Wednesday, July 10, 2024

9:00 a.m.

Committee of the Whole

Present: McCormack, Chair; Bishop, Conwell, Gray, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, Polensek, Santana, Slife, Spencer, Starr

Authorized Absence: Griffin

Board of Control

Wednesday, July 3, 2024

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

Members Present: Mayor Bibb, Directors Griffin, Keane, Francis, Acting Director Laird, Directors Margolius, Hernandez, Cole, McNair, McNamara, Martin O'Toole

Absent: Directors Abonamah, Drummond

Others Present: James DeRosa, Director
Mayor's Office of Capital Projects

Tyson Mitchell, Director
Office of Equal Opportunity

Tiffany White Johnson, Commissioner
Division of Purchases & Supplies

Dennis Kramer, Bureau Manager of Planning & Engineering
Port Control

Janet Schiavoni, Labor Relations Assistant
Human Resources

Geraldine Butler, Chief Assistant Director of Law
Department of Law

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 3:08 p.m.

Vishnu Ganglani
Acting Secretary – Board of Control

Resolution No. 308-24

Adopted 7/03/24

By Director Abonamah

REQUIREMENT CONTRACT

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

Pennsylvania Steel Company Stark, Inc.,

for an estimated quantity of 2024-2027 Citywide Miscellaneous Sized-Steel, Group A (all items), Group B (all items), Group C (items 1-36 and items 38-58), Group D (all items), Group E (items 1-4 and items 6-10), Group F (items 2-16 and items 18-22), Group G (all items), Group H (all items), Group I (all items), Group J (all items), Group K (all items), Group L (items 1-10), Group M (items 1-2, 4-21, and 23), Group N (items 1-3, 5-8, and item 10), and Group O (all items), for the various divisions of the City government, Department of Finance, for a period of one year beginning with the date of execution of a contract, with two, one-year options to renew, received on June 20, 2024, under the authority of Ordinance No. 196-2024, passed by Cleveland City Council on March 4, 2024, which on the basis of the estimated quantity would amount to \$453,409.34, is affirmed and approved as the lowest and best bid, and the Director of Finance 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 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: Mayor Bibb, Directors Griffin, Keane, Francis, Acting Director Laird, Directors Margolius, Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Drummond

Resolution No. 309-24

Adopted 7/03/24

By Directors Abonamah & Drummond

WHEREAS, Resolution No. 422-22, adopted by this Board on October 12, 2022, under the authority of Section 181.102, Codified Ordinances of Cleveland, Ohio, 1976, fixed the compensation to be paid for professional software maintenance services, technical support, and software license renewal to be performed under agreement number CT PS2022-310 entered into with ZOLL Data Systems, Inc. ("ZOLL") on the basis of its June 28, 2022, and July 18, 2022 Quotes for a period of three years with two one-year options to renew, exercisable by the Directors of Finance and of Public Safety, at the unit price amounts stated in the Quotes. The contract amounts for the first year of the term are as follows:

Department of Finance:

Year 1: \$444,648.00

Department of Public Safety:

Year 1: \$202,865.80.

The contract amounts for the second and third years of the terms and any optional renewal years will be adjusted based on the prior year's billing for the Department of Finance and on the EMS Charts for the Department of Public Safety; and

WHEREAS, Resolution No. 480-22, adopted by this Board on November 16, 2022, amended Resolution No. 422-22 by increasing the Department of Public Safety contract amount for professional services by \$18,000 from \$202,865.80 to \$220,865.80; and

WHEREAS, Resolution No. 533-22, adopted by this Board on December 14, 2022, further amended Resolution No. 422-22 and Resolution No. 480-22 by replacing the reference to software license renewals with "ASP Services", by changing the prospective agreement term to five years, by providing that the contract amounts for each of term years two through five shall be adjusted according to ZOLL's June 28, 2022, and July 18, 2022 Quotes and to include \$13,500 for potential travel costs and expenses; and

WHEREAS, to obtain ZOLL hosting services for this system for the Department of Public Safety the total Department of Public Safety portion of the contract amount will increase by \$197,988.15 from \$1,032,328.98 to \$1,230,317.13 over the five-year term of the contract; now, therefore,

BE IT RESOLVED, by the Board of Control of the City of Cleveland that Board of Control Resolution No. 422-22 adopted on October 12, 2022, as amended by Resolution No. 480-22, adopted on November 16, 2022, and Resolution No. 533-22, adopted on December 14, 2022, is further amended by increasing the contract amount for the five-year term of the contract for the Department of Public Safety from \$1,032,328.98 to \$1,230,317.13.

BE IT FURTHER RESOLVED, that all other provisions of Resolution No. 422-22, as previously amended, not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Bibb, Directors Griffin, Keane, Francis, Acting Director Laird, Directors Margolius, Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Drummond

Resolution No. 310-24

Adopted 7/03/24

By Director Francis

**PUBLIC IMPROVEMENT
BY REQUIREMENT CONTRACT**

BE IT RESOLVED, by the BOARD OF CONTROL of the CITY OF CLEVELAND, under the authority of Ordinance No. 1026-2021, passed March 21, 2022, as amended by Ord. No. 569- 2022, passed July 13, 2022, that the bid of

Baumann Enterprises, Inc.,

for the public improvement of Labor and Materials necessary for Building Demolition, all items, for the Department of Port Control, various divisions,

for a period of two years, beginning with the date of execution of a contract, with two one-year options to renew, received on May 24, 2024, which on the basis of the estimated quantity would amount to \$3,988,777.00,

is affirmed and approved as the lowest responsible bid, and the Director of Port Control is requested to enter into a public improvement by **REQUIREMENT** contract for the improvement.

The public improvement by **REQUIREMENT** contract shall further provide that the Contractor will perform all the City's requirements for the work as may be ordered under delivery orders separately certified against the public improvement by **REQUIREMENT** contract, whether the same shall be more or less than the total estimate of work to be performed under the contract.

BE IT FURTHER RESOLVED by the BOARD of CONTROL that the employment of the following subcontractor by Baumann Enterprises, Inc. for the above-mentioned public improvement by requirement contract is approved:

<u>Subcontractor</u>	<u>Certification</u>	<u>Amount/Percentage</u>
Cleveland Environmental Services, Inc.	(CSB)	\$1,196,633.10 30.0%

Yeas: Mayor Bibb, Directors Griffin, Keane, Francis, Acting Director Laird, Directors Margolius, Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Drummond

Resolution No. 311-24

Adopted 7/03/24

By Director DeRosa

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under the authority of Ordinance No. 887-2019, passed by the Council of the City of Cleveland on August 21, 2019, FireWatch Design Studio LLC is selected upon the nomination of the Director of Capital Projects as the firm to be employed by contract to provide the professional services necessary for the design, fabrication, and installation of interpretive elements for Canal Basin Park related to the Ohio & Erie Canal and Towpath Trail.

BE IT FURTHER RESOLVED that the Director of Capital Projects is authorized to enter into a written contract with Fire Watch Design Studio LLC based upon their proposal, dated March 8, 2024, for a total cost not to exceed \$85,000.00, which contract shall be prepared by the Director of Law and shall provide for furnishing of professional services as stated in the proposal and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor Bibb, Directors Griffin, Keane, Francis, Acting Director Laird, Directors Margolius, Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Drummond

Resolution No. 312-24

Adopted 7/03/24

By Director Hernandez

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. 106-07-004 located at 1408 East 85th Street; 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, Clifton A. Bobo, II 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 7 has either 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 Clifton A. Bobo, II, for the sale and development of Permanent Parcel No. 106-07-004 located at 1408 East 85th Street, 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 parcels for uses according to the Program.

Yeas: Mayor Bibb, Directors Griffin, Keane, Francis, Acting Director Laird, Directors Margolius, Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Drummond

Resolution No. 313-24

Adopted 7/03/24

By Director Hernandez

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. 104-19-094 located on Whittier 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, Damita Davis and Juanita Davis have 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 7 has either 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 purchasers of the parcel are 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 Damita Davis and Juanita Davis, for the sale and development of Permanent Parcel No. 104-19-094 located on Whittier 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 parcels for uses according to the Program.

Yeas: Mayor Bibb, Directors Griffin, Keane, Francis, Acting Director Laird, Directors Margolius, Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Drummond

Resolution No. 314-24

Adopted 7/03/24

By Director Hernandez

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. 113-30-001 located at 17909 Delavan Road; 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, Joel Wayne Woods, 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 8 has either 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 Joel Wayne Woods, Sr., for the sale and development of Permanent Parcel No. 113-30-001 located at 17909 Delavan Road, 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 parcels for uses according to the Program.

Yeas: Mayor Bibb, Directors Griffin, Keane, Francis, Acting Director Laird, Directors Margolius, Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Drummond

Resolution No. 315-24
By Director Matthew Cole

Adopted 7/03/24

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under the authority of Ordinance 110-2024, passed by the Cleveland City Council on February 5, 2024, ConsultHR Partners, LLC is selected from a list of firms determined after a full and complete canvass by the Director of Human Resources, as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City, to provide Management Training & Performance Management Consultation Services.

BE IF FURTHER RESOLVED that the Director of Human Resources is authorized to enter into a contract with ConsultHR Partners, LLC based upon its proposal dated April 7, 2024, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal, for a fee not to exceed \$100,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor Bibb, Directors Griffin, Keane, Francis, Acting Director Laird, Directors Margolius, Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Drummond

Resolution No. 316-24

Adopted 7/03/24

By Director DeRosa

WHEREAS, under the authority of Ordinance No. 330-2023, passed by the Cleveland City Council on May 1, 2023, and Board of Control Resolution No. 517-23, adopted October 11, 2023, the City through the Director of Capital Projects entered into Contract No. PS2024-001 with Cold Harbor Building Company for the design-build services necessary for the construction of the Glenville Street Facility New Salt Dome; and

WHEREAS, Cold Harbor Building Company has proposed by its June 7, 2024 memo, to employ additional sub-contractors under Contract No. PS2024*001 to assist in completion of the remaining services under the contract; now, therefore,

BE IT RESOLVED by the Board of Control of the City of Cleveland that the employment of the following additional subcontractors by Cold Harbor Building Company under Contract No. PS2024*001 for the necessary construction of the Glenville Street Facility New Salt Dome, is approved:

<u>Subcontractor</u>	<u>CSB/MBE/FBE</u>	<u>Amount</u>
B&B Wrecking and Excavating	CSB/FBE/LPE	\$57,262.00
Ballast Construction dba Ballast Fence	CSB/FBE/LPE	\$12,628.55
Cook Paving & Construction Co.	MBE/FBE/LPE	\$175,000.00
KLE Construction Co.	MBE/LPE	\$88,000.00
Signature Electric, Inc.	CSB/LPE/FBE	\$52,411.00
Summit Painting, LLC	FBE/LPE	\$9,250.00
Phoenix Cement Contracting, Inc.	N/A	\$217,800.00
Bulk Storage, Inc.	N/A	\$227,995.00

Yeas: Mayor Bibb, Directors Griffin, Keane, Francis, Acting Director Laird, Directors Margolius, Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Drummond

Resolution No. 317-24

Adopted 7/03/24

By Director Hernandez

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. 006-07-027 located at 2082 West 73rd Street; 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 lease Land Reutilization Program parcels; and

WHEREAS, Northwest Neighbhoods CDC has proposed to the City to lease and operate the parcel for a pocket park; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 15 has either 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 lessee 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 a lease for a term of five years for and on behalf of the City of Cleveland with Northwest Neighborhoods CDC for the lease of Permanent Parcel No. 006-07-027 located at 2082 West 73rd Street, 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 lease of the parcel shall be a one-time fee of \$5.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Mayor Bibb, Directors Griffin, Keane, Francis, Acting Director Laird, Directors Margolius, Hernandez, Cole, McNair, McNamara, Martin O'Toole

Nays: None

Absent: Directors Abonamah, Drummond

Board of Control

Wednesday, July 10, 2024

The meeting of the Board of Control convened in the Mayor's Office on Wednesday, July 3, 2024, at 3:06 p.m. with Director Mark Griffin presiding.

Members Present: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Others Present: Tiffany White Johnson, Commissioner
Division of Purchases & Supplies

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

Jennifer Wiman, Contract Compliance Officer
Office of Equal Opportunity

Larry Jones II, Deputy Commissioner
Finance – ITS

Scott Loomis, Assistant Commissioner
Division of Printing and Reproduction

Tomasz Kacki, Paralegal
Law Department

On motions, the resolutions attached were adopted, except as may be otherwise noted. There being no further business, the meeting was adjourned at 3:15 p.m.

Jeffrey B. Marks
Secretary – Board of Control

Resolution No. 318-24

Adopted 7/10/24

By Director Abonamah

REQUIREMENT CONTRACT

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

W.B. Mason Co., Inc.

for an estimated quantity of Various Bulk Copy Paper and Envelopes, Items 1-4 and Item 7, for the Division of Printing and Reproduction, Department of Finance, for a period of one year beginning with the date of execution of a contract, with two, one-year options to renew, received on May 22, 2024, under the authority of Ordinance No. 1137-2023, passed by Cleveland City Council on October 9, 2023, which on the basis of the estimated quantity would amount to \$284,110.40 is affirmed and approved as the lowest and best bid, and the Director of Finance, 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 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 Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 319-24
By Director Abonamah

Adopted 7/10/24

REQUIREMENT CONTRACT

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

The Millcraft Paper Company

for an estimated quantity of Various Bulk Copy Paper and Envelopes, Items 5-6 and 8-12, for the Division of Printing and Reproduction, Department of Finance, for a period of one year beginning with the date of execution of a contract, with two, one-year options to renew, received on May 22, 2024, under the authority of Ordinance No. 1137-2023, passed by Cleveland City Council on October 9, 2023, which on the basis of the estimated quantity would amount to \$102,192.00 is affirmed and approved as the lowest and best bid, and the Director of Finance, 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 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 Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 320-24

Adopted 7/10/24

By Director Keane

REQUIREMENT CONTRACT

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

Professional Electric Products Company dba PEPCO,

except for such terms and conditions as are unacceptable to the Director of Law, for an estimated quantity of the purchase of High Voltage Switching Equipment, Base Bid-Group 6 (all items), Alt. Bid #1 - Groups 7 (all items) and 8 (all items), for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year 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, received on April 10, 2024, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$1,365,754.00, 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.

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 Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 321-24
By Director Keane

Adopted 7/10/24

REQUIREMENT CONTRACT

BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND that the bids received on April 10, 2024, for Purchase of High Voltage Switching Equipment, Groups 1 through 5 (all items) for the Division of Cleveland Public Power, Department of Public Utilities, under authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, be rejected.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 322-24

Adopted 7/10/24

By Director Keane

STANDARD PURCHASE CONTRACT

BE IT RESOLVED by the BOARD of CONTROL of the CITY of CLEVELAND that the bid of Professional Electric Products Company dba PEPCO for Purchase of Wood Poles (all items), for the Division of Cleveland Public Power, Department of Public Utilities, received on May 30, 2024, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the order quantities would amount to \$248,265.00 is approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into contract for the items.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 323-24

Adopted 7/10/24

By Director Drummond

WHEREAS, under the authority of Ordinance No. 1609-07, passed by the Cleveland City Council on October 15, 2007, the City of Cleveland, through the Director of Public Safety, entered into an agreement with New World Systems Corporation, City Contract No. 67608, for a period of one year with two options to renew for an additional one-year period, for maintenance and technical support services for the Law Enforcement Record Management System, for the Division of Police, Department of Public Safety; and

WHEREAS, under the authority of Section 181.102, Codified Ordinances of Cleveland, Ohio, 1976, the City, through the Director of Public Safety, entered into City Contract No. CT-6001-PS2011-214 with New World Systems Corporation to obtain the professional maintenance and technical support services necessary to maintain the Record Management System for the 18-month period for an amount fixed by Resolution No. 411-11, adopted by this Board on August 24, 2011; and

WHEREAS, by its January 6, 2016 letter, Tyler Technologies, Inc. ("Tyler") notified the City that Tyler had merged with New World Systems, effective November 16, 2015, that Tyler was the surviving entity, and that it assumed all rights and obligations of New World; and

WHEREAS, under the authority of Ordinance No. 152-16, passed by the Cleveland City Council on March 21, 2016, the City, through the Director of Public Safety, entered into a Third Amendment to City Contract No. CT-6001-PS-2011-214 with Tyler Technologies, Inc. fka New World Systems Corporation for the acquisition of software and professional services necessary to implement a Mobile Field Based Reporting module as part of an upgrade to the Law Enforcement Records Management System; and

WHEREAS, City Contract No. PS2011-214 prohibits the assignment of the contract without the prior written consent of the City; and

WHEREAS, under the authority of Ordinance No. 76-17, passed by the Cleveland City Council on February 6, 2017, the City of Cleveland, through the Director of Public Safety, entered into City Contract No. CT-6002-PS-2017-061, a Fourth Amendment to Contract No. PS2011-214 with Tyler to obtain additional software licenses for the Mobile Field-Based Reporting module of the Law Enforcement Records Management System; and

WHEREAS, division (d) of Section 181.102 C.O. authorizes a director to enter into an agreement with the software vendor for professional services necessary to implement or maintain the software, including but not limited to, maintenance, repair, upgrade, enhancements, and technical support; and

WHEREAS, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Tyler Technologies, Inc. to obtain the professional maintenance and

technical support services necessary to maintain the Record Management System and Mobile Field-Based Reporting Module for the period of 12 months beginning July 1, 2024, for an amount not to exceed \$609,836.08 and for the period of 12 months; now, therefore,

BE IT RESOLVED by the Board of Control of the City of Cleveland that under division (e) of Section 181.102 C.O., the compensation to be paid for the maintenance and technical support services to be performed under the above-mentioned prospective agreement with Tyler Technologies, Inc. is fixed at an amount not to exceed \$609,836.08.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 324-24

Adopted 7/10/24

By Director Drummond

BE IT RESOLVED, by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 791-2023 passed by the Council of the City of Cleveland on August 16, 2023, A VI-SPL 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 provide professional services to replace the existing AudioNisual system in the Emergency Operations Center for Department of Public Safety, Office of Emergency Management.

BE IT FURTHER RESOLVED, that the Director of Public Safety is authorized to enter into a contract with AVI-SPL LLC, based upon its January 26, 2024 price quote proposal, which contract shall be prepared by the Director of Law, shall provide for rendering the above mentioned professional services, hardware, software configuration, subscription licenses and maintenance as described in the price quote proposal, for an amount not to exceed \$815,385.97, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 325-24

Adopted 7/10/24

By Directors Williams & DeRosa

WHEREAS, under the authority of Ordinance No. 403-2024, passed May 20, 2024, by the Council of the City of Cleveland, by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey various non-exclusive easement interests found and determined to be not needed for the City's public use and more fully described in the ordinance, at or under several City-owned properties which are located at Harvard Garage, Morgana Run Trail, Dolloff Road Municipal Parking Lot, and vacant property at East 65th Street and Bessemer Avenue, to the Northeast Ohio Regional Sewer District ("NEORS"), for its Southerly Tunnel & Consolidation Project, at a price of \$32,700.00 and other valuable consideration, which is determined to be fair market value; now, therefore,

BE IT RESOLVED by the Board of Control of the City of Cleveland that under authority of Ordinance No. 403-2024, passed May 20, 2024, by the Cleveland City Council, the Commissioner of Purchases and Supplies is directed to convey to the NEORS, various non-exclusive easement interests found and determined to be not needed for the City's public use and more fully described in the ordinance, at or under several City-owned properties which are located at Harvard Garage, Morgana Run Trail, Dolloff Road Municipal Parking Lot, and vacant property at East 65th Street and Bessemer Avenue.

BE IT FURTHER RESOLVED that the Directors of Public Works or Capital Projects, as appropriate, are requested to execute and deliver the official deeds of permanent and temporary easements, which documents shall contain such additional terms and provisions as the Director of Law shall determine are necessary to protect the City's interests.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 326-24

Adopted 7/10/24

By Director Williams

REQUIREMENT CONTRACT

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

Car Parts Warehouse dba Clark Auto Parts

for an estimated quantity of various automotive and light truck parts, all items, for the Division of 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 options to renew, received on April 4, 2024, under the authority of Section No. 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$668,000.00 (2% Net 30), 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 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 Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 327-24

Adopted 7/10/24

By Director Williams

REQUIREMENT CONTRACT

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

The Touch of Teele's Cleaning and Detail, LLC.
for the cart retrieval for disposal, for the Division of Waste Collections, Department of Public Works, for a period of one year, beginning with the date of execution of a contract, received on February 26, 2024, under the authority of Ordinance No. 351-2022, passed by Cleveland City Council on May 16, 2022, which on the basis of the estimated quantity would amount to \$297,500.00, is affirmed and approved as the 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 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 Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 328-24

Adopted 7/10/24

By Director Hernandez

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. 107-15-091 located on East 86th Street; 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, Montez Bonner 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 7 has either 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 Montez Bonner, for the sale and development of Permanent Parcel No. 107-15-091 located on East 86th Street, 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 parcels for uses according to the Program.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 329-24

Adopted 7/10/24

By Director Hernandez

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. 124-26-004 located at 7007 Colfax Road; 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, Dawone Burns has proposed to the City to purchase and develop the parcel for Side Yard Expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 5 has either 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 Dawone Burns, for the sale and development of Permanent Parcel No. 124-26-004 located at 7007 Colfax Road, 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 parcels for uses according to the Program.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 330-24

Adopted 7/10/24

By Director Hernandez

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. 016-10-118 located at 3248 West 52nd Street; 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, Robert E. Davis, Jr. 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 14 has either 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 Robert E. Davis, Jr., for the sale and development of Permanent Parcel No. 016-10-118 located at 3248 West 52nd Street, 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 parcels for uses according to the Program.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 331-24

Adopted 7/10/24

By Director Hernandez

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. 007-24-077 located at 3011 Wade 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, Harmony Harper has proposed to the City to purchase and develop the parcel for Side Yard Expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 14 has either 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 Harmony Harper, for the sale and development of Permanent Parcel No. 007-24-077 located at 3011 Wade 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 parcels for uses according to the Program.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 332-24

Adopted 7/10/24

By Director Hernandez

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. 130-20-123 located at 3455 East 117th Street; 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, Heroes Supporting Heroes 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 2 has either 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 Heroes Supporting Heroes, for the sale and development of Permanent Parcel No. 130-20-123 located at 3455 East 117th Street, 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 parcels for uses according to the Program.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 333-24

Adopted 7/10/24

By Director Hernandez

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. 016-19-041 located at 3476 West 50th Street; 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, Maribel Latorre 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 14 has either 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 Maribel Latorre, for the sale and development of Permanent Parcel No. 016-19-041 located at 3476 West 50th Street, 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 parcels for uses according to the Program.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 334-24

Adopted 7/10/24

By Director Hernandez

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. 104-16-098 located at 1429 East 57th, Street; 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, Maulley K-9 L.L.C. 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 7 has either 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 Maulley K-9 L.L.C., for the sale and development of Permanent Parcel No. 104-16-098 located at 1429 East 57th Street, 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 parcels for uses according to the Program.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 335-24

Adopted 7/10/24

By Director Hernandez

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. 137-01-084 located at 3536 East 117th Street; 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, Cecil W. Price 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 2 has either 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 Cecil W. Price, for the sale and development of Permanent Parcel No. 137-01-084 located at 3536 East 117th Street, 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 parcels for uses according to the Program.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Resolution No. 336-24

Adopted 7/10/24

By Director Hernandez

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. 137-01-086 located at 3542 East 117th Street; 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, Cecil W. Price 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 2 has either 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 Cecil W. Price, for the sale and development of Permanent Parcel No. 137-01-086 located at 3542 East 117th Street, 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 \$3,062.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Directors Griffin, Abonamah, Keane, Francis, Acting Director Laird, Director Drummond, Acting Director Wackers, Directors McNamara, Martin-O'Toole

Nays: None

Absent: Mayor Bibb, Directors Margolius, Cole, McNair

Civil Service

PUBLIC NOTICE

– PLEASE BE ADVISED –

The Civil Service Commission meetings will be conducted as a virtual meeting as well as broadcast live in accordance with Ohio's Open Meetings Laws and Section 101.021 of the Codified Ordinances of Cleveland, Ohio, 1976.

The public may observe this meeting on YouTube Live:
<https://www.youtube.com/@civilservicecommission3048>.

Friday, July 12, 2024

Friday, July 26, 2024

at 8:30 a.m.

Civil Service Commission

President: Pastor Gregory E. Jordan

Vice President: Michael Flickinger

Secretary: India Pierce Lee

Member: Cyrus Patton

General Counsel: Patty Aston

Staff

Rachon Long, Executive Director

Leeanne Guzman – Assistant to the Executive Director

Lila Abrams- Fitzpatrick – Administrative Manager

Chanine Scott-Chapman – Assistant Administrator

Daryl Eatman– Chief Examiner

Anthony Hinton - Examiner Supervisor

Teala Harris – Project Coordinator

Lanese Sims – Examiner III

Christopher Smith – Examiner III

Tamica Johnson-Tanner – Examiner II

Darrick McDaniel, Recruitment and Development

PUBLIC NOTICE**– PLEASE BE ADVISED –****Rule amendment to be heard at the Public Meeting on July 26, 2024****15.10 Authorized**

The Commission shall have power to change, amend, revoke or modify these rules, or any rule herein or any part thereof, by a majority vote of the Commission provided one week of notice of such proposed change, together with the text of the proposal shall be given by publication in the City Record and by posting on the bulletin board in the office of the Commission.

Current**4.50 Establishing Answer Key and Review of Examination Papers**

Commencing with the day following the administration of the written part of the examination, the questions and answers thereto which the Commission proposes to use in grading the examination shall be available to applicants in such examinations in the office of the Commission for a period of five (5) working days. During this five (5) day period any competitor who desires to challenge any answer contained in the tentative answer key shall submit such challenge in writing together with authoritative proof of his/her claim. All such written challenges shall be considered by the Commission provided, however, that the identity of the applicants submitting the challenge shall not be known to the Commission. If the Commission is satisfied as to the validity of such proposed changes and/or amendments they shall be made part of the examination answer key. The original examination answer key together with any changes and/or amendments thereto shall constitute the final examination answer key. No further requests for changes and/or amendments to the examination answer key shall be entertained by the Commission.

Only the final examination answer key shall be used in scoring all examination papers. Any applicant shall have the right to review his/her own graded examination papers and to submit written requests for correction of clerical errors in their grading during five (5) working days following the applicant's notification by mail of his/her grade. The five (5) day period shall be considered to begin on the day following the day on which such notices are placed in the United States Mail by the Commission. Thereafter, no applicant may be permitted to examine his/her graded examination papers or to submit a request for change in the grading thereof except with unanimous approval of the Commission. Examination papers are not subject to inspection by the public except upon unanimous vote of the Commission. The Civil Service Commission reserves the right to allow the review of examinations and/or answer sheets as stated in the examination announcement.

Revised**4.50 Appeal of Examination Questions and Answers**

Following any written examination, questions and answers used for grading will be available to applicants upon written request for three (3) working days. Applicants may make written challenge to answers believed to be incorrect with supporting evidence within this period, after which no further modification or amendments will be accepted. Requests for modification will be reviewed by the Commission while keeping the applicant's identity anonymous. If the Commission determines a change to the answer key is appropriate, valid changes will be incorporated into the final answer key.

Only the final answer key will be used for scoring. Applicants can request to review their graded examinations and request corrections of clerical errors within three (3) working days of grade notification, starting from the day following the day that notifications are issued. Grade notification may be made by email, US Mail, or any other method deemed appropriate by the Commission. Clerical errors shall be corrected by Commission staff upon the Commission's approval. After this period, further review or grade change requests require unanimous Commission approval. Examination materials are not subject to public inspection without a unanimous Commission vote.

PUBLIC NOTICE
– PLEASE BE ADVISED –

Civil Service Commission meetings are held on the second and fourth Fridays of the month at 8:30 a.m. Each of these meetings will be conducted as a virtual meeting as well as broadcast live in accordance with Ohio's Open Meetings Laws and Section 101.021 of the Codified Ordinances of Cleveland, Ohio, 1976.

The tentative Agenda for July 12, 2024, is as follows:

Civil Service Commission Meeting Agenda

1. Roll Call
2. Accepting of today's Agenda.
3. Approval of the Minutes from IMMEDIATE PAST Commission Meeting.
4. Approval of the Routine Matters.
5. Rejection of applicants (5-day no appeal) for the classification(s) of:
 - a. TBD
6. Approval of the Final Eligible Lists for the classification(s) of:
 - a. TBD
7. Consideration of the following bulletins:
 - a. TBD
8. Such other matters as may properly come before the Commission

A copy of the final Agenda for this Meeting will be posted inside the Civil Service Commission Office in Cleveland City Hall, 601 Lakeside Avenue, Room 119 (1st Floor), Cleveland, Ohio, 44114, no later than 8:00 am the Thursday before the Meeting.

The public may observe this meeting on YouTube,
<https://www.youtube.com/@civilservicecommission3048>.

Future Civil Service Commission Meetings that begin at 8:30 a.m.:

Friday, July 26, 2024

Friday, August 09, 2024

Friday, August 23, 2024

Civil Service Commission

President: Pastor Gregory E. Jordan

Vice President: Michael Flickinger

Secretary: India Pierce Lee

Member: Cyrus Patton

General Counsel: Patty Aston

Staff

Rachon Long, Executive Director

Leeanne Guzman – Assistant to the Executive Director

Lila Abrams- Fitzpatrick – Administrative Manager
Chanine Scott-Chapman – Assistant Administrator
Daryl Eatman– Chief Examiner
Anthony Hinton- Examiner Supervisor
Teala Harris – Project Coordinator
Lanese Sims – Examiner III
Christopher Smith – Examiner III
Tamica Johnson-Tanner – Examiner II
Darrick McDaniel, Recruitment and Development

Schedule of the Board of Zoning Appeals

Monday, July 22, 2024
9:30 a.m.

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

Calendar No. 24-099: 2649 East 110th Street
Ward 6 – Blaine Griffin

Urban Hts. LLC, owners, proposes to change of use from a mixed use to four dwelling units in a B1 Two-Family Zoning District. The owner appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03, which states an Apartment Building is not permitted; first permitted in Multi-Family District (337.08).
2. Section 355.04, which states that four parking spaces are required (one per residential dwelling unit); none proposed.

Calendar No. 24-100: 12200 St. Clair Avenue
Ward 10 – Anthony Hairston

New Step LLC, owner, proposes to establish use as a convenient store in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Division (a) of Section 357.04, which states that a 5-foot specific setback is required, and approximately 2 feet are proposed.
2. Section 337.17, which states that where driveways are required to provide accessibility to the parking spaces, they shall have an unobstructed width of at least 20 feet; proposed driveway is less than 20 feet, making vehicles back out onto sidewalk.
3. Sections 352.8 through 352.10, which states that a 6-foot-wide landscape strip is require along Eddy Rd. between street and parking lot; none provided.

Calendar No. 24-102: 12000 Lorain Avenue
Ward 16 – Brain Kazy

Westside Rentals LLC, owners, proposes to establish a tattoo shop in a C2 Local Retail Business District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.11, which states that tattooing is first permitted in General Retail Business District; all such uses subject to the regulations of Section 347.12.

2. Division (b)(1) of Section 347.12, which states that no such use (tattooing) 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.

Calendar No. 24-103: Bernard Chambers' Appeal from the decision of the Cleveland Landmarks Commission

Bernard Chambers, owner, 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 the decision of the Cleveland Landmarks Commission in Landmark's Commission Case Number 24-026 regarding alterations to 6114 West Clinton Avenue.

Report of the Board of Zoning Appeals

Monday, June 17, 2024

At the meeting of the Board of Zoning Appeals on Monday, June 17, 2024, the following appeals were scheduled for hearing before the Board and;

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 Lenacrave 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.

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

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

The following appeals were **DISMISSED**:

Calendar No. 24-085: 1721 Denison Avenue

David Johnston proposed to erect a 6-foot-tall wooden fence in a B1 Multi-Family Residential.

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

The following cases were **POSTPONED**:

Calendar No. 24-068: Charles Williams Appeal of Commissioner of Assessments and Licenses Denial of Tow Truck Driver License

Postponed to June 24, 2024.

Calendar No. 24-080: 1509 East 123rd Street

Muav LLC. Postponed to July 1, 2024.

No Board of Zoning Appeals cases were ratified on June 17, 2024.

Report of the Board of Zoning Appeals

Monday, July 8, 2024

At the meeting of the Board of Zoning Appeals on Monday, July 8, 2024, the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED**:

Calendar No. 24-075: 4098 Rocky River Drive

Rocky River Rental Property, Ltd, owners, proposes to establish use as a Tattoo Studio a C1 Residence-Office District.

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

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 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. 24-087: Chad Kusa

2489 Professor Street. July 29, 2024.

Calendar No. 24-091: Leo Annorize

1305 West 91st Street. August 12, 2024.

The following cases were heard by the Board of Zoning Appeals on Monday July 1, 2024, and the decisions were adopted and approved on Monday, July 8, 2024:

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.

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/>