

The City Record

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Official Proceedings City Council

Cleveland, Ohio
Monday, February 10, 2025

The meeting of the Council was called to order at 7:05 p.m. with the President of Council, Blaine A. Griffin, in the Chair.

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

Also present were: Mayor Bibb; Chiefs Epstein, Griffin, Pomerantz, Pryor-Jones, Teeuwen, Thomas, Wernet; Directors Cole, Crowe, DeRosa, Drummond, Hernandez, Keane, Martin O'Toole, McNair, McNamara, Mitchell, Nichols, O'Keeffe, Shute-Woodson, Williams.

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

Communications

From Ohio Division of Liquor Control

File No. 175-2025

#65215090600. New License Application, C2. Ohio Springs, Inc., 6200 Brookpark Rd. (Ward 13). Received.

File No. 183-2025

#01630200005. Stock Transfer Application, D5A D6. American Hospitality Management, Inc., 6955 Euclid Ave. (Ward 7). Received.

File No. 184-2025

#7982100. Transfer of Ownership Application, C1. 7900 K & M Mart, Inc., 7900 Kinsman Rd. (Ward 5). Received.

File No. 185-2025

#02974110005. Transfer of Ownership Application, C2 C2X D6. Ashapura Krupa LLC, 4282 West 130th St. (Ward 16). Received.

Appointments

File No. 205-2025

From Mayor's Appointment Chair Kris Harsh. Recommending the appointment of Hazel Gutierrez Remesch to the Fair Housing Board to a term ending December 1, 2027, pursuant to Section 665.05 of the Codified Ordinances of Cleveland, Ohio.

On the motion of Council Member Polensek, this appointment is approved, seconded by Council Member Bishop. Yeas: 15. Nays: 0.

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

Voting Nay: None.

Absent: Santana, Spencer

File No. 206-2025

From Mayor's Appointment Chair Kris Harsh. Recommending the appointment of Jennifer A. Johns to the Cleveland Lead Safe Advisory Board to a four-year term, pursuant to division (a) of Section 365.07 of the Codified Ordinances of Cleveland, Ohio.

On the motion of Council Member Polensek, this appointment is approved, seconded by Council Member Bishop. Yeas: 15. Nays: 0.

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

Voting Nay: None.

Absent: Santana, Spencer

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:

Howse-Jones, Griffin, Conwell, Jones, Polensek, Bishop and Gray	Res. No. 190-2025	Gerald Henley
Conwell	Res. No. 192-2025	Otis Goodrum
Kazy and Griffin	Res. No. 198-2025	Joseph Sadie
Griffin	Res. No. 200-2025	Susan “Sue” Doerfer
Jones	Res. No. 201-2025	Pastor Ronald A. Lee
Griffin	Res. No. 202-2025	Thomas N. Sack
Griffin	Res. No. 208-2025	Moses Garner
Jones, Griffin and Conwell	Res. No. 209-2025	Ronald Lee
Jones, Conwell and Griffin	Res. No. 210-2025	Zeddie Coley

Resolutions of Congratulations

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

Griffin	Res. No. 203-2025	Javert “Jaye” Haynes
Harsh	Res. No. 204-2025	Lynn Scheerhorn

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 Monday, February 10, 2025, and referred to the appropriate City departments and Council Committees for review.

Click on an ordinance below to read it:

[Ord. No. 176-2025](#)

[Ord. No. 177-2025](#)

[Ord. No. 178-2025](#)

[Ord. No. 186-2025](#)

[Ord. No. 187-2025](#)

Ordinance No. 176-2025

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

An emergency ordinance authorizing the Director of Public Works to enter into an amendment to Contract No. MA1505-RC 2022-32 with Lorain County Landfill, LLC, to add additional services for the handling and disposal of solid waste loads.

WHEREAS, under the authority of Ordinance No. 477-2021, passed July 14, 2021, the Director of Public Works entered into Contract No. MA1505-RC 2022-32 with Lorain County Landfill, LLC, for the transfer and disposal of solid waste for the Division of Waste Collection and Disposal in the Department of Public Works; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operations 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 Contract No. MA1505-RC 2022-32 with Lorain County Landfill, LLC, to authorize the handling and disposal of municipal solid waste loads that have a radioactive signature at an additional cost of \$1,300.00 per load, as needed. All other terms and conditions of this contract shall remain the same.

Section 2. That the amendment to the above-referenced contract shall be prepared by the Director of Law.

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

Ordinance No. 177-2025**By Council Member:** Griffin (by departmental request)

An emergency ordinance to amend Section 50 of Ordinance No. 194-2021, passed March 29, 2021, as amended, relating to compensation for various classifications.

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

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

Section 1. That Section 50 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 243-2021, passed April 19, 2021, Ordinance No. 494-2022, passed June 6, 2022, Ordinance No. 1061-2022, passed November 7, 2022, and Ordinance No. 506-2023, passed May 8, 2023, is amended to read as follows:

Section 50. Municipal Court Employees. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Classification	Minimum	Maximum
1	Deputy Bailiff	31,200.00	75,169.82 86,445.29
2	Deputy Bailiff Accounts Coordinator	46,492.00	93,910.80 107,997.42
3	Deputy Bailiff Administrative Assistant I	34,167.00	65,830.45 75,705.02
4	Deputy Bailiff Administrative Assistant II	39,167.00	87,228.14 100,312.36
5	Deputy Bailiff Administrative Assistant III	48,750.00	93,910.80 107,997.42
6	Deputy Bailiff Administrative Bailiff	31,200.00	52,182.00 60,009.30
7	Deputy Bailiff Alcohol & Drug Treatment Coordinator/Drug Court Case Manager	48,750.00	93,928.81 108,018.13
8	Deputy Bailiff Assistant Chief of Security	48,750.00	93,928.81 108,018.13
9	Deputy Bailiff Assistant Jury Commissioner	44,167.00	84,295.09 96,939.35
10	Deputy Bailiff Business Process Analyst	55,000.00	123,386.40 141,894.36
11	Deputy Bailiff Central Scheduler	31,200.00	69,932.82 80,422.74
12	Deputy Bailiff Chief Bailiff	42,000.00	123,632.78 142,177.70
13	Deputy Bailiff Chief Court Reporter	52,500.00	101,154.12 116,327.24
14	Deputy Bailiff Chief Deputy Bailiff	58,333.00	112,393.44

			129,252.46
15	Deputy Bailiff Chief Magistrate	71,667.00	138,083.38 158,744.14
16	Deputy Bailiff Chief of Security	48,750.00	101,728.75 116,988.06
17	Deputy Bailiff Chief Probation Officer	58,333.00	123,632.78 142,177.70
18	Deputy Bailiff Chief Social Worker	48,750.00	108,093.60 124,307.64
19	Deputy Bailiff Clerical Staff	31,200.00	69,932.82 80,422.74
20	Deputy Bailiff Clerk Typist	31,200.00	66,078.46 75,990.23
21	Deputy Bailiff Clerk Typist Supervisor	39,167.00	75,464.17 86,783.80
22	Deputy Bailiff Community Court Coordinator	34,035.00	80,516.53 92,594.01
23	Deputy Bailiff Computer Specialist	42,492.00	93,910.80 107,997.42
24	Deputy Bailiff Court Administrator	79,167.00	152,533.97 175,414.07
25	Deputy Bailiff Court Interpreter II	45,493.00	81,547.31 94,159.26
26	Deputy Bailiff Court Interpreter Coordinator	50,213.00	77,680.62 100,984.81
27	Deputy Bailiff Court Operations Manager	64,167.00	123,632.00 142,176.80
28	Deputy Bailiff Court Reporter	36,509.00	81,877.62 94,159.26
29	Deputy Bailiff Database Administrator II	52,500.00	115,252.26 132,540.10
30	Deputy Bailiff Data Processor I	31,200.00	52,182.67 60,010.07
31	Deputy Bailiff Deputy Chief Court Reporter	48,750.00	93,928.81 108,018.13
32	Deputy Bailiff Deputy Chief Probation Officer	55,000.00	123,386.40 141,894.36
33	Deputy Bailiff Deputy Court Administrator	71,667.00	138,083.38 158,795.89
34	Deputy Bailiff Deputy Director Central Scheduling	48,750.00	93,928.81 108,018.13
35	Deputy Bailiff Deputy Director Information Technology	64,167.00	127,064.03 146,123.63
36	Deputy Bailiff Deputy Pretrial Services Director	48,750.00	93,928.00 108,017.20
37	Deputy Bailiff Director Central Scheduling	52,500.00	123,125.74 141,594.60
38	Deputy Bailiff Director Information Technology	71,667.00	146,535.18 168,515.46
39	Deputy Bailiff Docket Coordinator	48,750.00	93,928.81 108,018.13
40	Deputy Bailiff Domestic Violence Program Facilitator	34,035.00	80,516.53 92,594.01
41	Deputy Bailiff Drug Court Coordinator	52,500.00	101,154.12 116,327.24

42	Deputy Bailiff Education and Employment Specialist	50,202.03	103,656.00 122,654.40
43	Deputy Bailiff Finance Director	52,500.00	101,154.12 116,327.24
44	Deputy Bailiff Grant Writer Administrator	66,093.04	120,009.60 138,011.04
45	Deputy Bailiff Help Desk Supervisor	50,212.03	99,630.00 114,574.50
46	Deputy Bailiff HR/Personnel Director	58,333.00	112,393.44 129,252.46
47	Deputy Bailiff Implementation Manager	64,167.00	123,632.78 142,177.70
48	Deputy Bailiff Intake Coordinator	34,167.00	65,830.45 75,705.02
49	Deputy Bailiff Judicial Assistant	35,192.98	63,901.20 73,486.38
50	Deputy Bailiff Jury Commissioner	48,750.00	93,928.81 108,018.13
51	Deputy Bailiff Law Clerk	41,600.00	62,400.00 71,760.00
52	Deputy Bailiff Magistrate	58,333.00	123,125.74 141,594.60
53	Deputy Bailiff Magistrate Project Coordinator	39,167.00	84,295.09 96,939.35
54	Deputy Bailiff Mediation Coordinator	58,333.00	123,125.74 141,594.60
55	Deputy Bailiff Network Engineer I	39,167.00	75,464.17 86,783.80
56	Deputy Bailiff Network Engineer II	44,167.00	93,059.10 107,017.97
57	Deputy Bailiff Network Engineer III	52,500.00	107,328.00 123,427.20
58	Deputy Bailiff Office Assistant	31,200.00	75,169.82 86,445.29
59	Deputy Bailiff Office Manager	48,750.00	93,928.81 108,018.13
60	Deputy Bailiff Payroll Specialist	48,750.00	93,928.00 108,017.20
61	Deputy Bailiff Personnel Specialist	50,212.00	103,656.00 119,204.40
62	Deputy Bailiff Pretrial Services Coordinator	48,750.00	93,928.81 108,018.13
63	Deputy Bailiff Pretrial Services Director	58,333.00	112,393.44 129,252.46
64	Deputy Bailiff Pretrial Services Intake Officer	31,200.00	75,464.17 86,783.80
65	Deputy Bailiff Pretrial Services Officer	34,035.00	80,516.00 92,593.40
66	Deputy Bailiff Pretrial Services Release Officer	34,035.00	80,516.53 92,594.01
67	Deputy Bailiff Pretrial Services Supervisor	48,750.00	93,928.00 108,017.20

68	Deputy Bailiff Pretrial Services Supervision Officer	34,035.00	80,516.53 92,594.01
69	Deputy Bailiff Private Secretary	33,554.00	54,544.28 62,725.92
70	Deputy Bailiff Probation Officer Supervisor	48,750.00	93,928.81 108,018.13
71	Deputy Bailiff Probation Systems Administrator/Trainer	48,750.00	93,928.81 108,018.13
72	Deputy Bailiff Probation Training Coordinator	44,167.00	84,295.09 96,939.35
73	Deputy Bailiff Program Analyst I	39,167.00	75,464.17 86,783.80
74	Deputy Bailiff Program Analyst II	52,500.00	101,154.12 116,327.24
75	Deputy Bailiff Project Manager II	64,167.00	123,632.78 142,177.70
76	Deputy Bailiff Psychiatric Social Worker	34,167.00	77,521.18 89,149.36
77	Deputy Bailiff Psychiatrist	71,667.00	138,083.38 158,795.89
78	Deputy Bailiff Psychologist	66,093.00	132,438.76 152,304.57
79	Deputy Bailiff Psychology Assistant	31,200.00	52,182.67 60,010.07
80	Deputy Bailiff Public Information Officer	48,750.00	102,385.76 117,743.62
81	Deputy Bailiff Scheduling Supervisor	40,343.06	85,880.96 98,763.10
82	Deputy Bailiff Senior Magistrate	58,332.98	120,262.80 138,302.22
83	Deputy Bailiff Special Projects Officer	48,750.00	93,928.81 108,018.13
84	Deputy Bailiff Supervisor	44,167.00	84,295.09 96,939.35
85	Deputy Bailiff System Analyst II	52,500.00	101,154.12 116,327.24
86	Deputy Bailiff System Engineer I	48,750.00	101,154.12 116,327.24
87	Deputy Bailiff System Engineer II	52,500.00	112,393.44 129,252.46
88	Deputy Bailiff Technical Support Specialist I	31,200.00	59,699.48 68,654.40
89	Deputy Bailiff Technical Support Specialist II	39,167.00	75,464.17 86,783.80
90	Deputy Bailiff Technical Support Specialist III	44,167.00	84,295.09 96,939.35
91	Deputy Bailiff Traffic Intervention Program Assistant	31,500.00	75,169.82 86,445.29
92	Deputy Bailiff Veterans Docket Coordinator	48,750.00	93,928.00 108,017.20
93	Deputy Bailiff Warrant Officer	31,200.00	75,464.17 86,783.80

94	Deputy Bailiff Website Content Specialist	42,492.00	93,910.80 107,997.42
95	Personal Bailiff	63,969.00	102,710.22 118,116.75
96	Probation Officer General	34,035.00	80,516.53 92,594.01
97	<u>Small Claims Magistrate</u>	<u>20,800.00</u>	<u>64,681.16</u>
98	<u>Staff Attorney</u>	<u>69,405.86</u>	<u>110,000.00</u>

Section 2. That existing Section 50 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 243-2021, passed April 19, 2021, Ordinance No. 494-2022, passed June 6, 2022, Ordinance No. 1061-2022, passed November 7, 2022, and Ordinance No. 506-2023, passed May 8, 2023, 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 the Directors of Human Resources; Finance; and Law;
Committee on Finance, Diversity, Equity and Inclusion.**

Ordinance No. 178-2025

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

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants for the preliminary design, the final design, and construction services relating to rehabilitation of the Carter Road Lift Bridge; to apply for and accept any gifts, grants, or loans from the appropriate State of Ohio department or other public or private entity or agency for the rehabilitation of the Carter Road Lift Bridge.

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 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 for the preliminary design, the final design, and the construction services relating to rehabilitation of the Carter Road Lift Bridge (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 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 shall be prepared by the Director of Law, approved by the Director of Capital Projects and certified by the Director of Finance.

Section 2. That the Director of Capital Projects and/or the Director of Finance, as appropriate, is authorized to apply for and accept any gifts, grants, or loans or any combination thereof, from the appropriate State of Ohio department or other public or private entity or agency for professional services relating to the Improvement and/or for construction of the Improvement; and that the appropriate 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 3. That the cost of this ordinance shall be paid from Fund No. 20 SF 568, the fund or funds to which are credited any gift, grant, or loan accepted under this ordinance, and from any and all funds approved by the Director of Finance, including future bond funds if issued for this purpose. (RQS 0103, RLA 2025-3)

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 the Directors of Capital Projects; Finance; and Law;
Committees on Municipal Services and Properties; and Finance, Diversity,
Equity and Inclusion.**

Ordinance No. 186-2025

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

An emergency ordinance to amend Sections 607.15 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the illegal distribution of cigarettes, other tobacco products or alternative nicotine products.

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 607.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 737-15, passed December 7, 2015, is amended to read as follows:

Section 607.15 Illegal Distribution of Cigarettes; and Other Tobacco Products or Alternative Nicotine Products

(a) As used in this section:

- (1) "Distribute" has the same meaning as defined in RC 2927.02.
- (2) "Electronic smoking device" has the same meaning as defined in RC 2927.02.
- (3) "Tobacco product" has the same meaning as defined in RC 2927.02 and includes vapor products as also defined in that section.
- (4) "Vending machine" has the same meaning as "coin machine" in RC 2913.01.

~~(1) A. "Alternative nicotine product" means, subject to division (a)(1)B. of this section, an electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.~~

~~B. "Alternative nicotine product" does not include any of the following:~~

~~(i) Any cigarette or other tobacco product;~~

~~(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);~~

~~(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h).~~

~~(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g).~~

~~(2) "Child" has the same meaning as in RC 2151.011.~~

~~(3) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.~~

~~(4) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.~~

~~(5) A. "Electronic cigarette" means, subject to division (a)(5)B. of this section, any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.~~

~~B. "Electronic cigarette" does not include any item, product, or device described in division (a)(1)B. of this section.~~

~~(6) "Tobacco product" means any product that is made from tobacco, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, or snuff.~~

~~(7) "Vending machine" has the same meaning as "coin machine" in RC 2913.01.~~

~~(8) "Young adult" means a person who is eighteen (18) years of age or older, but under twenty-one (21) years of age.~~

(b) No manufacturer, producer, distributor, wholesaler or retailer of cigarettes; or other tobacco products; ~~or papers used to roll cigarettes~~, and no agent, employee or representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes; or other tobacco products, ~~alternative nicotine products, or papers used to roll cigarettes~~, and no other person shall do any of the following:

- (1) ~~Give, sell or otherwise~~ Sell or distribute cigarettes, ~~or~~ other tobacco products, ~~alternative nicotine products, or papers used to roll cigarettes~~ (A) to any child person under the age of twenty-one (21); or (B) without first verifying proof of age;
- (2) ~~Give, sell or otherwise distribute cigarettes, other~~ Sell or distribute cigarettes or other tobacco products, ~~alternative nicotine products, or papers used to roll cigarettes~~ to any individual who does not demonstrate, through a driver's license or other photographic identification card issued by a government entity or educational institution that the individual is at least ~~eighteen (18)~~ twenty-one (21) years of age; ~~unless the individual reasonably appears to be at least thirty (30) years of age, provided however, that such appearance shall not constitute a defense in any proceeding alleging the sale of cigarettes, tobacco products or electronic cigarettes to an individual under eighteen (18) years of age;~~
- (3) ~~Sell cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any young adult;~~
- (4) ~~Sell cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any individual who does not demonstrate, through a driver's license or other photographic identification card issued by a government entity or educational institution that the individual is at least twenty-one (21) years of age, unless the individual reasonably appears to be at least thirty (30) years of age, provided however, that such appearance shall not constitute a defense in any proceeding alleging the sale of cigarettes, tobacco products or electronic cigarettes to an individual under twenty-one (21) years of age;~~
- (5) (3) ~~Give away, sell~~ Sell or distribute cigarettes, ~~or~~ other tobacco products, ~~alternative nicotine products, or papers used to roll cigarettes~~ in any business that does not have posted in a conspicuous place a sign, in accordance with RC 2927.02 and any rules of the Department of Public Health stating that giving, selling or otherwise distributing cigarettes ~~or~~ other tobacco products, ~~alternative nicotine products or papers used to roll cigarettes~~ to a person under twenty-one (21) years of age is prohibited by law;
- (6) (4) Knowingly furnish any false information regarding the name, age, or other identification of any person under twenty-one (21) years of age ~~child or young adult~~ with purpose to obtain cigarettes ~~or~~ other tobacco products, ~~alternative nicotine products, or papers used to roll cigarettes~~ for that child or young adult for that person under the age of twenty-one (21);

- ~~(7)~~ (5) Manufacture, sell, or distribute in this City any pack or other container of cigarettes ~~or alternative nicotine products~~ containing fewer than twenty (20) cigarettes or any package of roll-your-own tobacco containing less than six-tenths (0.6) of one (1) ounce of tobacco;
- ~~(8)~~ (6) ~~Sell cigarettes or alternative nicotine~~ Sell or distribute cigarettes or other tobacco products in a smaller quantity than that placed in the pack or other container by the manufacturer;
- ~~(9)~~ (7) Sell or distribute other tobacco products in a smaller quantity than was intended for retail when the product was packaged by the manufacturer.;
- (8) Sell or distribute tobacco products other than cigarettes over the internet or through remote method without age verification;
- (9) Allow an employee under eighteen (18) years of age to sell any tobacco product; or
- (10) Give away or otherwise distribute free samples of cigarettes or other tobacco products or coupons redeemable for cigarettes or other tobacco products: (A) to any person under twenty-one (21) years of age; (B) without first verifying proof of age; (C) in a manner prohibited under, or in accordance with Chapter 1333 or 1345 of the Revised Code; or (D) without first paying the taxes levied on such cigarettes or other tobacco products under, or in accordance with Chapter 5743 of the Revised Code.
- ~~(c) — No manufacturer, producer, distributor, wholesaler or retailer of cigarettes, other tobacco products, or papers used to roll cigarettes, and no agent, employee or representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, shall give or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any young adult.~~
- ~~(d)~~ (c) No person shall sell or offer to sell cigarettes or other tobacco products, ~~or alternative nicotine products~~ by or from a vending machine except in the following locations:
- (1) An area either:
- A. Within a factory, business, office, or other place not open to the general public; or

- B. To which persons under the age of twenty-one (21) years are not generally permitted access;
- (2) In any other place not identified in division (c)(1) of this section, upon all of the following conditions:
- A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of such person, so that all cigarettes or other tobacco product, and alternative nicotine product purchases products sold from the vending machine will be readily observed by the person who owns or operates the place or an employee of such person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of such person.
- B. The vending machine is inaccessible to the public when the place is closed.
- C. A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high: "It is illegal for any person under the age of 21 to purchase tobacco products or alternative nicotine products".
- (e) (d) The following are affirmative defenses to a charge under division (b)(1) of this section:
- (1) The parent, guardian, or legal custodian of ~~the child~~ a person under the age of twenty-one (21) has consented in writing to ~~the child~~ the person under the age of twenty-one (21) participating in the research protocol, or ~~the young adult~~ a person over the age of eighteen (18), but under the age of twenty-one (21), has consented in writing, on his or her own behalf, to participate in the research protocol.
- (2) The person who gave, sold, or distributed cigarettes, ~~or other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a child or young adult~~ to a person under twenty-one (21) years of age under division (b)(1) of this section is a parent, spouse who is twenty-one (21) years of age or older, or legal guardian of the child or young adult.
- (f) (e)(1) It is not a violation of division (b)(1) or (2) of this section for a person to ~~give or otherwise sell~~ or distribute to a child or young adult cigarettes, other tobacco products, alternative nicotine products, or papers used to roll

cigarettes while the child or young adult a person under the age of twenty-one (21) cigarettes or tobacco products while the person under the age of twenty-one (21) is participating in a research protocol if all of the following apply:

~~(1)A.~~ The parent, guardian, or legal custodian of ~~the child~~ the person under the age of twenty-one (21) has consented in writing to ~~the child~~ the person under the age of twenty-one (21) participating in the research protocol, ~~or the young adult has consented in writing, on his or her own behalf, to participate in the research protocol.~~

~~(2)B.~~ An institutional human subjects protection review board, or equivalent entity, has approved the research protocol.

~~(3)C. The child or young adult~~ The person under the age of twenty-one (21) is participating in the research protocol at the facility or location specified in the research protocol.

(2) It is not a violation of division (b)(1) or (2) of this section for an employer to permit an employee eighteen (18), nineteen (19) or twenty (20) years of age to sell a tobacco product.

(f) (1)No delivery service shall accept from, transport or deliver to, or allow pick-up by, a person under twenty-one (21) years of age any tobacco products other than cigarettes.

(2) A delivery service shall require proof of age as a condition of accepting, transporting, delivering, or allowing pickup of the tobacco products other than cigarettes.

~~(g) (1)Whoever violates division (b)(1), (3), (5), (6), or (7), (8), (9) or (10) or divisions (c) or (d)(f) is guilty of illegal distribution of cigarettes, other or tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other or other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender has previously been convicted of violation of division (b)(1), (3), (5), (7), (8), or (9) or divisions (c) or (d) of this section or divisions (B)(1), (2), (4), or (5) or (C) of RC2927.02 illegal distribution of cigarettes or other tobacco products, then illegal distribution of cigarettes, other or other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.~~

(2) Whoever violates division ~~(b)(6)~~ (b)(4) of this section is guilty of permitting children or young adults a person under twenty-one (21) years of age to use cigarettes, other tobacco products, or alternative nicotine products or tobacco products. Except as otherwise provided in this division, permitting children or young adults a person under twenty-one (21) years of age to use cigarettes, other or tobacco products, or alternative nicotine products is a

misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division ~~(4)~~ (b)(4) of this section or division (B)(3) of RC 2927.02, permitting ~~children or young adults~~ a person under twenty-one (21) years of age to use cigarettes, ~~other~~ or other tobacco products, ~~or alternative nicotine products~~ is a misdemeanor of the third degree.

(h) Any cigarettes, or other tobacco products, ~~alternative nicotine products, or papers used to roll cigarettes~~ that are given, or sold or distributed to ~~a child or young adult~~ a person under twenty-one (21) years of age in violation of this section and that are used, possessed, purchased, or received by a ~~child~~ person under twenty-one (21) years of age in violation of RC 2151.87 are subject to seizure and forfeiture as contraband under RC Chapter 2981.

Section 2. That existing Section 607.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 737-15, passed December 7, 2015, 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 the Directors of Public Health; Finance; and Law; Committees on Health, Human Services and the Arts; and Finance, Diversity, Equity and Inclusion.

Ordinance No. 187-2025

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 235A.01 through 235A.11 and 235A.99, relating to tobacco retail licensing.

WHEREAS, it is estimated that 95% of all adult smokers began smoking before age twenty-one (21); and

WHEREAS, an earlier age of initiation is associated with greater levels of nicotine dependence and greater intensity and persistence of smoking beyond adolescence and through adulthood; and

WHEREAS, the parts of the brain most responsible for decision making, impulse control, sensation seeking, and susceptibility to peer pressure continue to develop and change through young adulthood, and adolescent brains are uniquely vulnerable to the effects of nicotine and nicotine addiction; and

WHEREAS, data from the 2024 National Youth Tobacco Survey on the use of e-cigarette products show that 5.9% of, or 1.63 million, U.S. middle and high school students reported current e-cigarette use, where 38.4% used e-cigarettes on a frequent basis and 87.6% of e-cigarette users reported using flavored products; and

WHEREAS, in 2019, 7.8% of Cleveland high school students reported smoking e-cigarettes; and

WHEREAS, as acknowledged by the Tobacco Free Ohio Alliance, the City also acknowledges racism as a force in determining how these social determinants are distributed, which have an undeniable effect on tobacco use and other factors that influence health at the individual and population level; and

WHEREAS, African American communities suffer health disparities disproportionately from the cigarette industry's aggressive multi-decade targeting saturation of urban communities with the health, social, cultural, and environmental ill-effects of nicotine products; and

WHEREAS, a local licensing system for tobacco retailers to help combat the sale of tobacco products to those underage is necessary to protect the public health, safety, and welfare of our residents. A licensing system allows for local enforcement of tobacco-related laws. Licensing laws, when actively enforced, have been effective in reducing the number of illegal tobacco sales to underage persons; 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 Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 235A.01 through 235A.11 and 235A.99 to read as follows:

CHAPTER 235A
TOBACCO PRODUCT SALES LICENSING

Section 235A.01 Definitions

For the purpose of this chapter, the following definitions shall apply:

- (a) “*Authorized Agent*” means an entity with which the Director has contracted for the community outreach and education provisions contained in this chapter.
- (b) “*City*” means the City of Cleveland, Ohio.
- (c) “*Department*” means the Department of Public Health of the City or its Authorized Agent.
- (d) “*Director*” means the Director of the Department of Public Health or its Authorized Agent.
- (e) “*Distribute*” means giving, providing, or delivering Tobacco Products as defined in this section.
- (f) “*Electronic Smoking Device*” has the same meaning as defined in RC 2927.02.
- (g) “*Purchaser*” means any person who obtains or attempts to obtain a Tobacco Product.
- (h) “*Sale*” or “*sell*” means transferring, or offering or attempting to transfer, Tobacco Product, as defined in the section, for money, trade, barter, exchange, or other consideration.
- (i) “*Self-Service Display*” means the open display or storage of Tobacco Products in a manner that is physically accessible in any way to the general public without the assistance of the Tobacco Retailer, as defined in this section, or its agent, employee, or representative and a direct person-to-person transfer between the purchaser and the Tobacco Retailer or its agent, employee, or representative.
- (j) “*Tobacco Product(s)*” has the same meaning as defined in RC 2927.02 and includes vapor product(s) as also defined in that section.

(k) “*Tobacco Retailer*” means any individual, firm, partnership, joint venture, association, joint stock company, corporation, unincorporated business entity, or any other group acting as a unit that owns a business where Tobacco Products are available for sale to the general public. Tobacco Retailer does not mean the employees or agents of an owner of a business where Tobacco Products are available for sale to the general public.

Section 235A.02 Tobacco Retail Sales License Required

(a) Each Tobacco Retailer engaging in the sale of Tobacco Products shall secure a tobacco retail sales license from the Commissioner of Assessments and Licenses for each location where it sells Tobacco Products in the City before engaging or continuing to engage in such business. An application for a tobacco retail sales license shall be made to the Commissioner of Assessments and Licenses and shall contain the full name of the applicant, the applicant’s business and personal address and telephone number, the name of the business for which the tobacco retail sales license is sought, a copy of the applicant’s valid vendor’s license from the Ohio Department of Taxation, if applicable, the signed form described in division (f) below, and any additional information the Commissioner of Environmental Health or the Director deems necessary, such as a certificate of occupancy issued by the City.

The Commissioner of Assessments and Licenses shall transmit the application to the Director for review, investigation, and a determination of compliance after which the Director shall return the application to the Commissioner with a recommendation for approval or disapproval. If the application is recommended for approval, the Commissioner shall issue a tobacco retail sales license. If the application is recommended for disapproval, a notice of denial shall be given to the applicant with the reasons for denial and the right to appeal under Section 201.03 of these Codified Ordinances.

(b) An application for a tobacco retail sales license may also be denied for the reasons set forth in division (c) of Section 235A.07.

(c) No Tobacco Retailer shall sell or distribute Tobacco Products without a valid tobacco retail sales license.

(d) A tobacco retail sales license may be renewed annually upon application made prior to the expiration of the previous license and shall remain valid for a period beginning with the date of issuance of the tobacco retail sales license and ending on the thirty-first day of December following the date of the issuance of the tobacco retail sales license unless sooner revoked under this chapter, unless the Tobacco Retailer has outstanding fines imposed under this chapter, or unless the Tobacco Retailer to whom it was issued discontinues business, in either of which case the holder of the tobacco retail sales license shall immediately return it to the Commissioner of Assessments and Licenses. A tobacco retail sales license shall not be transferred from one Tobacco Retailer to another or from one location to another.

(e) The Tobacco Retailer shall conspicuously display the tobacco retail sales license at all times and shall provide it to any person upon request. In the event of mutilation or destruction of the tobacco retail sales license, a duplicate copy, marked as such, shall be issued by the Commissioner of Assessments and Licenses upon application accompanied by a fee set by the City's Board of Control and updated from time-to-time as necessary.

(f) No tobacco retail sales license shall be issued or renewed to a Tobacco Retailer unless the Tobacco Retailer provides a signed form stating that the Tobacco Retailer has read this chapter and has provided training to all employees regarding the sale of Tobacco Products and restrictions thereto. Such training shall inform employees that the sale of Tobacco Products to persons under twenty-one (21) years of age is illegal, identify the types of identification legally acceptable for proof of age, and explain that sales of Tobacco Products to persons under twenty-one (21) years of age may subject the Tobacco Retailer to penalties as provided in this chapter.

(g) No tobacco retail sales license shall be issued to a person under twenty-one (21) years of age.

Section 235A.03 Tobacco Retail Sales License Fee

(a) The fee for a tobacco retail sales license shall be used to cover and shall not exceed the administrative cost for licensing, community outreach, education and training, retail inspections, compliance checks and general enforcement of the provisions authorized by this chapter.

(b) The fee for a tobacco retail sales license shall be set by the City's Board of Control and updated from time-to-time as necessary. The fee is due at the time of application and is not refundable.

Section 235A.04 Restrictions on the Sale of Tobacco Products

(a) *Age Restriction.* No Tobacco Retailer or its agent, employee, or representative shall sell or distribute any Tobacco Product to any person under twenty-one (21) years of age, except if a person is participating in a research protocol described in division (e) of Section 607.15 of these Codified Ordinances and meets the requirements therein.

(b) *Age Verification.* Tobacco Retailers or their agents, employees, or representatives shall verify by means of government-issued photographic identification that the purchaser is at least twenty-one (21) years of age.

(c) *Signage.* Signs reading, "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER 21 IS PROHIBITED BY LAW" shall be legibly printed in letters at least one-inch-high and shall be posted clearly and conspicuously in every location where Tobacco Products are sold. Selling Tobacco Products in any place that does not have a

sign consistent with this division is prohibited by law and punishable under this chapter.

Section 235A.05 Self-Service Display Restrictions

(a) No Tobacco Retailer or its agent, employee, or representative shall sell or distribute Tobacco Products by or from a Self-Service Display except in places where persons under the age of twenty-one (21) are not permitted access.

(b) The Commissioner of Assessments and Licenses, upon the recommendation and order of the Commissioner of Environmental Health, shall suspend the applicable license of a Tobacco Retailer in violation of division (a) until the Tobacco Products have been placed behind a counter or locked doors.

Section 235A.06 Enforcement

(a) This chapter shall be enforced by the Commissioner of Environmental Health and any other officer or employee designated for that purpose by the enforcement of this Health Code.

(b) All Tobacco Retailers must be open to inspection by the Department or its Authorized Agent during regular business hours.

(c) All Tobacco Retailers may be subject to at least two (2) compliance checks annually. The Commissioner of Environmental Health, or his or her designee, may conduct compliance checks by engaging persons between the ages of eighteen (18) and twenty (20) to enter the premises of Tobacco Retailers to attempt to purchase Tobacco Products. Follow-up compliance check(s) of all non-compliant Tobacco Retailers are required within three (3) months of any violation of this chapter.

(d) The results of all compliance checks and inspections are to be kept and available to the public upon request and may be published on the Department's web page at least annually.

(e) Any person who desires to register a complaint of an alleged violation of this chapter or Section 607.15 of these Codified Ordinances may do so by contacting the Commissioner of Environmental Health, and the Commissioner shall investigate the alleged violation.

Section 235A.07 Violations and Civil Penalties

(a) The Commissioner of Environmental Health, and any authorized City officer or employee, who upon information or observation ascertains a violation of this chapter or Section 607.15 of these Codified Ordinances, may impose civil fines on the Tobacco Retailer. The fines are as follows and shall be adjusted in proportion to any increases in the previous year in the consumer price index for all Urban Consumers (CPI-U), as published by the Bureau of Labor Statistics, U.S. Department of Labor:

- (1) For a first violation, a fine of five hundred dollars (\$500.00);
 - (2) For a second violation within a thirty-six (36) month period, a fine of seven hundred fifty dollars (\$750.00) and a seven (7) day suspension of the applicable tobacco retail sales license;
 - (3) For a third violation within a thirty-six (36) month period, a fine of one thousand dollars (\$1,000.00) and a thirty (30) day suspension of the applicable tobacco retail sales license; and
 - (4) For a fourth violation and each subsequent violation thereafter within a thirty-six (36) month period, a fine of one thousand dollars (\$1,000.00) and the applicable tobacco retail sales license of the Tobacco Retailer shall be revoked.
- (b) Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense. The determination that a violation has occurred shall be in writing and mailed to the Tobacco Retailer by the Commissioner of Environmental Health, no later than thirty (30) days from the date of the violation. The written notice shall specify the chapter and section that the Tobacco Retailer violated. A civil penalty imposed under division (a) above may be appealed to the Director in writing within twenty (20) days from the date of the civil penalty. The Director shall have jurisdiction to affirm or reverse. A person aggrieved by a final decision of the Director may further appeal to the Board of Zoning Appeals within thirty (30) days after the Director's written decision.
- (c) A tobacco retail sales license issued under this chapter may also be denied, suspended, or revoked by the Commissioner of Assessments and Licenses, upon the recommendation and order of the Commissioner of Environmental Health and through written notice, should the Tobacco Retailer or Tobacco Retailer's agent, employee, or representative directly or indirectly:
- (1) Sell Tobacco Products without a valid tobacco retail sales license;
 - (2) Fail to pay fines issued in accordance with this chapter;
 - (3) Have a tobacco retail sales license revoked within the preceding twelve (12) months of the date of application for a tobacco retail sales license;
 - (4) Fail to provide required information or provide false or misleading information on the application for a tobacco retail sales license;
 - (5) Violate any federal, state, or local tobacco laws; or
 - (6) Sell or distribute marijuana without an applicable state-issued license, or otherwise engage as a medical or adult-use marijuana operator, cultivator,

processor, dispensary, laboratory, or entity as defined in Sections 347.19(b) and 347.191(b) of these Codified Ordinances without an applicable state-issued license.

(d) All Tobacco Products shall be removed from the premises upon suspension or revocation of a tobacco retail sales license. Failure to remove all Tobacco Products shall constitute a separate violation punishable by a fine of five hundred dollars (\$500.00) for each and every day of noncompliance.

(e) A violation of Section 235A.04 is hereby declared to be a nuisance which affects and endangers the public health. The Commissioner of Environmental Health and any authorized City officer or employee who, upon information or by observation ascertains a violation of Section 235A.04, may impose the penalties set forth in this chapter and in Section 201.99 of these Codified Ordinances. Enforcement of this section is in addition to any other method of enforcement provided in these Codified Ordinances and state law.

Section 235A.08 Public Education

The Director, or his or her Authorized Agent, shall engage in a continuing public health education program to explain and clarify the purposes and requirements of this chapter to Tobacco Retailers and the public. The program may include publication of a brochure in writing and online for Tobacco Retailers to explain the requirements of this chapter.

Section 235A.09 Rulemaking Authority

The Director is hereby authorized to promulgate rules and regulations to carry out the purpose and intent of this chapter in order to protect the public health, safety and welfare which shall be effective thirty (30) days after their publication in the *City Record*.

Section 235A.10 Tobacco Enforcement and Education Fund

All fees and civil fines collected from licensing and infractions of this chapter are to be deposited into the "Tobacco Enforcement and Education Fund" administered by the Department to cover the administrative costs for licensing, community outreach, education and training, retail inspections, and compliance checks.

Section 235A.11 Severability

The provisions of this chapter are severable, and if any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person or circumstances are held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this chapter that can be given effect.

Section 235A.99 Penalty

A Tobacco Retailer that engages in the sale of Tobacco Products without a valid tobacco retail sales license issued pursuant to this chapter shall be guilty of distribution of Tobacco Products without a tobacco retail sales license, a misdemeanor of the first degree and shall be fined not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00). If the offender previously has been convicted of a violation of this section, then the Tobacco Retailer shall be denied a tobacco retail sales license for a period of five (5) years.

Section 2. That the enactment of new Sections 235A.01 through 235A.11 and 235A.99 shall be effective one hundred and eighty (180) days after the effective date of this ordinance.

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 the Directors of Public Health; Finance; and Law; Committees on Health, Human Services and the Arts; 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 Monday, February 10, 2025, 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. 179-2025](#)

[Ord. No. 180-2025](#)

[Ord. No. 181-2025](#)

Ordinance No. 179-2025**By Council Member:** Gray

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with iFilm, Inc. for the Ward 4 Community Awareness Campaign 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 Community Development is hereby authorized to enter into agreement with iFilm, Inc. for the Ward 4 Community Awareness Campaign for the public purpose of providing better city resource communications support through the use of Ward 4 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$8,500.00 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	\$8,500.00	G25698

Section 3. That the Law Department has reviewed and approved this proposal on January 30, 2025. The Department has reviewed and approved the proposal on January 14, 2025. Project shall begin as of September 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 Polensek to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Bishop.

The rules were suspended. Yeas 14. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 14. Nays 0.

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

Voting Nay: None.

Absent: Gray, Santana, Spencer

Ordinance No. 180-2025**By Council Member:** Spencer

An emergency ordinance consenting and approving the issuance of a permit for the Donut Worry Run Happy 5K on October 18, 2025, 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 Donut Worry Run Happy 5K on October 18, 2025, managed by Hermes Sports & Events;

START on West 65th Street by Brewnuts (6501 Detroit Avenue); head straight on West 65th Street toward Breakwater Avenue; turn right on Breakwater Avenue; turn left on West 58th Street; take a slight right on Lakefront Bikeway; continue on Lakefront Bikeway crossing over West 45th Street; continue straight on Lakefront Bikeway; turnaround; head back on Lakefront Bikeway crossing over West 45th Street; turn right on West 58th Street; turn left onto path after Father Caruso Drive; take a slight right on path; continue on path crossing over Father Caruso Drive; head straight onto West 65th Street; FINISH on West 65th Street by Brewnuts; 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 Polensek to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Bishop.

The rules were suspended. Yeas 14. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 14. Nays 0.

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

Voting Nay: None.

Absent: Gray, Santana, Spencer

Ordinance No. 181-2025

By Council Member: Starr and Maurer

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with University Settlement, Incorporated for the University Settlement Hunger Center through the use of Wards 5 and 12 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 Works is hereby authorized to enter into agreement with University Settlement, Incorporated for the University Settlement Hunger Center for the public purpose of providing a food distribution site to residents through the use of Wards 5 and 12 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$44,200.00 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 5	\$22,100.00	G25699
Ward 12	\$22,100.00	G25699

Section 3. That the Law Department has reviewed and approved this proposal on January 17, 2025. The Department has reviewed and approved the proposal on September 15, 2024. Project shall begin as of October 15, 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 Polensek to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Bishop.

The rules were suspended. Yeas 14. Nays 0.

Read second time.

Read third time in full. Passed. Yeas 14. Nays 0.

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

Voting Nay: None.

Absent: Gray, Santana, Spencer.

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 Monday, February 10, 2025, and referred to the appropriate City departments and Council Committees for review.

Click on an ordinance below to read it:

[Ord. No. 188-2025](#)

[Ord. No. 189-2025](#)

Ordinance No. 188-2025

By Council Members: Conwell, Griffin, Santana, Kazy and Jones (by departmental request)

An ordinance to enact new Section 347.21 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to smoke shops.

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 347.21 to read as follows:

Section 347.21 Smoke Shops

(a) Purpose. The regulations of this section are established to regulate the location of Smoke Shops for the purpose of protecting neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. Furthermore, the regulations are established to avoid and reduce over-concentration.

(b) Definitions. For purposes of this section:

(1) “Cannabidiol” or “CBD” means the cannabidiol compound, containing delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent, derived from hemp.

(2) “Electronic Smoking Device” has the same meaning as defined in RC 2927.02.

(3) “Hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent on a dry weight basis.

(4) “Kratom” means any parts of the plant *mitragyna speciosa*, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, including but not limited to, mitragynine and 7-hydroxymitragynine.

(5) “Smoke Shop” means any retail establishment at which twenty percent (20%) or more of floor, shelf, and/or display area(s), individually or in the aggregate, is used for the sale of Smoke Shop Products. No state-licensed medical or adult-use marijuana operator, cultivator, processor, dispensary, laboratory, or entity as defined in Sections 347.19(b) and 347.191(b) shall constitute a Smoke Shop for the purposes of this section.

(6) “Smoke Shop Product(s)” means:

- A. Any product containing, made of, derived from, or containing any form of CBD, Kratom, and/or Hemp-derived or synthetic cannabinoid, including but not limited to Delta-8 THC, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by any other means;
- B. Any product containing, made of, or derived from tobacco or containing any form of nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;
- C. Any Electronic Smoking Device as defined in this section and any substances intended to be aerosolized or vaporized during the use of the device, whether the substance contains any form of tobacco, nicotine, CBD, Kratom, and/or Hemp-derived or synthetic cannabinoids; or
- D. Any component, part, or accessory of (A), (B), or (C) above, whether any of these contains tobacco, nicotine, CBD, Kratom, and/or Hemp-derived or synthetic cannabinoids, including, but not limited to, filters, rolling papers, blunt or hemp wraps, or pipes.

Smoke Shop Product does not include any product that is a drug, device, or combination product authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(c) Spacing. No Smoke Shop shall be established on a lot or lots within ten thousand five hundred and sixty (10,560) feet (two (2) miles) of another lot or lots containing an existing Smoke Shop. No two (2) Smoke Shops shall be located in the same building or on the same lot. Such distance shall be measured in a geometrically straight line which represents the shortest distance between the lot or lots accommodating the proposed Smoke Shop and the lot or lots from which the existing Smoke Shop is located. Such measurement shall be made using a scaled map, or a survey if deemed necessary, and shall be made without regard to intervening structures, objects, uses, the street grid, landforms or any other topographic feature.

(d) Location. Where otherwise permitted in a particular use district, no Smoke Shop shall be located or relocated within five hundred (500) feet of the end boundaries of a parcel of real estate having situated on it a church, public library, public playground, public park, or school.

(e) Maps Maintained in the Office of the City Planning Commission. The Director of City Planning shall maintain a map of existing Smoke Shop locations and other information necessary to determine compliance with the spacing regulations under division (c) of this section.

(f) Floor, Shelf, and Display Plan Required. For any Smoke Shop, a floor, shelf and display plan shall be submitted as part of its Building Permit application in addition to any other required plans and information, and shall contain the amount of floor, shelf, and display area dedicated to Smoke Shop Products.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

Ordinance No. 189-2025

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

An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 350.121 relating to window sign coverage limitation and to amend Section 3104.02 of the codified ordinances, as amended by Ordinance No. 388-2024, passed April 1, 2024, relating to civil offenses.

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 350.121 to read as follows:

Section 350.121 Window Sign Coverage Limitation

Notwithstanding any other provision of this Chapter, window signage regardless of use type, in all zoning districts except for Residential and Residence-Office Districts, shall cover no more than twenty-five percent (25%) of window area. In determining the percentage of window area covered, each facade or side of the building shall be considered separately. Window area shall be measured to include all windows and the glass portions of doors, and it shall include all area covered regardless of material, including by temporary signs or permanent signs. Any material that covers window area and that has empty or transparent portions shall be measured as an entire material, including those empty or transparent portions.

Section 2. That Section 3104.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 388-2024, passed April 1, 2024, is amended to read as follows:

Section 3104.02 Civil Offenses

In addition to any other means of enforcement provided for in these Codified Ordinances, each of the following sections may be enforced through the issuance of a Notice of Civil Offense to the Responsible Parties:

1. Section 337.23 Accessory Uses in Residence Districts
2. Section 337.231 Portable Storage Containers
3. Section 347.02 Restrictions on the Keeping of Farm Animals and Bees
4. Section 347.08 Regulations for Trash Areas and Refuse Containers
5. Section 347.10 Temporary Use Permits
6. Section 347.121 Hookah Lounges and Vapor Lounges
7. Section 349.02 Existing Off-Street Parking Facilities
8. Section 349.04 Required Parking Spaces

- 9. Section 349.13 Permitted Garages and Parking Space in Residence Districts
- 10. Section 350.121 Window Sign Coverage Limitation
- ~~10.~~ 11. Section 357.13 Yard Encroachments Permitted
- ~~11.~~ 12. Section 357.14 Yard Encroachments Prohibited
- ~~12.~~ 13. Section 365.02 Non-Owner-Occupied Residential Rental Unit Registration Required; Application for and Issuance of Certificate of Rental Registration; Certificate of Approving Rental Occupancy; Revocation
- ~~13.~~ 14. Section 365.04 Lead-Safe Certification Required for Residential Rental Units Built Before January 1, 1978
- ~~14.~~ 15. Section 369.08 Rubbish and Garbage Disposal
- 15. 16. Section 369.13 General Maintenance Requirements
- ~~16.~~ 17. Section 369.14 Maintenance of Foundations
- ~~17.~~ 18. Section 369.15 Maintenance of Exterior Walls and Roof
- ~~18.~~ 19. Section 369.16 Maintenance of Interior Walls and Floors
- ~~19.~~ 20. Section 369.17 Infestation by Pests
- ~~20.~~ 21. Section 369.18 Exterior Property Areas
- ~~21.~~ 22. Section 369.19 Secondary or Appurtenant Structure
- 22. 23. Section 371.03 Minimum Requirements for Fire-Protective Features
- ~~23.~~ 24. Section 371.05 Lighting of Public Hallways and Common Areas
- ~~24.~~ 25. Section 371.07 Rubbish and Garbage Disposal Facilities
- ~~25.~~ 26. Section 371.10 Sanitation Responsibilities of Owner and Occupant
- ~~26.~~ 27. Section 371.11 Required Heating Capacity
- ~~27.~~ 28. Section 371.13 Identification of Dwelling Units
- ~~28.~~ 29. Section 391.17 Maintenance
- ~~29.~~ 30. Section 392.02 Smoke Detection and Alarm Systems – Installation Required
- ~~30.~~ 31. Section 392.021 Carbon Monoxide Alarms; Installation Required in Rental Dwelling Units
- ~~31.~~ 32. Section 392.03 Testing, Inspection, and Notification
- ~~32.~~ 33. Section 392.04 Maintenance
- ~~33.~~ 34. Section 392.05 Tampering
- ~~34.~~ 35. Section 3101.10(e) Safety and Maintenance – Maintenance of Exterior Property Areas
- ~~35.~~ 36. Section 3101.11 Removal of Graffiti
- ~~36.~~ 37. Section 3103.09(f) Unsafe Structures and Exterior Property Nuisances; Violations and Remedial Notices; Cost Recovery – Vacating Buildings and Prohibited Use
- ~~37.~~ 38. Section 3103.091 Utility Shut-Off in Vacant and Unsafe Structures
- ~~38.~~ 39. Section 3103.10 Abandoned Service Stations
- ~~39.~~ 40. Section 3103.25 Violations Generally
- ~~40.~~ 41. Section 3105.01 Permits Required; Exceptions
- ~~41.~~ 42. Section 3105.02 Permit Applications; Plans and Specifications
- ~~42.~~ 43. Section 3105.05 Plans Required at Work Site
- ~~43.~~ 44. Section 3106.02 Duties of Responsible Party
- ~~44.~~ 45. Section 3106.03 Vacant Building Registration Required
- ~~45.~~ 46. Section 3106.04 Vacant Building Inspection, Obligation to Correct Violations, and Issuance of Certificate of Correction

- ~~46- 47.~~ Section 3106.06 Inspection Required for Transfer of Vacant Residential Property; Correction Required Following Transfer
~~47- 48.~~ Section 3109.11 Retractable Awnings
~~48- 49.~~ Section 3125.01 Protection of Excavations
~~49- 50.~~ Section 3141.05 Responsibility of Owner

Section 3. That Section 3104.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 388-2024, passed April 1, 2024, is repealed.

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

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 Monday, February 10, 2025, 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. 182-2025](#)

[Res. No. 196-2025](#)

[Res. No. 191-2025](#)

[Res. No. 197-2025](#)

[Res. No. 193-2025](#)

[Res. No. 199-2025](#)

[Res. No. 194-2025](#)

[Res. No. 207-2025](#)

[Res. No. 195-2025](#)

Resolution No. 182-2025**By Council Member:** Gray**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 3111 East 93rd Street.**

WHEREAS, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Sabah Hanini, Inc., DBA: Little Eagle Food Mart, 3111 East 93rd Street, Cleveland, Ohio 44104, Permit No. 7650370 to KSS Grocery, Inc., DBA: Little Eagle Food Mart, 3111 East 93rd Street, Cleveland, Ohio 44104, Permit No. 4901265; and

WHEREAS, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

WHEREAS, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

WHEREAS, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

WHEREAS, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Division of Liquor Control are prevented reasonable access to the establishment; and

WHEREAS, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

WHEREAS, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

WHEREAS, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Sabah Hanini, Inc., 3111 East 93rd Street, Cleveland, Ohio 44104, Permit No. 7650370 to KSS Grocery, Inc., DBA: Little Eagle Food Mart,

3111 East 93rd Street, Cleveland, Ohio 44104, Permit No. 4901265, and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

The rules were suspended. Yeas 14. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 14. Nays 0.

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

Voting Nay: None.

Absent: Gray, Santana, Spencer.

Resolution No. 191-2025**By Council Member:** Griffin**An emergency resolution approving the appointment of Shandra Moreira-Benito to the Community Police Commission.**

WHEREAS, Section 115-5 of the Charter of the City of Cleveland, effective November 2, 2021, requires that the Mayor appoint members to the Community Police Commission, with approval of the Council; and

WHEREAS, pursuant to Charter Section 115-5, the Mayor and the Council, along with community members, reviewed and made recommendations from interested applicants; and

WHEREAS, this nomination was reviewed by the Council's Committees on Safety and on Mayor's Appointments; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety; now, therefore,

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

Section 1. That this Council hereby approves the appointment of Shandra Moreira-Benito to the Community Police Commission to the term ending December 5, 2028.

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

The rules were suspended. Yeas 14. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 12. Nays 2.

Voting Yea: Bishop, Conwell, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kelly, Maurer, McCormack, Slife, Starr.

Voting Nay: Kazy, Polensek.

Absent: Gray, Santana, Spencer.

Resolution No. 193-2025**By Council Member:** Griffin**An emergency resolution approving the appointment of Tera Coleman to the Community Police Commission.**

WHEREAS, Section 115-5 of the Charter of the City of Cleveland, effective November 2, 2021, requires that the Mayor appoint members to the Community Police Commission, with approval of the Council; and

WHEREAS, pursuant to Charter Section 115-5, the Mayor and the Council, along with community members, reviewed and made recommendations from interested applicants; and

WHEREAS, this nomination was reviewed by the Council's Committees on Safety and on Mayor's Appointments; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety; now, therefore,

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

Section 1. That this Council hereby approves the appointment of Tera Coleman to the Community Police Commission to the term ending December 5, 2028.

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

The rules were suspended. Yeas 14. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 14. Nays 0.

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

Voting Nay: None.

Absent: Gray, Santana, Spencer.

Resolution No. 194-2025**By Council Member:** Griffin**An emergency resolution approving the appointment of Sheila Mason to the Community Police Commission.**

WHEREAS, Section 115-5 of the Charter of the City of Cleveland, effective November 2, 2021, requires that the Mayor appoint members to the Community Police Commission, with approval of the Council; and

WHEREAS, pursuant to Charter Section 115-5, the Mayor and the Council, along with community members, reviewed and made recommendations from interested applicants; and

WHEREAS, this nomination was reviewed by the Council's Committees on Safety and on Mayor's Appointments; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety; now, therefore,

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

Section 1. That this Council hereby approves the appointment of Sheila Mason to the Community Police Commission to the term ending December 5, 2028.

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

The rules were suspended. Yeas 14. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 14. Nays 0.

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

Voting Nay: None.

Absent: Gray, Santana, Spencer.

Resolution No. 195-2025**By Council Member:** Griffin**An emergency resolution approving the appointment of Maya Kincaid to the Community Police Commission.**

WHEREAS, Section 115-5 of the Charter of the City of Cleveland, effective November 2, 2021, requires that the Mayor appoint members to the Community Police Commission, with approval of the Council; and

WHEREAS, pursuant to Charter Section 115-5, the Mayor and the Council, along with community members, reviewed and made recommendations from interested applicants; and

WHEREAS, this nomination was reviewed by the Council's Committees on Safety and on Mayor's Appointments; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety; now, therefore,

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

Section 1. That this Council hereby approves the appointment of Maya Kincaid to the Community Police Commission to the term ending December 5, 2028.

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

The rules were suspended. Yeas 14. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 14. Nays 0.

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

Voting Nay: None.

Absent: Gray, Santana, Spencer.

Resolution No. 196-2025**By Council Member:** Griffin**An emergency resolution approving the appointment of Untaya Miller to the Community Police Commission.**

WHEREAS, Section 115-5 of the Charter of the City of Cleveland, effective November 2, 2021, requires that the Mayor appoint members to the Community Police Commission, with approval of the Council; and

WHEREAS, pursuant to Charter Section 115-5, the Mayor and the Council, along with community members, reviewed and made recommendations from interested applicants; and

WHEREAS, this nomination was reviewed by the Council's Committees on Safety and on Mayor's Appointments; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety; now, therefore,

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

Section 1. That this Council hereby approves the appointment of Untaya Miller to the Community Police Commission to the term ending December 5, 2028.

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

The rules were suspended. Yeas 14. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 14. Nays 0.

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

Voting Nay: None.

Absent: Gray, Santana, Spencer.

Resolution No. 197-2025**By Council Member:** Griffin**An emergency resolution approving the appointment of Michael Nelson to the Community Police Commission.**

WHEREAS, Section 115-5 of the Charter of the City of Cleveland, effective November 2, 2021, requires that the Mayor appoint members to the Community Police Commission, with approval of the Council; and

WHEREAS, pursuant to Charter Section 115-5, the Mayor and the Council, along with community members, reviewed and made recommendations from interested applicants; and

WHEREAS, this nomination was reviewed by the Council's Committees on Safety and on Mayor's Appointments; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety; now, therefore,

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

Section 1. That this Council hereby approves the appointment of Michael Nelson to the Community Police Commission to the term ending December 5, 2028.

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

The rules were suspended. Yeas 14. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 14. Nays 0.

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

Voting Nay: None.

Absent: Gray, Santana, Spencer.

Resolution No. 199-2025**By Council Member:** Griffin**An emergency resolution approving the appointment of Sharena Zayed to the Community Police Commission.**

WHEREAS, Section 115-5 of the Charter of the City of Cleveland, effective November 2, 2021, requires that the Mayor appoint members to the Community Police Commission, with approval of the Council; and

WHEREAS, pursuant to Charter Section 115-5, the Mayor and the Council, along with community members, reviewed and made recommendations from interested applicants; and

WHEREAS, this nomination was reviewed by the Council's Committees on Safety and on Mayor's Appointments; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety; now, therefore,

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

Section 1. That this Council hereby approves the appointment of Sharena Zayed to the Community Police Commission to the term ending December 5, 2028.

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

The rules were suspended. Yeas 14. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 12. Nays 2.

Voting Yea: Bishop, Conwell, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kelly, Maurer, McCormack, Slife, Starr.

Voting Nay: Kazy, Polensek.

Absent: Gray, Santana, Spencer.

Resolution No. 207-2025**By Council Member:** Starr**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 7900 Kinsman Road.**

WHEREAS, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from K & M Deli, Inc., 7900 Kinsman, Cleveland, Ohio 44104, Permit No. 44218780005 to 7900 K & M Mart, Inc., 7900 Kinsman, Cleveland, Ohio 44104, Permit No. 7982100; and

WHEREAS, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

WHEREAS, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

WHEREAS, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

WHEREAS, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Division of Liquor Control are prevented reasonable access to the establishment; and

WHEREAS, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

WHEREAS, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

WHEREAS, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from K & M Deli Inc., 7900 Kinsman, Cleveland, Ohio 44104, Permit No. 44218780005 to K & M Mart, Inc., 7900 Kinsman, Cleveland, Ohio 44104, Permit No. 7982100, and requests the Superintendent of Liquor Control to set a hearing for

said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

The rules were suspended. Yeas 14. Nays 0.

Read second time.

Read third time in full. Adopted. Yeas 14. Nays 0.

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

Voting Nay: None.

Absent: Gray, Santana, Spencer.

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 Monday, February 10, 2025, 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. 1116-2021](#)

[Ord. No. 105-2025](#)

[Ord. No. 1321-2024](#)

[Ord. No. 106-2025](#)

[Ord. No. 42-2025](#)

[Ord. No. 107-2025](#)

[Ord. No. 45-2025](#)

[Ord. No. 112-2025](#)

[Ord. No. 95-2025](#)

[Ord. No. 121-2025](#)

[Ord. No. 96-2025](#)

Ordinance No. 1116-2021

By Council Members: B. Jones, Brancatelli and Kelley (by departmental request)

An emergency ordinance authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire the Martin Luther King, Jr. High School and property located at 1651 East 71st Street for future redevelopment for the Department of Community Development; to convey the property to Structures Unlimited, LLC, or their designee; and to enter into an agreement between the City and the Redeveloper.

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

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, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Slife, Starr.

Voting Nay: None.

Absent: Santana, Spencer.

Ordinance No. 1321-2024 AS AMENDED

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

An emergency ordinance authorizing the Director of Finance, on behalf of the Office of Sustainability, to enter into an agreement with Johns Hopkins University, for the placement of three in-kind support staff members and funding to design, develop and implement solutions to address climate change and climate inequity, for a period of three years.

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

1. Insert new Section 4 to read as follows:

“Section 4. That the Director of Sustainability shall provide bi-annual reports to Council at the same time they provide the reports to the Initiative. All reports required herein will be delivered electronically to the Clerk of Council and entered into the Record as a Communication, referencing this ordinance.”.

2. Renumber existing Section 4 as new “Section 5”.

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

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

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, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Slife, Starr.

Voting Nay: None.

Absent: Santana, Spencer.

Ordinance No. 42-2025

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

An emergency ordinance authorizing the Director of Public Health to transfer property located at 4242 Lorain Avenue to the control, possession, and use of the Department of Community Development or Economic Development; authorizing the sale or lease of the property to Pennrose Holdings, or its designee, for future redevelopment; and authorizing the Directors of Public Health, Community Development, and Economic Development and Pennrose Holdings to enter into a development agreement relating to this ordinance.

Approved by the Directors of Public Health; Economic Development; City Planning Commission; Finance; and Law; Committees on Health Human Services and the Arts; Development, Planning and Sustainability; and Finance, Diversity, Equity and Inclusion.

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

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, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Slife, Starr.

Voting Nay: None.

Absent: Santana, Spencer.

Ordinance No. 45-2025 AS AMENDED

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

An emergency ordinance to supplement Ordinance No. 746-2024, passed August 7, 2024, relating to the Bedrock .41 TIF District by adding three new whereas clauses and Sections 9a, 9b, 9c, 9d, 9e, and 9f; to repeal Section 9 and to amend Section 10, relating to authorizing the Director of Economic Development to enter into a tax increment financing agreement and the Director of Capital Projects to enter into one or more construction-management agreements with Cleveland LD, LLC for various public improvements; and authorizing other agreements and documents.

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

1. In Section 3, at new Section 9a, paragraph 3, line 7, strike “100%” and insert “90%”; and at the end of line 7, insert “After January 1, 2056, the remaining ten percent (10%) of the Extension Period Service Payments received by the City under the TIF Agreement shall not be expended without additional legislative authority.”.

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

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

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, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Slife, Starr.

Voting Nay: None.

Absent: Santana, Spencer.

Ordinance No. 95-2025

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

An emergency ordinance authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by TDG Franklin North LLC, and/or its designee, located at 3210 Franklin Boulevard, Cleveland, OH 44113 for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code for the Franklin Yards North Project.

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

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

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, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Slife, Starr.

Voting Nay: None.

Absent: Santana, Spencer.

Ordinance No. 96-2025

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

An emergency ordinance authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by TDG Franklin Realty, LLC, and/or its designee, located at 3105 Franklin Boulevard, Cleveland, OH 44113 for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code for the Franklin Yards South Project.

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

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

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, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Slife, Starr.

Voting Nay: None.

Absent: Santana, Spencer.

Ordinance No. 105-2025

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

An emergency ordinance authorizing the Director of Port Control to exercise the second option to renew Lease Agreement No. CT 3001 LS 2023-010 with PrimeFlight Aviation Services, Inc., for the lease of office space at Cleveland Hopkins International Airport to support wheelchair operations, ground handling and maintenance services.

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

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, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Slife, Starr.

Voting Nay: None.

Absent: Santana, Spencer.

Ordinance No. 106-2025

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

An emergency ordinance authorizing the Director of Port Control to exercise the second option to renew Contract No. PS 2023-0167 with Recess Creative, LLC to provide marketing, promotional, public relations and advertising services, including materials, equipment and supplies necessary to promote Cleveland Hopkins International Airport and Burke Lakefront Airport for the Department 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 Polensek to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Bishop.

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, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Slife, Starr.

Voting Nay: None.

Absent: Santana, Spencer.

Ordinance No. 107-2025

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

An emergency ordinance authorizing the Director of Port Control to enter into a triple-net lease agreement with PrimeFlight Aviation Services, Inc. to lease certain space located at Building No. 208 at 5851 Cargo Road at Cleveland Hopkins International Airport, for office and storage space to support aviation ground handling operations and ground service equipment maintenance for various airlines at the airport, for a term of one year, with four 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 Polensek to suspend the rules, Charter, and statutory provisions and place on final passage. Seconded by Council Member Bishop.

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, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Slife, Starr.

Voting Nay: None.

Absent: Santana, Spencer.

Ordinance No. 112-2025

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

An emergency ordinance authorizing the Director of Port Control to enter into an amendment to lease agreement LS 2024-0021 with Aircraft Service International, Inc. dba Menzies Aviation, to add a provision for the location and repair of disabled vehicles.

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

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, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Slife, Starr.

Voting Nay: None.

Absent: Santana, Spencer.

Ordinance No. 121-2025

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

An emergency ordinance to amend the title and Sections 1, 4 and 5 of Ordinance No. 1365-2023, passed December 4, 2023, and to supplement the ordinance by adding new Section 4a, relating to the FY24 and FY25 Airport Capital Improvement Plan.

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

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, Griffin, Hairston, Harsh, Howse-Jones, Jones, Kazy, Kelly, Maurer, McCormack, Polensek, Slife, Starr.

Voting Nay: None.

Absent: Santana, Spencer.

Official Proceedings Adjournment City Council

Cleveland, Ohio
Monday, February 10, 2025

MOTION

On the motion of Council Member Polensek, the absences of Council Members Jasmin Santana and Jenny Spencer are hereby authorized. Seconded by Council Member Bishop.

The Council Meeting adjourned at 8:27 p.m. to meet at the call of the chair. The next Council Meeting will be on Monday, February 24, 2025, at 7:00 p.m. in the Council Chamber.

Patricia J. Britt
City Clerk, Clerk of Council

Council Committee Meetings

Monday, February 10, 2025

9:30 a.m.

Health, Human Services and the Arts Committee

Present: Conwell, Chair; Maurer, Vice Chair; Gray, Harsh, Howse-Jones, Slife, Starr

1:00 p.m.

Joint Committee Meeting

Safety Committee

Present: Polensek, Chair; Gray, Howse-Jones, Kazy, Kelly, Slife, Starr

Also Present: Bishop, Santana

Mayor's Appointment Committee

Present: Harsh, Chair; Griffin, Hairston, Polensek, Starr

2:00 p.m.

Finance, Diversity, Equity and Inclusion Committee

Present: Griffin, Chair; McCormack, Vice Chair; Bishop, Conwell, Hairston, Kazy, Polensek, Santana, Spencer

Also Present: Howse-Jones

Tuesday, February 11, 2025

9:30 a.m.

Development, Planning and Sustainability (Zoning) Committee

Present: Hairston, Chair; Santana, Vice Chair; Harsh, Howse-Jones, Jones, McCormack

Authorized Absence: Slife, Spencer

Development, Planning and Sustainability Committee

Present: Hairston, Chair; Santana, Vice Chair; Harsh, Howse-Jones, McCormack

Authorized Absence: Slife, Spencer

Wednesday, February 12, 2025

10:00 a.m.

Safety Committee

Present: Polensek, Chair; Jones, Vice Chair; Gray, Howse-Jones, Kazy, Kelly, Slife, Starr

Board of Control

Wednesday, February 12, 2025

The meeting of the Board of Control convened in the Mayor's Office Complex on Wednesday, February 12, 2025, at 3:04 p.m. with Acting Director Michele Comer presiding.

Members Present: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Absent: Mayor Bibb, Directors Barrett, Wernet, Nichols

Others Present: James DeRosa, Director
Capital Projects

Tyson Mitchell, Director
Office of Equal Opportunity

Tiffany White Johnson, Commissioner
Division of Purchases & Supplies

Macoy Pizzute, Fiscal Manager
Building & Housing

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 3:16 p.m.

Jeffrey B. Marks
Secretary – Board of Control

Resolution No. 56-25

Adopted 2/12/25

By Director Keane

WHEREAS, under authority of Ordinance No. 1368-15, passed by the Council of the City of Cleveland on December 7, 2015, and under Board of Control Resolution No. 98-23, adopted March 8, 2023, the City entered into City Contract No. PI2023-006 with Cold Harbor Building Company for the public improvement of Richfield Pump Station, for the Division of Water, Department of Public Utilities, and approved various subcontractors; and

WHEREAS, by its letter dated January 21, 2025, Cold Harbor Building Company requested the City's consent to add a subcontractor; now, therefore,

BE IT RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Cold Harbor Building Company under City Contract No. PI2023-006 is approved:

<u>Subcontractor</u>	<u>Work</u>	<u>Percentage</u>
Noce Enterprises, Inc. (CSB)	\$72,000.00	0.69%

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 57-25
By Director Keane

Adopted 2/12/25

PUBLIC IMPROVEMENT CONTRACT**BE IT RESOLVED by the BOARD of CONTROL of the CITY OF CLEVELAND**
that the bid of

Terrace Construction Company, Inc.

for the public improvement of Capitol Avenue Sewer Project (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on November 14, 2024, under the authority of Ordinance No. 443-2024, passed by the Council of the City of Cleveland on June 3, 2024, upon a unit basis for the improvement, in the aggregate amount of \$627,270.79, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

BE IT FURTHER RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Terrace Construction Co., Inc. for the above-mentioned public improvement is approved:

<u>Subcontractor</u>	<u>Work</u>	<u>Percentage</u>
Filling Development, LLC (CSB)	\$8,400.00	1.34%
Filling Development, LLC (CSB/MBE)	\$11,580.00 (60% supplier)	1.85%
The Vallejo Company (CSB/FBE)	\$66,900.00	10.66%
D. Crawford Trucking (non-certified)	TBD	0.00%

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 58-25

Adopted 2/12/25

By Director Francis

BE IT RESOLVED by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 476-2024, passed by the Council of the City of Cleveland on June 3, 2024, the firm of Downtown Cleveland Alliance ("Consultant") is selected upon the nomination of the Director of Port Control from a list of qualified firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to maintain, manage, secure, and promote City-owned properties at the North Coast Harbor and to fulfill the Common Area Maintenance Agreement with the stakeholders of North Coast Harbor, for a period of one year, with three one-year options to renew, for the Department of Port Control.

BE IT FURTHER RESOLVED that the Director of Port Control is authorized to enter into a written contract with Consultant, for the above-mentioned services, based upon its proposal dated November 21, 2024, which contract shall be prepared by the Director of Law, shall provide that the compensation to Downtown Cleveland Alliance for the services authorized shall not exceed \$452,118.65 for the initial one-year term and, if exercised, not exceeding \$470,203.40 for the first option year, not exceeding \$489,011.53 for the second option year, and not exceeding \$508,571.99 for third option year.

BE IT FURTHER RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subconsultants by Consultant, is approved:

<u>Subconsultants</u>	<u>Certification</u>	<u>Amount</u>
Ullman Electric	MBE/FBE	\$5,000.00
Lakeland Electric	CSB	\$5,000.00
Guide Studio	Non-certified	\$2,000.00
Robotic Assistance Devices, Inc.	Non-certified	\$5,000.00
Hermes Sports & Social Club	Non-certified	\$12,000.00
Sportsplex Rentals	Non-certified	\$5,000.00
Cirino and Son	Non-certified	\$27,000.00

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 59-25

Adopted 2/12/25

By Director Francis

BE IT RESOLVED by the Board of Control of the City of Cleveland that the employment of the following subconsultant by EnviroScience, Inc. under City Contract No. PS2024*0169 to provide professional mandatory environmental analytical and regulatory services, for the Department of Port Control, authorized by Ordinance No. 692-2021, as amended by ordinance No. 327-2024, passed by the Council of the City of Cleveland on October 11, 2021, and April 15, 2024, respectively, and Board of Control Resolution No. 214-24, adopted May 1, 2024, is approved.

<u>Subconsultant</u>	<u>Percentage</u>	<u>Amount</u>
KS Associates, Inc.	1.18% Non-certified	\$64,100.00

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 60-25

Adopted 2/12/25

By Director DeRosa

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under the authority of Ordinance No. 642-2024, passed by the Council of the City of Cleveland on July 10, 2024, Brewer-Garrett Company is selected upon the nomination of the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide the professional design-build services necessary to renovate Thurgood Marshall Recreation Center Mechanical Improvements.

BE IT FURTHER RESOLVED that the Director of Capital Projects is authorized to enter into a written contract with Brewer-Garrett Company based upon their proposal dated December 3, 2024, for a total cost not to exceed \$1,992,408.97, 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.

BE IT FURTHER RESOLVED that the employment of the following sub-consultants by Brewer-Garrett Company, is approved:

<u>Subconsultant</u>	<u>Certification</u>	<u>Amount</u>
<u>Design Subconsultants</u>		
Pardo Consultants, Inc.	CSB/MBE	\$ 19,600.00
<u>Construction Subcontractors</u>		
WTD Mechanical LLC	MBE/CSB/FBE	\$628,000.00
Legacy Electric, LLC	FBE/CSB	\$ 112,800.00
CK Insulation LLC	CSB/FBE	\$ 28,700.00
Cline Mechanical Inc.	N/A	\$229,000.00
Standard Contracting & Eng.	N/A	\$350,250.00

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 61-25

Adopted 2/12/25

By Director DeRosa

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that pursuant to the authority of Ordinance No. 1157-2023, passed by the Council of the City of Cleveland on October 30, 2023, Woolpert, Inc. is selected upon the nomination of the Director of Capital Projects from a list of qualified engineering consultants, or firms of such consultants, determined to be available after a full and complete canvass by the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City, to obtain the engineering services necessary for the Rehabilitation of the Martin Luther King, Jr. Boulevard Bridge No. 5:030M over Doan Brook, South of St. Clair Avenue and North of Parkgate Avenue.

BE IT FURTHER RESOLVED that the Director of Capital Projects is authorized to enter into a written contract with Woolpert, Inc. based on its proposal dated September 30, 2024, and its revised proposal dated January 7, 2025, provided that the compensation to be paid shall not exceed \$599,130.34. The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

BE IT FURTHER RESOLVED that the employment of the following sub-consultants by Woolpert, Inc. for the above authorized contract is approved:

<u>Subconsultant</u>	<u>Certification</u>	<u>Amount</u>	<u>Percentage</u>
Chagrin Valley Engineering Ltd	CSB	\$86,049.34.00	14.36%
CTL Engineering, Inc.	MBE	\$20,487.00	3.42%
Aurora Research Associates, LLC	FBE	\$26,702.00	4.46%
HZW Environmental Consultants, LLC	FBE	\$28,885.00	4.82%
BioSurvey Group	N/A	\$13,000.00	2.17%

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 62-25

Adopted 2/12/25

By Director DeRosa

WHEREAS, under the authority of Ordinance No. 1201-2022, passed by the Cleveland City Council January 23, 2023, and Board of Control Resolution No. 400-23, adopted August 23, 2023, the City, through the Director of Capital Projects ("Director"), entered into City Contract No. PS2023*338 with Michael Baker, International, Inc. (MBI) ("Engineer") to supplement the regularly employed staff of several departments of the City to prepare Phase I Engineering Services necessary for the Lorain Avenue Midway by the Division of Engineering & Construction, in an amount not exceeding \$603,806.00; and

WHEREAS, the City requires additional engineering services to assist the City in preparing for a RAISE Grant Application to obtain construction funding for the Lorain-Midway; and

WHEREAS, Engineer has proposed by its December 11, 2024 letter to perform the above-described additional engineering services for compensation of \$49,600.00; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND, that the Director of Capital Projects is authorized to enter into a first modification to Contract No. PS2023*338 with Michael Baker International, Inc., based upon its December 11, 2024 proposal, for the additional engineering services needed for an additional amount of \$49,600.00, thereby increasing the total compensation under the Contract to an amount not to exceed \$653,406.00.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 400-23 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 63-25

Adopted 2/12/25

By Director DeRosa

WHEREAS, under the authority of Ordinance No. 532-2022, passed by the Cleveland City Council on June 6, 2012, and Board of Control Resolution No. 340-24, adopted July 17, 2024, the City, through the Director of Capital Projects, entered into Contract No. CTO103 Pl2024*0047 with Cook Paving & Construction Co., Inc., for the public improvement of the Multiple Park Site Improvements Neff Park; and

WHEREAS, Cook Paving & Construction Co., Inc., has proposed to change certain subcontractors and employ additional subcontractor under Contract No. CTO103 Pl2024*0047 to assist in completion of the services under the contract; now, therefore,

BE IT RESOLVED by the Board of Control of the City of Cleveland that Board of Control Resolution No. 340-24 adopted July 17, 2024, authorizing a contract with Cook Paving & Neff Park is amended by deleting Lake Erie Landscaping as a subcontractor and approving the following as subcontractor:

<u>Subcontractor</u>	<u>CSB/MBE/FBE</u>	<u>Amount</u>
Down to Earth Landscaping	CSB/FBE	\$111,146.10

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 64-25

Adopted 2/12/25

By Director DeRosa

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under the authority of Ordinance No. 638-2019, passed by the Council of the City of Cleveland on July 24, 2019, R.W. Clark Company Inc. is selected upon the nomination of the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City, to provide the professional design-build services necessary to renovate Clark Recreation Center Pool.

BE IT FURTHER RESOLVED that the Director of Capital Projects is authorized to enter into a written contract with R.W. Clark Company Inc., based upon its proposal dated December 20, 2024, for a total cost not to exceed \$556,600.50, 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.

BE IT FURTHER RESOLVED that the employment of the following subconsultants by R.W. Clark Company Inc., is approved:

<u>Subconsultant</u>	<u>Certification</u>	<u>Amount</u>
North Electric, Inc	CSB	\$22,000.00
M Rivera Construction	CSB	\$37,000.00
Brandstetter Carroll	N/A	\$18,480.00
Astra Pool Company	N/A	\$199,649.00

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 65-25

Adopted 2/12/25

By Director DeRosa

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under the authority of Ordinance No. 642-2024, passed by the Council of the City of Cleveland on July 10, 2024, Cold Harbor Building Company is selected upon the nomination of the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City, to provide the professional services necessary for the professional design-build services necessary for the E. 65th Street Service Facility Roof and Envelope Improvement.

BE IT FURTHER RESOLVED that the Director of Capital Projects is authorized to enter into a written contract with Cold Harbor Building Company based upon their proposal dated November 20, 2024, for a total cost not to exceed \$982,692.50, 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.

BE IT FURTHER RESOLVED that the employment of the following subconsultants by Cold Harbor Building Company is approved:

<u>Subconsultant</u>	<u>Certification</u>	<u>Amount</u>
R. E. Warner & Associates, Inc.	CSB/LPE	\$ 392,150.00
Warren Roofing & Insulating Co.	CSB/LPE	\$ 25,000.00
Finley Consulting Group	N/A	\$ 27,500.00
Mike Lawver (Drone Pilot)	N/A	\$ 2,750.00
Amianthus LLC	N/A	\$ 10,000.00

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 66-25

Adopted 2/12/25

By Director DeRosa

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that the bid of

Architectural Siding Trim & Roofing Inc.

for the public improvement of the 2024 Thurgood Marshall Recreation Center Roof Repairs Alternates 1-4, Base Bid Items A-F and Contingency Allowances 1-4, for the Division of Architecture and Site Development, Office of Capital Projects, received on December 20, 2024, under the authority of Ordinance No. 643-2024, passed July 10, 2024, for a gross price for the improvement in the aggregate amount of \$1,191,509.00 is affirmed and approved as the lowest responsible bid, and the Director of Capital Projects is requested to enter into contract with the bidder.

BE IT FURTHER RESOLVED, by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Architectural Siding, Trim & Roofing Inc., is hereby approved:

<u>Subcontractor</u>	<u>CSB/MBE/FBE</u>	<u>Amount</u>
River City Building Solutions LLC.	CSB/FBE 60% \$175,000.00	\$105,000.00

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 67-25
By Director Drummond

Adopted 2/12/25

WHEREAS, under the authority of Ordinance No. 385-2022, passed by the Council of the City of Cleveland on May 9, 2022, the City of Cleveland, through the Director of Public Safety, entered into City Contract No. CT-6002-PS2023-0166 with Flock Group, Inc. for a period of one year, for professional services and equipment for an Automated License Plate Reader solution to support increased situational awareness and real time operational decision making for the Division of Police, Department of Public Safety; and

WHEREAS, division (c) of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O.") authorizes a director to execute one (1) or more license agreements for software needed to implement or maintain the system directly with the firm or firms licensing the software; and

WHEREAS, division (d) of Section 181.102 C.O. authorizes a director to enter into City one (1) or more agreements directly with the software developer to maintain the software, including but not limited to, maintenance and technical support; and

WHEREAS, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Flock Group, Inc. to obtain the annual maintenance and licenses for the aforementioned Automated License Plate Reader solution for a period of two years, starting June 29, 2024; 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 licenses and maintenance under the prospective agreement with Flock Group, Inc. is fixed at an amount not to exceed \$250,000.00.

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 68-25

Adopted 2/12/25

By Director Drummond

BE IT RESOLVED by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 165-2024, passed by the Council of the City of Cleveland on March 18, 2024, the Cleveland Clinic Foundation 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 necessary to conduct cancer and behavioral health screenings, annual medical and fitness evaluations, and expanding behavioral health and cancer screenings for the Division of Fire, Department of Public Safety.

BE IT FURTHER RESOLVED, that the Director of Public Safety is authorized to enter into a contract with the Cleveland Clinic Foundation based upon its November 27, 2024 Proposal, which contract shall be prepared by the Director of Law, shall provide for rendering the above-mentioned professional services as described in the Proposal, for an amount not to exceed \$893,116.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 69-25

Adopted 2/12/25

By Director Williams

BE IT RESOLVED by the BOARD OF CONTROL of the CITY OF CLEVELAND that all bids received on October 9, 2024, for the purchase of gasoline, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, under the authority of Section 131.65 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 70-25

Adopted 2/12/25

By Director Hernandez

WHEREAS, Board of Control Resolution No. 37-25, adopted January 29, 2025, authorized the sale and development of Permanent Parcel No. 128-06-041 to Stacie M. Smith for yard expansion, as part of the City Land Reutilization Program established under Ordinance No. 2076-76, passed by the Cleveland City Council on October 25, 1976; and

WHEREAS, in the last paragraph, Resolution No. 37-25 incorrectly stated the purchase price of the parcel as being "\$4,430"; now, therefore,

BE IT RESOLVED by the BOARD OF CONTROL of the CITY OF CLEVELAND that Resolution No. 37-25, adopted by this Board January 29, 2025, authorizing the sale and development of Permanent Parcel No. 128-06-041 to Stacie M. Smith for yard expansion, is amended by substituting "\$4,340.00" for "\$4,430", where appearing in the resolution.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 37-25 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 71-25

Adopted 2/12/25

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. 104-17-063 located at 1431 East 59111 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, Latisha S. Goodwin 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 Latisha S. Goodwin, for the sale and development of Permanent Parcel No. 104-17-063, located at 1431 East 59th 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 \$3,780.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 72-25

Adopted 2/12/25

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 Nos. 107-20-082 and 107-20-110, located on East 93rd Street and Holyrood 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, Merlin Hall has proposed to the City to purchase and develop the parcels 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 parcels 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 Merlin Hall, for the sale and development of Permanent Parcel Nos. 107-20-082 and 107-20-110, located on East 93rd Street and Holyrood 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 parcels shall be \$400.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 73-25

Adopted 2/12/25

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. 133-28-018 located at 8809 Harvard 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, Tiffany A. Livest 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 Tiffany A. Livest, for the sale and development of Permanent Parcel No. 133-28-018 located at 8809 Harvard Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 74-25

Adopted 2/12/25

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. 119-05-031 located at 1790 East 89th 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, Man Properties Cleveland LLC has proposed to the City to purchase and develop the parcel for New Residential Development – Multi-Family; 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 Man Properties Cleveland LLC, for the sale and development of Permanent Parcel No. 119-05-031 located at 1790 East 89th 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 parcel for uses according to the Program.

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 75-25

Adopted 2/12/25

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 Nos. 106-10-068 and 106-10-148 located on Melrose 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, Angela M. Owens has proposed to the City to purchase and develop the parcels 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 parcels 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 Angela M. Owens, for the sale and development of Permanent Parcel Nos. 106-10-068 and 106-10-148, located on Melrose 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 parcels shall be \$400.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Resolution No. 76-25

Adopted 2/12/25

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. 125-30-056 located at 3315 Regent 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, PNP Realty, LLC has proposed to the City to purchase and develop the parcel for green space; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 6 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 PNP Realty, LLC, for the sale and development of Permanent Parcel No. 125-30-056 located at 3315 Regent 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 \$5,040.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Comer; Director Keane; Acting Directors Kramer, Laird; Directors Margolius, Drummond, Hernandez, Cole; Acting Director Bourdeau Small; Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb; Directors Barrett, Wernet, Nichols

Schedule of the Board of Zoning Appeals

Monday, March 3, 2025

Under the conditions specified by law, the Board of Zoning Appeals will be conducting a hybrid in-person and virtual hearing using the WebEx Platform. IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY THROUGH WEBEX, contact the Board of Zoning Appeals office and request the link at 216-664-2580 by noon on February 28, 2025. You can also email us boardofzoningappeals@clevelandohio.gov.

The in-person hearing will be held in Room 514 in City Hall. Bring proper ID to enter the building.

Those individuals not planning to attend are encouraged to view one of the live streams:

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

Or https://www.youtube.com/channel/UCB8ql0Jrhm_pYIR1OLY68bw/

9:30

**Calendar No. 24-050: 3620 Lorain Avenue Public Works Invoice
Ward 3 – Kerry McCormack WO-7010-1600235**

J.S. Associates LLC., owner, appeals under the authority of division (b) 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 hearing officer dated February 14, 2024, to uphold the City of Cleveland's Department of Public Works to issue invoice WO-7010-1600235 regarding abating nuisances (grass cutting) at the subject property.

9:30

**Calendar No. 25-015: 3655 Bosworth Road
Ward 11 – Danny Kelly**

3655 Bosworth LLC, owner, proposes to expand a Bar use to include Restaurant in Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03, which states that Bar and Restaurant are not permitted in Two-Family District but are first permitted in Local Retail Business District without entertainment 343.01 (b)(2)(F).
2. Division (a) of Section 359.01, which states that expansion of Nonconforming

use requires Board of Zoning Appeals approval.

9:30

Calendar No. 25-019: 2948 West 12th Street

Ward 3 – Kerry McCormack

Endijs Pupols, owners, proposes to construct a 1,400 square foot two-story timber frame garage on a 3,795 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Division (a)(6)(A) of Section 337.23, which states that in a Residential District the floor area of a private garage erected as an accessory building shall not exceed 800 square feet unless the lot area exceeds four thousand eight hundred (4,800) square feet, in which event the floor area may be increased in the ratio of one (1) square foot for each twelve (12) square feet of additional lot area; a two-story garage with 1,400 square feet is proposed.
2. Division (a) of Section 337.23, which states that an accessory building shall be located on the rear half of the lot, a minimum of eighteen (18) inches from all property lines and at least ten (10) feet from any main building on an adjoining lot in a Residence District; the distance to main building on adjoining lot is not provided.
3. Section 353.05, which states that in Residence Districts, an accessory building shall not exceed fifteen (15) feet in height, or the distance from the accessory building to a main building or potential location of a main building on adjoining premises in a Residence District, whichever is less.

9:30

Calendar No. 25-020: 4208 Clinton Avenue

Ward 3 – Kerry McCormack

Zach & Chelsea Shew, owners, propose to erect an irregular shaped 4,504 square feet two-story frame, single-family residence with attached garage in a Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Division (b)(1) of Section 357.08, which states that the Required Rear Yard is 25 feet and 6 inches; proposing 24 feet and 11 inches.
2. Division (a) of Section 357.06, which states that the Required Front Yard Setback is 20.3 feet; the appellant is proposing 8 feet 5 inches.

Please note that the Board is restricted in its ability to grant a front yard setback variance unless certain circumstances exist per division (c) of Section 329.04.

Note: Landmarks approval required before issuance of Building permit. Traffic engineering approval is required for apron and driveway approval before issuance of building permit.

9:30

Calendar No. 25-021: 14825 Waterloo Road

Ward 8 – Michael Polensek

Meadow City LLC, owner, proposes to erect a plant hoop house in a Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03, which states that (by reference as permitted in One-Family District 337.02 (e), subject to the regulations Section 337.25 (b)(1)) a fence located in a required front yard, side street yard or other street yard, shall not exceed four (4) feet in height and shall be either ornamental or vinyl coated chain link.
2. Division (c) of Section 337.25, which states that no accessory structure to an agricultural use, other than fences and farm stands, shall be located in a required front or side street yard area or within eighteen (18) inches of an interior side or rear lot line. The proposed seedlings plant hoop house is proposed within the front yard setback.

Report of the Board of Zoning Appeals

Monday, February 10, 2025

At the meeting of the Board of Zoning Appeals on Monday, February 10, 2025, the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED**:

Calendar No. 25-006: 3443 West 136th Street

Local Focal LLC., owners, propose to erect a one-story frame rear bedroom and bathroom addition to an existing single-family residence in an A1 One-Family Residential District.

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

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

The following appeals were **DISMISSED**:

Calendar No. 24-002: 737 East 93rd Street Grass Cutting Violation

Jennifer Heard, owner, appeals under the authority of division (b) 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 hearing officer dated December 13, 2024, to uphold the City of Cleveland's Department of Public Works to issue invoice WO-7010-1612454.

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

The following cases were **POSTPONED**:

Calendar No. 24-183: Anthony Williams

3122 West Boulevard. Postponed to March 31, 2025.

Calendar No. 25-003: Cleophus Stepeney

12600 Craven Avenue. Postponed to March 10, 2025.

The following cases were heard by the Board of Zoning Appeals on Monday, February 3, 2025, and the decisions were adopted and approved on Monday, February 10, 2025:

The following appeals were Approved:

Calendar No. 24-213: 3275 West 117th Street

David Tarditi, owner, proposes a change of use from auto body and print shop to auto rental and minor service garage in a Local Retail Business District.

Calendar No. 24-223: 3338 West 98th Street

Cody & Elizabeth Noghera, owners, propose to change the use of existing two-family residences to a three-family residence in a B1 Two-Family Residential District.

Calendar No. 25-002: 711 East 152nd Street

Fernando Fotanez, owner, proposes to erect a 34-foot by 20-foot, one-story wooden carport in a C1 Multi-Family Residential.

The following appeals were Denied: None.

Adopted Resolutions and Passed Ordinances

These resolutions were adopted, and ordinances were passed by City Council on Monday, February 3, 2025.

Click on a piece of legislation below to read it:

[Ord. No. 1141-2023](#)

[Ord. No. 126-2025](#)

[Ord. No. 1353-2024](#)

[Ord. No. 158-2025](#)

[Ord. No. 1358-2024](#)

[Ord. No. 159-2025](#)

[Ord. No. 22-2025](#)

[Ord. No. 160-2025](#)

[Ord. No. 99-2025](#)

[Ord. No. 161-2025](#)

Ordinance No. 1141-2023

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

An emergency ordinance to amend various sections of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various sections; to repeal Sections 505.04, 505.05, 505.07 to 505.10, as amended by various ordinances; to supplement the codified ordinances by enacting new Sections 502.01 to 502.06, 503.014, 505.16, and 514.091, relating to sidewalks and right-of-way generally.

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

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

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

Section 411.011, as amended by Ordinance No. 979-2020, passed July 14, 2021,

Section 439.02, as amended by Ordinance No. 599-11, passed June 6, 2011,

Section 439.021, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 503.01, as amended by Ordinance No. 1170-03, passed July 16, 2003,

Section 503.04, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 503.99, as amended by Ordinance No. 1170-03, passed July 16, 2003,

Sections 505.01, 505.02, 505.03, and 505.06, as enacted by Ordinance No. 63410-A, passed September 22, 1924,

Section 505.11, as amended by Ordinance No. 1729-01, passed October 22, 2001,

Section 505.12, as amended by Ordinance No. 837-00, passed July 17, 2000,

Section 505.13, as amended by Ordinance No. 242-05, passed April 25, 2005,

Section 505.14, as amended by Ordinance No. 277-05, passed March 28, 2005,

Section 505.15, as amended by Ordinance No. 890-22, passed November 7, 2022,

Section 505.99, as enacted by Ordinance No. 63410-A, passed September 22, 1924,

Section 507.06, as amended by Ordinance No. 1170-03, passed July 16, 2003,

Section 507.15, as amended by Ordinance No. 1276-95, passed July 19, 1995,

Section 513.99, as amended by Ordinance No. 704-2023, passed July 12, 2023,

Sections 514.01 and 514.02, as enacted by Ordinance No. 884-10, passed August 18, 2010,

Section 514.04, as amended by Ordinance No. 243-11, passed May 9, 2011, and

Sections 514.07 and 514.09, as enacted by Ordinance No. 884-10, passed August 18, 2010,

are amended to read as follows:

Section 411.011 Street and Sidewalk Obstruction Permits

(a) No person shall place or cause to be placed, any object or property so as to obstruct the public's use of any highway, lane, road, street or alley without first obtaining a street obstruction permit and/or a street opening permit, if necessary, from the Director of Capital Projects.

(b) An application for a street obstruction permit shall contain the following information:

- (1) The name of the applicant;
- (2) The location of the proposed obstruction;
- (3) The purpose of the obstruction;
- (4) A description of the obstruction;
- (5) The proposed commencement date, time and estimated duration of the obstruction; and
- (6) A traffic maintenance plan.

(c) An application for a street obstruction permit for construction and rehabilitation projects regulated by Chapter 3115, shall contain the information required in division (b)(1) through (b)(5) above, and in addition shall include a traffic and pedestrian maintenance plan. Such plan shall be approved, subject to revision, by the Division of Engineering and Construction in consultation with the Division of Traffic Engineering, according to pedestrian safety criteria required by rules and regulations promulgated by the Directors of Capital Projects and Public Works based on Ohio Manual of Uniform

Traffic Control Devices (OMUTCD) standards. In addition to the requirements of Chapter 3115, required criteria shall include the following:

- (1) A plan for safe alternative re-routing of pedestrians and wheelchair riders, if the applicant presents specific reasons that the existing sidewalk cannot stay open or abutting walkway cannot be maintained with safety measures during construction;
 - (2) Pedestrians and wheelchair riders shall not be lead into conflict with vehicles, equipment, or operations moving through or around the work zone;
 - (3) Temporary pedestrian access re-routes or detours must be continuous, unobstructed, and protected from construction;
 - (4) Accessibility and compliance with the Americans with Disabilities Act (ADA);
 - (5) If a temporary pedestrian access re-route must involve crossing the roadway, a plan to direct pedestrians and wheelchair riders with advance signing directing them to the nearest official crosswalk; and
 - (6) A plan to erect appropriate signage notifying pedestrians and wheelchair riders of work zones in compliance with rules and regulations and to post a copy of such permit at each approach to the work zone.
- (d) The application shall be accompanied with the applicable fee set forth below for the permit and any inspection costs related thereto. The application shall also be accompanied with evidence of a public liability insurance policy issued by an insurer authorized to transact business in Ohio, in an amount not less than one million dollars (\$1,000,000.00), listing the City of Cleveland as an additional insured. As used in this division, a City-Sponsored Event means an event supported or produced by one of the branches, departments, or offices of the City of Cleveland that furthers the functions or goals of that branch, department or office, and a CDC qualifying event means an event held or sponsored by a community development corporation, organized under Chapter 1702 of the Revised Code, that is open to the public at no charge, is anticipated to attract and/or keep members of the public at the event location, and includes food truck staging or is a festival that obstructs the street.

The Director of Capital Projects shall charge the following fees for obstruction permits issued under this section:

- (1) Construction work partially taking a portion of the street and may include the sidewalk:
 - A. In Central Business District:
 - \$50.00 per week for 20 LF up to 4 weeks
 - After 4 weeks, \$190.00 per month for 20 LF

- B. In Other Commercial Districts:
 - \$25.00 per week for 20 LF up to 4 weeks
 - After 4 weeks, \$85.00 per month for 20 LF

- C. In Residential Areas: \$20.00 per month

(2) Construction work entirely taking the street and may include the sidewalk:

- A. In Central Business District:
 - \$100.00 per week for 20 LF up to 4 weeks
 - After 4 weeks, \$380.00 per month for 20 LF

- B. In Other Commercial Districts:
 - \$50.00 per week for 20 LF up to 4 weeks
 - After 4 weeks, \$190.00 per month for 20 LF

- C. In Residential Areas: \$20.00 per month

(3) Construction work partially taking the sidewalk only:

- A. In Central Business District:
 - \$25.00 per week for 20 LF up to 4 weeks
 - After 4 weeks, \$85.00 per month for 20 LF

- B. In Other Commercial Districts:
 - \$12.50 per week for 20 LF up to 4 weeks
 - After 4 weeks, \$44.50 per month for 20 LF

- C. In Residential Areas: \$20.00 per month

(4) Construction work taking the entire sidewalk only:

- A. In Central Business District:
 - \$50.00 per week for 20 LF up to 4 weeks
 - After 4 weeks, \$190.00 per month for 20 LF

- B. In Other Commercial Districts:
 - \$25.00 per week for 20 LF up to 4 weeks
 - After 4 weeks, \$85.00 per month for 20 LF

- C. In Residential Areas: \$20.00 per month

(5) Dumpster or Portable Onsite Storage Unit

- A. In Central Business District: \$20.00 per month plus an additional \$50.00 for inspection

B. In Other Commercial Districts: \$20.00 per month plus an additional \$50.00 for inspection

C. In Residential Areas: \$20.00 per month

(6) City-Sponsored Special Event: No charge

(7) Non-City-Sponsored Special Event: \$100.00 per event

(8) CDC Qualifying Event: No charge

(9) Block Party: \$25.00 per event

(10) Filming: \$20.00 per filming location

(11) Bus Parking: \$50.00 per day for each bus

(12) Expedited Reviews: \$50.00 additional fee for any requested and performed expedited reviews.

(e) The Director may deny or revoke a street obstruction permit whenever the Director finds:

(1) The applicant has previously violated the provisions of a street obstruction permit or has submitted materially false or incomplete information on any street obstruction permit application; or

(2) The obstruction would unreasonably interfere with another obstruction for which a permit has been issued; or

(3) The time, place or size of the obstruction would unreasonably interfere with public convenience and safe use of the street; or

(4) The obstruction would unreasonably interfere with the movement or service capability of emergency or service vehicles; or

(5) The obstruction would unreasonably interfere with a construction project.

(f) Whoever violates division (a) of this section shall be fined not less than two hundred dollars (\$200.00).

(g) This section shall not apply to any person that has been issued a permit under Chapter 3109 relating to encroachment permits.

Section 439.02 Permits for Overweight and/or Oversize Vehicles, Objects and Structures

(a) The Director of Capital Projects may issue permits, upon written application, to move vehicles, objects or structures that are in excess of the weight and/or size limitations specified in this chapter over any street, highway, bridge or culvert, other than a state route. The Director of Capital Projects shall issue each permit for a particular vehicle, object or structure to move over a specific route as requested by the applicant or as modified by the Director. Prior to submitting its written application, the applicant shall review all routes requested to ensure that all height clearances and weight allowances are met.

(b) The Director of Capital Projects shall issue permits only for non-divisible loads, unless the Director determines that it would be in the best interests of the safety of the traveling public and the welfare of the transportation system to waive this restriction. As used in this section, “non-divisible” means that which cannot be reduced in size or weight, or which is impractical to divide, or which cannot be so adjusted as to be within the weight and size limitations specified in this chapter and RC 5577.01 to 5577.14.

(c) The Director of Capital Projects shall require each permittee to indemnify and save harmless the City of Cleveland with respect to the permittee’s activities under the permit. The Director shall further require that the permittee maintain at all times during the term of the permit automobile liability insurance to insure both the permittee, and the City of Cleveland as an additional insured with respect to permittee’s activities under the permit, with limits not less than the following:

Bodily injury coverage per person	\$375,000.00
Bodily injury coverage per occurrence	\$375,000.00
Property damage coverage per occurrence	\$375,000.00

In lieu thereof, a single limit policy of automobile liability insurance covering both personal injury and property damage in an amount not less than seven hundred fifty thousand dollars (\$750,000.00) may be substituted.

(d) The Director of Capital Projects may impose such additional requirements or conditions for the issuance of a permit under this section as the Director deems necessary for the safety and welfare of the citizens of the City of Cleveland and the traveling public, and to protect the integrity of the streets, highways, bridges and culverts in the City of Cleveland. Such additional requirements or conditions may include the keeping of a log of the number of moves made under the authority of a permit issued pursuant to this section.

(e) The Director of Capital Projects may issue such rules and regulations as the Director deems necessary to fulfill the purposes of this section and Section 439.021. Such rules and regulations shall take effect ten (10) days after publication in the City Record.

Section 439.021 Categories of Permits for Overweight and/or Oversize Moves; Permit Fees

(a) The Director of Capital Projects shall use the following categories for purposes of assessing fees for permits issued under Section 439.02:

(1) Active Permit. An active permit shall be issued for a single movement over a designated route, and may allow for return to the place of origin over the same route with approval of the Director of Capital Projects. An active permit shall be issued for a duration of not to exceed seventy-two (72) hours, except that a permit allowing the movement of a load in excess of one hundred twenty thousand (120,000) lbs. shall be for a duration of not to exceed five (5) days.

(2) Continuing Permit. A continuing permit shall be issued for repeated movements of the same vehicle, including any approved load and axle spacing, over the same routing between the same two (2) locations. A continuing permit shall be issued for a period of not to exceed three hundred sixty-five (365) days.

(3) Construction Equipment Permit. A construction equipment permit shall be issued for repeated movements of the same vehicle to and from construction work sites. A construction equipment permit shall be for a vehicle, including trailer and/or equipment or machinery, which does not exceed twelve (12) feet in width, and which does not exceed the weight, length, and height limitations of this chapter and RC 5577.02 and 5577.05. A construction equipment permit shall be issued for a period of not to exceed three hundred sixty-five (365) days.

(4) Inactive Permit. An inactive permit shall be issued for repeated movements of the same vehicle, including the approved load and axle spacing. For an inactive permit, the route is not specified when the application is submitted. When a given route is subsequently submitted to and approved by the Director of Capital Projects, the Director shall issue a validation number, which shall activate the permit for a duration of not to exceed seventy-two (72) hours. An inactive permit shall be issued either for a period of not to exceed ninety (90) days, or for a period of not to exceed three hundred sixty-five (365) days, the duration of which shall be in accordance with the amount paid by the applicant under the schedule of fees set forth in division (b) of this section.

(b) The Director of Capital Projects shall charge the following fees for permits issued under Section 439.02:

Active permit (single movement)	Fee
Processing fee – 72 hours or 5 days	\$29.00
Overweight surcharge (over 80,000 lb.)	\$15.00
Overweight superload surcharge (over 120,000 lb.)	\$30.00
Overwidth surcharge (over 14 ft.)	\$15.00
Overheight surcharge (over 14 ft. 6 in.)	\$29.00

Overlength surcharge (over 80 ft.)	\$15.00
Return trip surcharge with authorization	\$15.00
Continuing Permit	Fee
Processing fee – (365 days max for under 120,001 lbs)	\$110.00 each month or \$1,200.00 yearly permit
Overweight surcharge (between 80,001 to 120,000 lbs)	\$60.00
Overwidth surcharge (over 14 ft.)	\$60.00
Overheight surcharge (over 14 ft. 6 in.)	\$116.00
Overlength surcharge (over 80 feet)	\$60.00

Expedited Review**Fee**

Additional fee for each requested and performed expedited review \$50.00

(c) In addition to the foregoing fees and charges, if a police escort is required by state law, or at any other time that the Director of Capital Projects and the Traffic Commissioner determine that a police escort is needed, the permittee shall also reimburse the City for the costs of the escort as determined by the Chief of Police

Section 503.01 Street Opening Permits; Right-of-Way Registration; Costs

(a) No person, including a corporation, private utility or public utility, shall excavate any pavement in any highway, lane, road, street, alley or sidewalk of the City, without first obtaining a street opening permit, except as provided in division (g) of this section, and holding a current Right-of-Way Certificate of Registration, except as provided in division (a)(2) of this section.

(1) *Street Opening Permit.* The application for a street opening permit shall be in the form prescribed by the Director. This application shall state the name, address and phone number of the applicant, the location, kinds and extent of the pavement desired to be taken up and the number, purpose and size of excavations which are desired or necessary. If the permit is for reconfiguring the public right-of-way, an engineered drawing stamped by a professional engineer of the State of Ohio must accompany the permit application. The application shall also include a signed statement that the permittee shall hold harmless the City of Cleveland, its officers and employees and shall indemnify the City of Cleveland, its officers and employees for any claims or damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. At the time of application, the applicant shall pay a non-refundable fee in accordance with the following:

A. Street Excavation

\$313 for first 200 sq. ft. and \$43.00 for each additional 200 sq. ft. (or portion thereof)

\$195.00 inspection fee for one parcel or a small project

\$260.00 per month inspection fee for a large project

B. Sidewalk Excavation

\$45.00 for 1 to 200 sq. ft. or for a single residential parcel

\$90.00 for 201 to 1000 sq. ft.

\$135.00 for 1001 to 5000 sq. ft.

\$225.00 for 5001 sq. ft. or over

\$195.00 inspection fee for one parcel or a small project

\$260.00 per month inspection fee for a large project

C. Expedited Reviews- \$50.00 additional fee for any requested and performed expedited reviews.

D. Engineering Review Fee for Earth Retention System (ERS) review or elevated pedestrian bridge review- \$4,000.00 fee for complete review per site.

For purposes of this section, a “small project” means that the adjacent property for which a permit is being sought is a single residential house, townhomes or apartments with less than four units, other commercial single building under 0.5 acres and a “large project” means that the adjacent property for which a permit being sought is greater in size than a small project.

(2) *Right-of-Way Certificate of Registration.* The application for an annual Right-of-Way Certificate of Registration shall be in the form prescribed by the Director, shall state the name of the person, firm or corporation applying for registration and the name, address, and phone number of the place of business or places of business of the applicant, and shall include such additional information that the Director deems necessary. If the applicant is a firm, co-partnership, corporation, association or any combination, the application shall contain the names and addresses of all members or officers, together with a certified copy of the corporation minutes or other certified evidence that the application has been duly authorized. At the time of application, the applicant shall pay a non-refundable fee of one hundred dollars (\$100.00). No Right-of-Way Certificate of Registration shall be required for officials or employees of a public utility or private utility.

(b) In the event the scope of the project is revised during the course of the work, the Manager of Engineering and Construction may recalculate the street opening permit fee based on the actual size of the excavation in accordance with the fee schedule.

(c) In the event that a street opening permit is not issued or is revoked before an excavation has been made, the entire fee shall be refunded to the applicant, except for twenty-five dollars (\$25.00) to cover the city's cost of processing the application.

(d) Prior to being issued a street opening permit, permittee shall submit a performance bond or have a current performance bond on file either:

(1) In the amount of the estimated cost of backfilling and restoring the excavation to be made by the permittee, as estimated by the Manager of Engineering and Construction; or

(2) An umbrella bond in the amount of two hundred fifty thousand dollars (\$250,000.00). Any person providing an umbrella bond will be deemed to have met the performance bond requirements of this section for the duration of the performance bond.

(e) After the fee and deposit required by this section have been paid, the Director may issue the street opening permit applied for. The permit shall state the exact time the excavation is to be made, the probable length of time required for the work to be done and the repair made, the character of the pavement, including its base, and the character of the work necessary for the satisfactory relaying of the pavement.

(f) Permittee shall restore, or cause to restore, all excavations according to regulations promulgated by the Director of Capital Projects. Any regulations promulgated by the Director shall be effective thirty (30) days after publication in the *City Record*.

(1) If the Director determines that the permittee has failed to make restorations according to the Director's regulations, the Director may, by written notice, order the permittee to make restorations according to the regulations. The permittee shall have thirty (30) calendar days from receipt of written notice to make the appropriate restorations.

(2) If the Director determines that the permittee has failed to make restorations after thirty (30) days from the permittee's receipt of notice, the Director may draw, from the permittee's performance bond, funds sufficient to make the restorations according to the Director's regulations or the Director may proceed to carry out the restoration in accordance with Section 503.015 of these Codified Ordinances.

(g) In an emergency, a person may make an excavation or opening or remove pavement in any highway, lane, road, street or alley of the City, provided that the person notifies the Director in writing of the emergency, including a description of the nature of the emergency, and applies for a street opening permit within seven (7) calendar days of making the opening. The appropriate street opening fee shall accompany the application. Any person failing to notify the Director as provided in this division (g) shall be charged the regular permit fee plus an additional fee of two hundred dollars (\$200.00) to cover the City's administrative costs of identifying and inspecting the

street opening made without a permit. As used in this division (g), “emergency” means a condition that (i) poses a clear and immediate danger to life or health or of a significant loss of property; or (ii) requires immediate repair or replacement in order to restore service to a user.

(h) The street opening permit shall identify the time period in which the street opening must be closed. The Manager of Engineering and Construction, or his or her designee, will determine this time period based upon the size and nature of the opening.

(1) If the work is not started within the time designated in the street opening permit, the permit may be revoked by the Manager.

(2) If the work has been started but not completed within the time designated in the street opening permit, the permit may be revoked by the Manager of Engineering and Construction. If the permit is revoked, the Director may charge all accrued restoration charges to the permittee. Should the permittee fail to pay all accrued restoration charges within thirty (30) calendar days of receipt of notice, the Director may draw, from the permittee’s performance bond, funds sufficient to restore the highway, lane, road, street, or alley according to the Director’s regulations or the Director may proceed to carry out the restoration in accordance with Section 503.015 of these Codified Ordinances.

(3) The Manager, or the Manager’s designee, may, at his or her discretion, issue a stop work order for any work being performed without a valid permit, or suspend a street opening permit for the following reasons:

A. The work unreasonably interferes with the performance of work by another party who received a City permit before the issuance of permittee’s permit; or

B. The suspension of the work is necessary for the City to evaluate, prevent, or address a hazard or risk to the health, safety, and welfare of the public; or

C. The work performed, or the work being performed, is not within the scope of the work approved by the permit; or

D. The work is creating, or has created, unsafe work conditions; or

E. The permittee or his or her agent fails to abide by the provisions of these Codified Ordinances; or

F. The permittee or his or her agent has violated the conditions of or the rules and regulations governing the permit; or

G. The work performed, or the work being performed, fails to comply with the City’s specifications and standards.

(4) A stop order suspending a permit issued under divisions (3)(C) through (G) above, shall state the reason(s) for suspension and the corrective measure(s) to be taken, the date by which the corrective measure(s) are to be completed, and such additional information as the Manager, or the Manager's designee, deems necessary.

(5) A permittee whose permit is suspended under division (3) above, may appeal the Manager's decision to the Board of Right-of-Way Appeals, in writing, within ten (10) days of the Manager's decision.

(i) The Director may, at his or her discretion, revoke a street opening permit at any time under the authority of this chapter if the permittee fails to comply with the requirements contained in a stop order issued accordance with division (h)(4) above or any law, rule, or regulation relating to the performance of work in the public right-of-way or if permittee's, or its agent's, Right-of-Way Registration is revoked.

(j) The Director may, at his or her discretion, revoke a Right-of-Way Certificate of Registration under the authority of this chapter if the holder fails to comply with the terms of this chapter or any law, rule, or regulation. Additionally, the Director may, at his or her discretion, suspend or revoke a Right-of-Way Certificate of Registration for any of the following reasons:

- (1) The holder is convicted of a misdemeanor involving moral turpitude or a felony during the renewal period of that Certificate of Registration;
- (2) The holder obtained a Certificate of Registration by fraud, misrepresentation or deception;
- (3) The holder engaged in fraud, misrepresentation or deception in the conduct of business;
- (4) The holder no longer has a valid policy for the required insurance;
- (5) The holder used its Certificate of Registration to obtain a permit for another;
- (6) The holder repeatedly failed to secure permits, inspections, and approvals required under Chapter 503;
- (7) The holder repeatedly installed work in an unworkmanlike manner as defined by the Construction Standards and Specifications of the City of Cleveland or not in conformity with permits issued by the City;
- (8) The holder has received written notifications of violating Construction Standards and Specifications of the City of Cleveland and has failed remedy such violations; and

- (g) There have been repeated incidents of returned checks for insufficient funds or stop payment without just cause.
- (k) The Director shall give written notice, as appropriate, to a permittee of any street opening permit revoked under division (i) above and to a holder of a Right-of-Way Certificate of Registration suspended or revoked under division (j) above. Such notice shall state the reason(s) for the suspension or revocation, as appropriate, and shall further state that the action shall become final unless, within thirty (30) days of date of the notice, a written notice of appeal is filed with the Board of Right-of-Way Appeals.
- (l) If a street opening permit is suspended under division (h)(3) above, the permittee shall discontinue any work and shall not commence work until the Manager, or his or her designee, provides written notification lifting the suspension. If a street opening permit is revoked under division (i) above, a new permit shall be secured before any further work may proceed.
- (m) A permittee, in accepting and acting under a street opening permit, agrees to assume full responsibility for injury and damage to persons and property incurred because of any settlement of a restored area, and further agrees to pay all costs involved in reconditioning such areas. If any settlement in a restored area occurs within a period of one (1) year from date of completion of the permanent restoration, it shall be considered as conclusive evidence of defective backfilling. Any expense incurred by the City in correcting such settlement shall be paid by the permittee.
- (n) A permittee shall carry on the work authorized by the permit in such manner as to cause a minimum of interference with traffic. The permittee shall use a traffic control plan that meets the minimum requirements in the Ohio Manual of Uniform Traffic Control Devices, as amended, or is otherwise approved by the Director.
- (o) For the purposes of this section, “excavation” shall have the same meaning as in division (a)(12) of Section 510.01 of these Codified Ordinances.

Section 503.04 Lamp Posts and Trees in the Public Right-of-Way

- (a) As used in this section, “public right-of-way” means any sidewalk, court, alley, street or other area dedicated or otherwise designated for public use and held by the City.
- (b) All lamp posts hereafter placed in the public right-of-way shall comply with the requirements contained in Chapter 514, and may require an encroachment permit under Chapter 3109, as determined by the Manager of Engineering and Construction, of these Codified Ordinances.
- (c) All shade or ornamental trees hereafter placed in the public right-of-way shall comply with the requirements contained in Section 509.13 of these Codified Ordinances.

Section 503.99 Penalty

- (a) Whoever violates divisions (a) or (g) of Section 503.01 shall be guilty of a minor misdemeanor. Every violation is a separate offense, and every day of violation constitutes a separate offense.
- (b) Whoever violates Section 503.014 shall be guilty of a misdemeanor of the third degree and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).
- (c) Whoever violates Section 503.03 shall be fined not more than one hundred dollars (\$100.00). The existence of a single post, pole or other structure in the streets or sidewalks contrary to the provisions of Section 503.03 constitutes a separate offense. Each day that such post, pole or other structure is allowed to exist in the streets or sidewalks contrary to the provisions of Section 503.03 constitutes a separate offense.
- (d) Whoever violates any provision of Sections 503.05 or 503.07 shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and imprisoned for not more than sixty (60) days or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.
- (e) Whoever violates Section 503.09 shall be fined not more than twenty-five dollars (\$25.00).
- (f) Every day a gas company neglects or fails to comply with the notice provided for in Section 503.11 it shall be fined ten dollars (\$10.00).
- (g) Whoever violates Section 503.12 shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense. A subsequent offense by the same party in the same area of responsibility shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00). Any further offense by the same party in the same area of responsibility shall result in imprisonment for not less than three (3) nor more than ten (10) days.

Section 505.01 Sidewalk and Treelawn Defined; Width Requirements

All sidewalks shall be under the direction of the Director of Capital Projects. The space between the property line and the face of the curb line on each side of the paved roadway or curbed streets shall constitute the sidewalk. Upon unpaved streets, the sidewalk shall be the portion adjoining the property line on each side to the edge of the street, and shall have a width equal to one-fifth of the distance between property lines, but in no case shall the sidewalk be less than four (4) feet in width except in streets or alleys of sixteen (16) feet or less in width, where the sidewalk shall be the minimum required by the Professional Right-of-Way Accessibility Guidelines. The space from either the face of the curb or the edge of pavement to the front edge of the sidewalk shall

constitute the treelawn. The treelawn shall consist of planted grass per City of Cleveland Construction Drawings or specifications, except as otherwise approved by the Manager of Engineering and Construction.

Section 505.02 Grading

(a) All sidewalks hereafter improved by placing walks with a permanent surfacing on any public highway or street within the City shall be so improved by constructing walks with stone flagging, concrete, or any other material approved by the Manager of Engineering and Construction or the Manager's designee and in accordance with the City of Cleveland Construction Drawings or specifications prescribed by the Director of Capital Projects, and shall be of the width set forth in Section 505.01, or as directed by the Director. The sidewalk shall be so laid that the top surface shall be properly roughened, so that the same shall be prevented from becoming slippery when covered with moisture. The roughened finish shall be of such character as in the judgment of the Director will effectually prevent at any time the slippery condition of such walks.

(b) Any grading necessary between the walks as laid, and the curb line, or between the walks and the edge of the sidewalk space as herein established, shall be done at the time of laying the walks, so as to leave the sidewalk space at the grade hereinafter described.

(c) The sidewalks as improved shall coincide with the line described as follows: beginning at the curb line with the established curb grade as determined by the Manager or the Manager's designee; Thence extending to the street line at right angles to the curb line, with a rise in compliance with the current Professional Right-of-Way Accessibility Guidelines to the foot; provided, that at street intersections, where the grade of the intersecting street prevents compliance with the above provisions, the walk shall be laid under the direction and to the acceptance of the Manager or the Manager's designee.

(d) The owner of land in front of which a permit to improve the sidewalk has been given may request the Manager to establish the grade or line on which the improvement is to be made.

Section 505.03 Changing Sidewalks; Curb Line and Grading; Notice of Noncompliance

(a) Any sidewalk heretofore laid shall not be raised or lowered without the approval of the Manager of Engineering and Construction or the Manager's designee. All sidewalks hereafter laid shall be in accordance with the provisions of this chapter and under the supervision of the Manager.

(b) No curb line or grade for curb shall be changed, except by the direction and the written consent of the Director of Capital Projects, Manager, or a designee.

- (c) Any sidewalk laid on any public street or highway within the City in a manner inconsistent with the provisions of this chapter shall, upon the recommendation of the Director, be ordered relaid to the proper grade within the time specified in the notice.
- (d) No curb cut shall exist which does not lead to an area for parking on the abutting property. When the Director, Manager or a designee determines that a property owner is in violation of this division, he/she shall serve or cause to be served upon such owner a notice stating the violation and the time period to remedy the violation.
- (e) The Director, Manager, or designee, shall require a property owner engaging in a construction or rehabilitation project regulated by Chapter 3115 of these Codified Orders to bring all sidewalks into compliance with the current City standards and specifications, including the establishment or re-establishment of the curbs, aprons and drive-walks.
- (f) If a property owner fails to remedy a violation within the time period specified in an order issued under (c) or a notice issued under division (d) or (e) of this section, the Director or Manager may proceed to construct, or cause to be constructed, the necessary curb line or sidewalk improvements, as appropriate, at the owner's expense, plus assess a penalty of fifteen percent (15%) for failing to comply.

Section 505.06 Street Opening Permit Required; Nonconforming Work; Damage to Sidewalk

- (a) Each person, firm or corporation who engages in the work of laying, relaying or repairing sidewalks upon the City streets shall, before engaging in any such work or employment, obtain a Street Opening Permit under Section 503.01 of these Codified Ordinances and comply with the requirements contained therein.
- (b) When the Director of Capital Projects, Manager of Engineering and Construction, or a designee determines that a person, firm, or corporation has performed work on the sidewalk without obtaining a permit required under this chapter, or has performed such work with or without the required permit(s) that is not in conformity with the City of Cleveland Standard Construction Drawings or requirements, he/she shall provide upon such party written notice stating the violation and the time period to remedy the violation.
- (c) Any person, firm, or corporation who damages a sidewalk in carrying out a project, shall obtain a Street Opening Permit under Section 503.01 of these Codified Ordinances and shall restore the sidewalk to its original condition. When the Director, Manager, or a designee determines that a person, firm, or corporation has failed to restore a sidewalk, he/she shall provide upon such party written notice stating the violation and the time period to remedy the violation.
- (d) If a person, firm, or corporation fails to remedy a violation within the time period specified in the notice issued under division (b) or (c) of this section, the Director or

Manager may proceed, or cause to proceed, with the repair, removal or restoration of the sidewalk at the party's expense, plus assess a penalty of fifteen percent (15%) for failing to comply with the notice.

Section 505.11 Duty to Repair Sidewalks, Curbs and Gutters; Duty to Maintain Certain Sidewalks; Liability

(a) No owner or occupant of abutting lots or lands shall fail to keep the sidewalks, curbs, and gutters in repair and free from snow, ice or any nuisance.

(b) In addition to the duty contained in division (a) of this section, no owner or occupant of abutting lots or lands which are used, in whole or in part, for the operation of a business, or which previously have been used for the operation of a business and are now vacant, shall maintain sidewalks with the characteristics contained in division (a) of Section 505.12. As used in this division, "business" means any enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, but not including the rental of residential premises.

(c) An owner or occupant of abutting lots or lands who fails to comply with division (a) or, if applicable, division (b) of this section:

(1) Shall be liable in money damages to any person who, as a result of such owner's or occupant's failure to comply, sustains bodily injury or property damage while in the lawful use of the sidewalk (an "injured party"); and

(2) Shall be liable to and reimburse the City for all money paid by the City on any claim made or judgment obtained against the City by an injured party.

(d) When the Director of Capital Projects determines that an owner fails to keep the sidewalks, curbs, and gutters in repair because those sidewalks have one (1) or more of the characteristics set forth in division (a) of Section 505.12 the Director shall serve or cause to be served upon such owner a notice which states in detail the nature of the violation. The notice shall also contain an estimate of the cost to repair the sidewalk, curb, or gutter and shall notify the owner that he or she may submit payment of the estimated amount, which amount shall be the full amount unless there exists a properly authorized program subsidizing these repair costs, to the City by a certain date and enter into an agreement with the City to effectuate the repairs. Funds submitted as an estimated amount shall be deposited in Fund No. 10 SF 058 and said funds are appropriated for streets, sidewalks, curb or gutter repair purposes. Upon receipt of the estimated amount and the agreement, the City will construct or repair the sidewalk. If the actual cost of construction or repair is not equal to the estimated amount, the City will bill the owner for any additional cost or reimburse the owner from Fund No. 10 SF 058 for any amount paid to the City that exceeds the actual cost. The agreement required above shall contain such terms and provisions as determined by the Director of

Law to protect and benefit the City. This notice is not a substitute for the notice described in division (b) of Section 505.12, but may be issued with that notice.

Section 505.12 Failure to Maintain Certain Sidewalks

(a) Sidewalks having the following characteristics are determined to be in need of maintenance:

- (1) Any block having multiple cracks or any single crack larger than one-fourth (1/4) inch wide;
- (2) Adjoining sections of block, or portion thereof, whose edges differ vertically by one-half (1/2) inch or more;
- (3) Any block with a transverse slope in excess of two percent (2%) or the current Professional Right-of-Way Accessibility Guidelines (PROWAG);
- (4) Any block with a reverse slope (a slope away from the street);
- (5) Any block with a depression or depressions that impound water to a depth of one-quarter (1/4) inch or more;
- (6) Any block with disintegrated or deteriorated areas or missing pieces or missing particles of aggregate;
- (7) Any adjoining blocks the expansion or control joints of which are separated by one-half (1/2) inch or more;
- (8) Any frontage along the public right-of-way that does not have a sidewalk or has a sidewalk that is non-compliant with this section;
- (9) Any block which the Director of Capital Projects or his designee determines to be hazardous or non-compliant, regardless of whether it has any of the characteristics set forth in paragraphs (1) through (7) of this division;
- (10) Any curb that is missing, broken, deteriorated, or has a reveal of less than 4" or per the City of Cleveland Standard Construction Drawings or specifications or as directed by the Manager of Engineering and Construction.

(b) When the Director of Capital Projects, Manager, or a designee determines that an owner is in violation of the provisions of division (b) of Section 505.11 because the sidewalk or sidewalks abutting said owner's property have one (1) or more of the characteristics set forth in division (a) of this section, he/she shall serve or cause to be served upon such owner a notice which states in detail the nature of the violation. The notice shall further provide that within thirty (30) days after service of the notice, the recipient thereof shall:

- (1) Remedy the violation;
- (2) Appeal the determination to the Board of Right-of-Way Appeals under Chapter 502 of these Codified Ordinances; or
- (3) Submit payment and enter into an agreement pursuant to division (d) of Section 505.11.

The notice shall clearly indicate to the recipient that if the recipient fails to take one (1) of the three (3) steps listed in this division within thirty (30) days after service of the notice, the recipient may be found guilty of a fourth degree misdemeanor.

(c) Any owner who violates the provisions of division (b) of this section or fails to comply with or appeal an order of the Board of Right-of-Way Appeals issued pursuant to Section 502.04 of these Codified Ordinances within the period set forth in said order or fails to comply with the decision of the Board of Zoning Appeals issued pursuant to Section 502.05 of these Codified Ordinances shall be guilty of a misdemeanor of the fourth degree. Each day during which noncompliance or a violation continues shall constitute a separate offense. Provided that the fine set forth herein shall not, with respect to any one (1) service of notice, exceed three (3) times the cost of the sidewalk maintenance required in such notice, as estimated by the Director of Capital Projects. The fine set forth herein is mandatory and shall not be suspended by the court, in whole or in part. All fines collected for violations of this section, or an amount equal to the fines collected, shall be deposited to Fund No. 10 SF 058 and said funds are appropriated for streets, sidewalks, curb or gutter repair purposes.

Section 505.13 Failure to Construct or Repair Sidewalks, Curbs and Gutters; City May Perform Work

- (a) Every person owning any parcel of land abutting upon any sidewalk, curb or gutter within the City shall construct or repair such sidewalk, curb or gutter within fifteen (15) days after the service of notice to construct or repair required by Charter Section 164.
- (b) If the abutting property owner does not perform such necessary construction or repair after receipt of notice, the Director of Capital Projects may proceed to carry out construction or repair pursuant to the provisions of Charter Section 165.
- (c) If the Director causes any such sidewalk, curb or gutter to be so constructed or repaired, said director shall report all expense of construction or repair plus a penalty of fifteen percent (15%) of the expense for failure to comply with division (a) of this section to the Director of Finance, who shall report such expense and penalty to Council. The fifteen percent (15%) penalty shall thereupon be assessed against the abutting property in the same manner as all other expenses or penalties arising out of the construction or repair of the sidewalk, curb or gutter.

Section 505.14 Non-Complaint Sidewalk Repair Program

(a) The Director of Capital Projects may create a program for the City to repair, install, or re-install sidewalks, curbs, or apron on residential property, or commercial property that meet the criteria established in the Rules and Regulations promulgated under the authority of division (e) of this section in the right-of-way that are determined by the Office of Capital Projects to be non-compliant with current City of Cleveland Standard Construction Drawings, specifications or ordinances, when the City receives voluntary payment of fifty percent (50%) of the shared costs of the work from the owner of the property on which the sidewalk is located. Shared costs shall include, but not be limited to, any cost the City or its contractor incurs, such as the cost of removing and/or repairing the sidewalk and curbs, except that shared costs shall not include costs incurred in removing a full tree, grinding or pruning tree roots, adjusting or reconstructing castings, adjusting valve boxes, and reseeding lawns. The City may pay more than the allotted fifty percent (50%) if the costs of construction unit prices exceeds the estimated unit pricing given to the residents. The estimated value of the work submitted to the resident shall be considered the final costs to the resident regardless of the final construction costs.”; and at 505.14(d), line 4, after “written estimate” insert “of the work.

(b) The Director shall run the sidewalk repair program in any year that funds are appropriated for the program.

(c) The program shall be on a first-come, first-served basis, to the extent funds are available.

(d) The Director shall not authorize a contractor to perform the repairs, re-installation, or re-establishment on a property until the owner, or another private person or entity on the owner’s behalf, has paid his or her fifty percent (50%) share based on the Director’s written of the work.

(e) The Director is authorized to promulgate rules for the program. The rules shall take effect upon publication in the City Record.

Section 505.15 Easements Acceptance and Release for Tree Preservation

(a) The Director of Capital Projects shall have the authority to accept on behalf of the City, a grant of an easement and any required appurtenances from any person, firm, corporation or political subdivision for the purpose of installing and maintaining sidewalks of conventional or non-conventional sidewalk installation, while preserving a tree in the right-of-way that would otherwise be removed. Such grant shall be an easement across the property owner's frontage. The Director is further authorized to release on behalf of the City an easement acquired pursuant to this section no longer needed for the purposes for which it was acquired, and no sooner than five (5) years following the completion date of the sidewalk installation. All such easements and

releases of easements must be approved by the Director of Law and filed with the County Recorder at the City's expense. The Director is further authorized to execute on behalf of the City all documents necessary to accept such easement and appurtenance rights.

(b) If for any reason, the tree dies or is removed in the future, the property owner may construct the sidewalk within the right-of-way and remove the sidewalk from the easement at the property owner's cost. Such property owner may request the release of the sidewalk easement at the City's expense.

Section 505.99 Penalty

(a) Whoever fails to comply with division (a) of Section 505.06 shall be fined not more than fifty dollars (\$50.00) for each violation and the further sum of five dollars (\$5.00) for each day the violation is continued.

(b) Whoever fails to comply with division (c) of Section 505.06 shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each violation and the further sum of fifty dollars (\$50.00) for each day the violation is continued.

Section 507.06 Sidewalk Obstruction Permits

(a) No person shall place or cause to be placed any object or property so as to obstruct the public's use of any sidewalk without first obtaining a sidewalk obstruction permit from the Director of Capital Projects.

(b) An application for a sidewalk obstruction permit shall contain the following information:

- (1) The name of the applicant;
- (2) The location of the proposed obstruction;
- (3) The purpose of the obstruction;
- (4) The proposed commencement date, time and estimated duration of the obstruction; and
- (5) A pedestrian maintenance traffic plan.

(c) Upon the approval of the application, the applicant shall pay a non-refundable fee established from time to time by the Board of Control, for the permit and any inspection costs associated therewith, and provide evidence of a public liability insurance policy issued by an insurer authorized to transact business in Ohio, in an amount not less than

one million dollars (\$1,000,000.00), listing the City of Cleveland as an additional insured.

(d) The Director may deny or revoke a sidewalk obstruction permit whenever the Director finds:

- (1) The applicant has previously violated the provisions of a sidewalk obstruction permit or has submitted materially false or incomplete information on any sidewalk obstruction permit application; or
- (2) The obstruction would unreasonably interfere with another obstruction for which a permit has been issued; or
- (3) The time, place or size of the obstruction would unreasonably interfere with public convenience and safe use of the sidewalk;
- (4) The obstruction would unreasonably interfere with the movement or service capability of emergency or service vehicles; or
- (5) The obstruction would unreasonably interfere with a construction project.

(e) Whoever violates division (a) of this section shall be fined one hundred dollars (\$100.00) for each day the offense occurs or continues.

(f) This section shall not apply to any person that has been issued a permit under the following Chapters of the Codified Ordinances:

- (1) Chapter 508 relating to sidewalk occupancy for vendors in the Central Business District;
- (2) Chapter 513 relating to outdoor restaurants;
- (3) Chapter 670B relating to pay telephones;
- (4) Chapter 675 relating to peddlers and produce dealers;
- (5) Chapter 680 relating to newspaper boxes; or
- (6) Chapter 3109 relating to encroachment permits.

Section 507.15 Outdoor Retail Sales in Proximity to Public Sidewalks

(a) Purpose. The regulations of this section are established to prevent obstructions on public sidewalks in areas characterized by high volumes of pedestrian traffic and the congregation of pedestrians on sidewalks, which obstructions would be caused by the

congregation of customers purchasing products sold from a building's windows, doors or other openings.

(b) **Permit Requirement.** Within the Flats Oxbow Business Revitalization District, as that district is shown on the building zone maps of the City of Cleveland, no business activity shall be conducted in which retail sales are made through a building's windows, doors or other openings, directly to customers in an outdoor location, if such building opening is located less than ten (10) feet from a public sidewalk, except pursuant to a permit issued by the Director of Capital Projects.

(c) **Permit Issuance Criteria.** Such permit shall be issued if the subject sidewalk is greater than ten (10) feet in width, and if the building opening is set back a minimum of twenty (20) feet from the outer edge of the curb. Furthermore, the Director of Capital Projects shall evaluate pedestrian and vehicular traffic patterns to determine if the use would block, obstruct or restrict the free passage of pedestrians or vehicles in the lawful use of the sidewalks or streets and may consider the proximity and location of existing street furniture, including but not limited to sign posts, lamp posts, parking meters, bus shelters, benches, phone booths and newspaper vending devices; and the presence of bus stops, loading zones and taxi stands.

(d) **Permit Issuance.** No business activity regulated under division (b) of this section shall operate or be established or conducted without a valid permit issued by the Director of Capital Projects to the owner of the business or the building from which the activity is conducted. Such permit shall be revocable by the Director if there is a change in the circumstances upon which issuance of the permit was based, including a change in pedestrian and vehicular traffic patterns, street furniture and bus stops, loading zones or taxi stands that causes free passage to be blocked, obstructed or restricted.

(e) **Permit Application.** An application for a permit shall be submitted to the Director of Capital Projects on forms provided by the Director. For any application submitted pursuant to the regulations of this section, the Director shall either approve or disapprove the application within ninety (90) days of receipt of a complete application. Each application shall be accompanied by a site plan, drawn to scale and displaying dimensions, which shows the building wall, any openings and sales area in relation to the sidewalk, curb and street.

(f) **Appeals.** Any applicant who has been denied a permit pursuant to the regulations of this section may appeal the denial to the Board of Right-of-Way Appeals. The Board may approve such application if it determines that no significant obstruction to pedestrian travel will result from the subject activity. In making this determination, the Board shall consider, among other factors, the scale of the retail sales activity, the level of pedestrian traffic on the sidewalk, and the configuration of the sales area in relation to the sidewalk and existing street furniture, bus stops, loading zones and taxi stands.

(g) **Permit Fee.** At the time of application submission, the applicant shall pay a fee in accordance with a fee schedule fixed from time to time by the Board of Control, which shall be refunded if the application is not approved.

Section 513.99 Penalty

(a) Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the third degree. Each day during which noncompliance or a violation continues shall constitute a separate offense.

(b) The Administration Manager for the Office of Capital Projects, or his or her designee, is authorized to assess a civil penalty of one hundred dollars (\$100.00) for each day during which noncompliance or a violation continues. A civil penalty imposed under this division may be appealed to the Board of Right-of-Way Appeals. Notice of appeal shall be in writing and shall be filed with the Board within ten (10) business days from the date of the notice of the civil penalty.

(c) The authority to assess civil penalties under division (b) of this section does not limit or affect any criminal offense, or the authority of the Director to suspend or revoke a license under Section 513.08, or any other means of enforcement of this chapter provided for in these Codified Ordinances.

Section 514.01 Definitions

When used in this chapter, the following words shall have the following meanings:

(a) “Director” means the Director of Capital Projects, or the Director’s designee.

(b) “Permit” means a temporary public right-of-way occupancy permit authorized under this chapter.

(c) “Permittee” means the person authorized to occupy an area of the public right-of-way.

(d) “Right-of-way” means any sidewalk, court, alley, street or other area dedicated or otherwise designated for public use and held by the City.

(e) “Streetscape amenities” means any item placed within the public right-of-way, including but not limited to: banners, benches, planters, public art, directional signs, bicycle racks, trash containers, railings, decorative fencing, curbing, pavers, planting beds, planting bed irrigation, hanging baskets, special district signage, and seasonal decorations.

(f) “Unobstructed walk” means a clear, continuous paved surface free of tree grates, elevator grates and all vertical obstructions.

Section 514.02 Temporary Public Right-of-Way Occupancy Permits

Notwithstanding any codified ordinance to the contrary, the Director is authorized to issue temporary public right-of-way occupancy permits revocable at the will of Council authorizing the placement of various streetscape amenities at permitted locations on sidewalks, courts, alleys, streets or other public rights-of-way in the City, subject to the provisions of this chapter. A separate street opening permit may also be required as determined by the Manager of Engineering and Construction, or the Manager's designee. A separate encroachment permit for such items shall not be required.

No owner or operator of a business establishment shall occupy any portion of a public sidewalk, court, alley, street or other public right-of-way with streetscape amenities without first obtaining a permit under this chapter. Any business owner or operator occupying any portion of a public sidewalk, court, alley, street or other public right-of-way without a permit as required by this chapter shall be subject to the fines and penalties set forth in this chapter.

Section 514.04 Permit Fee, Issuance and Duration

- (a) Upon approval of an application for a permit, the applicant shall pay a non-refundable fee in accordance with a fee schedule fixed from time to time by the Board of Control for each individual amenity for which a permit is desired.
- (b) On approval of the application by the Director of Capital Projects, the Director of the City Planning Commission, the Secretary of the Landmarks Commission, and any other Director that the Director of Capital Projects deems applicable, the payment of the fee described in division (a) above, and in compliance with the Council notification provision described below, the Director of Capital Projects shall issue a permit under this chapter.
- (c) No permit shall be issued until the members of Council of the wards affected have been provided with written notice by the Director of Capital Projects and until the expiration of thirty (30) days from the date of this notice, unless the period of thirty (30) days is expressly waived by the Council members in writing.
- (d) Permits for banners and seasonal decorations shall be valid for not more than a twelve (12) month period; permits for all other streetscape amenities shall be valid for no more than a sixty (60) month period. Permits may be renewed, on a form provided by the Director, provided all the requirements of this chapter are met, and no changes have been made from the previous approved application. The permit renewal fee shall be in accordance with a fee schedule fixed from time to time by the Board of Control for each individual amenity. If there are changes to the application, a new application must be made under this application.

Section 514.07 Requirements and Conditions of Permit

- (a) Permittees and their agents shall comply with all of the requirements of this chapter and any applicable state law, while engaged in business at permitted locations.
- (b) Permittees and their agents shall be responsible for maintaining all amenities and associated equipment in good repair, free of corrosion and in a safe, sound, and nonhazardous condition.
- (c) Permittees and their agents shall be responsible for keeping the general area around the permitted location free of litter. Permittees and their agents shall maintain at least four (4) feet of unobstructed walk as required by the Director, which shall be free of snow at all times, as required by Section 507.13.
- (d) No permit shall be transferable in any manner.
- (e) A permit is valid only when used at the location designated in the permit.

Section 514.09 Removal of Streetscape Amenities

Any streetscape amenity placed in a public sidewalk, court, alley, street, or other public right-of-way without a permit issued or with a permit that has expired under this section may be seized and removed. Before the seizure and removal, the property owner or operator of the business establishment fronting on the public right-of-way shall be notified and given two (2) days in which to remedy the violation. If the property owner or operator of the business establishment fails to remedy the violation, the City may seize and remove the associated amenity.

Notwithstanding any other provisions of this chapter, the City may seize any amenity items and associated equipment, whether placed with or without a permit, without prior notice if such items and associated equipment are placed in the public right-of-way in such a place or manner as to pose an immediate and serious danger to persons or property or if the condition of the items and associated equipment renders them unsafe, unsound, or hazardous so as to pose an immediate and serious danger to persons or property. After seizure, the City shall promptly notify the owner or operator of the business establishment and such individual shall have the right to request an informal hearing before the Director within ten (10) days after notification to determine whether the seizure was proper.

As a condition of recovering any items and other associated equipment properly seized under this section, the owner of the items and other associated equipment shall pay an impound fee covering the actual cost to the City of transporting and storing the items and other associated equipment.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 411.011, as amended by Ordinance No. 979-2020, passed July 14, 2021,

Section 439.02, as amended by Ordinance No. 599-11, passed June 6, 2011,
Section 439.021, as amended by Ordinance No. 2393-02, passed February 3, 2003,
Section 503.01, as amended by Ordinance No. 1170-03, passed July 16, 2003,
Section 503.04, as amended by Ordinance No. 63410-A, passed September 22, 1924,
Section 503.99, as amended by Ordinance No. 1170-03, passed July 16, 2003,
Sections 505.01, 505.02, and 505.03, as enacted by Ordinance No. 63410-A, passed September 22, 1924,
Section 505.04, Construction Permit; Establishing Grade; Fees, as amended by Ordinance No. 2392-02, passed February 3, 2003,
Section 505.05, Repair and Maintenance Restrictions in Central Business District, as amended by Ordinance No. 84-92, passed April 6, 1992,
Section 505.06, as enacted by Ordinance No. 63410-A, passed September 22, 1924,
Section 505.07, Board of Sidewalk Appeals, as amended by Ordinance No. 704-2023, passed July 12, 2023,
Section 505.08, Protests Filed Prior to Work, Section 505.09, Protests Filed After Work is Completed, and Section 505.10, Protests to be Filed in Writing, as amended by Ordinance No. 717-65, passed June 7, 1965,
Section 505.11, as amended by Ordinance No. 1729-01, passed October 22, 2001,
Section 505.12, as amended by Ordinance No. 837-00, passed July 17, 2000,
Section 505.13, as amended by Ordinance No. 242-05, passed April 25, 2005,
Section 505.14, as amended by Ordinance No. 277-05, passed March 28, 2005,
Section 505.15, as amended by Ordinance No. 890-22, passed November 7, 2022,
Section 505.99, as enacted by Ordinance No. 63410-A, passed September 22, 1924,
Section 507.06, as amended by Ordinance No. 1170-03, passed July 16, 2003,
Section 507.15, as amended by Ordinance No. 1276-95, passed July 19, 1995,
Section 513.99, as amended by Ordinance No. 704-2023, passed July 12, 2023,

Sections 514.01 and 514.02, as enacted by Ordinance No. 884-10, passed August 18, 2010,

Section 514.04, as amended by Ordinance No. 243-11, passed May 9, 2011, and

Sections 514.07 and 514.09, as enacted by Ordinance No. 884-10, passed August 18, 2010,

are repealed.

Section 3. That the Codified Ordinances of the City of Cleveland, 1976, are supplemented by enacting new Section 502.01 to 502.06 to read as follows:

CHAPTER 502
BOARD OF RIGHT-OF-WAY APPEALS

Section 502.01 Board Members

The Board of Right-of-Way Appeals shall consist of the Director of Capital Projects, or his or her designee, a member of Council selected by the Council President, and the Director of Law, or his or her designee.

Section 502.02 Jurisdiction

(a) The Board of Right-of-Way Appeals shall hear and determine any protests filed by permittees, property owners, or contractors as to sidewalks, street, curb or gutter construction, reconstruction or repair, or any written notices issued pursuant to Charter Section 164.

(b) The Board shall also hear and determine any other appeals that the board is designated to review under the Codified Ordinances of Cleveland, Ohio, 1976.

(c) The Board shall have no jurisdiction to review any written City administrative notices, order or decisions from any person or entity performing work in the public right-of-way under an agreement with the City, Cuyahoga County, or State of Ohio.

Section 502.03 Protests and Appeals to be Filed in Writing

Any protests or appeals filed under this chapter shall be filed in writing with the Director of Capital Projects, who shall notify the person filing such protest or appeal of the date and place of hearing before the Board of Right-of-Way Appeals.

Section 502.04 Protests and Appeals Filed Prior to Work

If protests or appeals are filed prior to the doing of the work called for by a notice issued by an administrative official or agency, the Board of Right-of-Way Appeals shall have authority to modify, alter or revoke any such notice as to the amount or type of work required, or the time in which it must be completed, consistent with the City ordinances and the specifications regarding sidewalk, street, curbing and gutter construction, reconstruction or repair. The Board shall also have the authority to waive strict compliance with such requirements where such compliance would cause undue hardship, provided such waiver will not cause or continue a public nuisance or an unsafe condition. Protests filed under this section must be filed no later than thirty (30) days after the service of the notice. The Board shall issue an order setting for its findings and, if applicable, indicating the period of time within which the party must comply therewith.

Section 502.05 Protests and Appeals Filed After Work is Completed

If a protest or appeal is filed after the work provided for in the notice has been completed by the City, or through its contractor, the authority of the Board of Right-of-Way Appeals shall be limited to a determination that the amount of the bill is correct, that the bill has been properly charged against the appropriate party and that the work as performed was in accordance with the notice served. If the Board finds that an amount has been incorrectly charged, but that work has been performed, it may order that such payment be made from the fund provided for the payment of the City's portion of the right-of-way work. Protests or appeals filed under this section must be filed no later than thirty (30) days after the receipt of the bill from the City.

Section 502.06 Further Appeal

A person aggrieved by a final decision of the Board of Right-of-Way Appeals may further appeal to the Board of Zoning Appeals within thirty (30) days after the Board of Right-of-Way Appeals' written decision. The Board of Zoning Appeals shall approve, modify, or annul any orders, notices, or decisions issued pursuant to these Codified Ordinances from which the appeal has been perfected.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 503.014, 503.015, 505.16 and 514.091 to read as follows:

Section 503.014 Restoration of the Public Right-of-Way

(a) As used in this section, "public right-of-way" has the same meaning as defined in Section 510.01 of these Codified Ordinances.

(b) No person, including a corporation, private utility or public utility, performing, or causing to perform, work in or affecting the public right-of-way shall fail to restore, at its own expense, the public right-of-way, to either as good a condition as existed

before the work was undertaken or in compliance with the City of Cleveland Standard Construction Drawings or specifications, as determined by the Director of Capital Projects or the Director's designee. Restoration of the public right-of-way includes, but is not limited to:

- (1) Re-establishing any traffic striping;
 - (2) Repairing or reconstructing any pavement as deemed necessary by the Manager of Engineering and Construction;
 - (3) Restoring of any grass or other softscape, such as flowers, plants, shrubs, and other similar items, within the public right-of-way or outside the public right-of-way that has been damaged or impacted; and
 - (4) Restoring of any sidewalks.
- (c) If a person performs work in the public right-of-way or performs work on private property that impacts the public right-of-way without securing the necessary permit(s) required under these Codified Ordinances, such person shall be charged the regular permit fee plus any inspection costs related to the work and restoration.

Section 503.015 Failure to Restore the Public Right-of-Way

(a) When the Director of Capital Project, Manager of Engineering and Construction, or a designee determines that a person has failed to comply with the provisions of Section 503.014, he/she shall serve or cause to be served upon such person a notice which states in detail the nature of the violation. The notice shall also contain an estimate of the cost to repair the public-right-of-way and any appurtenances thereto required for the public right-of-way to be in compliance with the City of Cleveland Standard Construction Documents and shall notify the person that he or she may submit payment of the estimated amount, which amount shall be the full amount, to the City by a certain date and enter into an agreement with the City to effectuate the repairs. Funds submitted as an estimated amount shall be deposited in Fund No. 10 SF 058 and said funds are appropriated for public right-of-way purposes. Upon receipt of the estimated amount and the agreement, the City will construct or repair the public right-of-way. If the actual cost of construction or repair is not equal to the estimated amount, the City will bill the person for any additional cost or reimburse the person from Fund No. 10 SF 058 for any amount paid to the City that exceeds the actual cost. The agreement required above shall contain such terms and provisions as determined by the Director of Law to protect and benefit the City.

(b) The notice described in division (a) above shall further provide that, within thirty (30) days after service of the notice, the recipient thereof shall:

- (1) Remedy the violation;

(2) Appeal the Office of Capital Project's determination to the Board of Right-of Way Appeals under Chapter 502 of these Codified Ordinances; or

(3) Submit payment and enter into an agreement pursuant to division (a).

The notice shall also clearly indicate that if the person fails to take one (1) of the three (3) steps listed in this division within thirty (30) days after service of the notice, the person may be found guilty of a fourth degree misdemeanor.

(c) Notwithstanding any other provision contained in this section, any notice served pursuant to divisions (a) and (b) of this section between November 15 of one (1) year and February 1 of the succeeding year to an owner of a parcel of land which is located within the Central Business District shall provide that the violation shall be remedied or the Office of Capital Project's determination appealed within thirty (30) days of the end of that period.

(d) Any person who violates the provisions of Section 503.014 of these Codified Ordinances and fails to comply with a notification used pursuant to divisions (a) and (b) of this section, an appeal an order of the Board of Right-of-Ways Appeals issued pursuant to Section 502.04 of these Codified Ordinance within the period set forth in said order, or a decision of the Board of Zoning Appeals issued pursuant to Section 502.07 of these Codified Ordinances, shall be guilty of a misdemeanor of the fourth degree. Each day during which noncompliance or a violation continues shall constitute a separate offense. Provided that the fine set forth herein shall not, with respect to any one (1) service of notice, exceed three (3) times the cost of the restoration required in such notice, as estimated by the Office of Capital Projects. The fine set forth herein is mandatory and shall not be suspended by the court, in whole or in part. All fines collected for violations of this section, or an amount equal to the fines collected, shall be deposited in Fund 10 SF 058 and said funds are appropriated for streets, sidewalk, curb or gutter repair purposes.

(e) If a person fails to comply with a notification, decision, or order described in division (d) above, the Director of Capital Projects may cause such restoration to be performed through the appropriate department or office by either by direct employment of labor, or by contract, at the person's expense, plus assess a penalty of fifteen percent (15%).

Section 505.16 Easement Acquisition

The Director of Capital Projects is authorized to purchase easements, permits, licenses and other interests in real property necessary for the installation of sidewalks in an effort to preserve trees in the public right-of-way, provided that the cost of each such easement, permit, license or other interest in real property does not exceed two hundred and fifty dollars (\$250.00).

Section 514.091 Temporary Removal of Streetscape Amenities

(a) *Emergency Situations.* Notwithstanding any other provision of this chapter, the City may seize and remove a streetscape amenity, whether placed with or without a permit, without prior notice in the case of an emergency and shall not be responsible for any damages resulting therefrom. The City shall promptly notify the owner or operator of the business establishment of such removal.

(b) *Temporary Removal for Utility Work.* Whenever a public or private entity needs to make repairs to any utilities located in, over, or across, or through the permitted location for a streetscape amenity, the permittee shall remove, or cause to be removed, the streetscape amenity within the later of thirty (30) days or the time frame stated in the notice to the permittee by such public or private entity. If the permittee fails to remove the streetscape amenity, the City may remove and seize, or cause to be removed and seized, the streetscape amenity. Upon completion of any such utility repairs, the permittee may reinstall the streetscape amenity.

Section 5. That the amendments to Section 503.01 relating to Right-of-Way Certificate of Registration shall be effective the later of sixty (60) days from the effective date of this ordinance or January 2, 2024.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 3, 2025.

Effective February 4, 2025.

Ordinance No. 1353-2024

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

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to stabilize the foundation of the Tower B of the Detroit-Superior Bridge also known as the Veterans Memorial Bridge; and authorizing agreements.

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. Project Description.

That it is declared to be in the public interest that the consent of the City of Cleveland, to be referred to as the Local Public Agency (the “LPA”), is given to the Director of the Ohio Department of Transportation (“ODOT”) to construct the following improvement under plans, specifications, and estimates approved by ODOT: stabilize the foundation of Tower B of the Detroit-Superior Bridge also known as the Veterans Memorial Bridge with the ODOT designation of “CUY US 006 14.56 Tower B” and PID No. 115039 (the “Improvement”).

Section 2. Consent Statement

That the City gives consent to the Director of Transportation to complete the Improvement as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

Section 3. Cooperation Statement

The City shall cooperate with the Director of Transportation in the development of the Improvement and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Improvement.

ODOT shall assume and bear one hundred percent (100%) of all of the costs of the Improvement and this ordinance shall not be construed to impose any financial obligation on the City for the Improvement.

The City agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract at the request of the City, which is determined by ODOT and the Federal Highway Administration to be ineligible or unnecessary for the Improvement.

Section 4. Authority to Sign

That the Director of Capital Projects is authorized to enter into contracts with the Director of Transportation that are necessary to develop plans for and to complete the

Improvement; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement. Upon request of ODOT, the Director of Capital Projects is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 5. Utilities and Right-of-Way Statement

The City agrees that all right-of-way for the Improvement will be acquired and/or made available in accordance with current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs.

The City agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 C.F.R. Part 645 and the ODOT Utilities Manual.

Section 6. Maintenance

That on completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement in accordance with all applicable State and Federal law, including, but not limited to, 23 U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way and keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 7. That this Council requests ODOT to proceed with the Improvement.

Section 8. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 9. That the Clerk of Council is authorized and directed to transmit to ODOT three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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.

Passed February 3, 2025.

Effective February 4, 2025.

Ordinance No. 1358-2024

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

An emergency ordinance authorizing the Director of Public Safety to exercise options to renew contracts with various vendors for the towing of motor vehicles.

WHEREAS, under the authority of Section 135.42 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety entered into contracts with various vendors for the towing of motor vehicles; and

WHEREAS, Section 135.42 requires further legislation before exercising the two-year options to renew these contracts; 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 Safety is authorized to exercise the options to renew on each of the following contracts for an additional two-year term:

For the towing of non-commercial motor vehicles

No. PS 2023-180	DeJesus Towing, LLC
No. PS 2023-181	Icon Towing, LLC
No. PS 2023-182	Smithsons Towing, LLC
No. PS 2023-193	Kufner Towing, Inc.
No. PS 2023-196	Parma Towing and Salvage Company, Inc.
No. PS 2023-203	Interstate Towing & Transport Specialists, Inc.
No. PS 2023-204	Regal Auto Body and Service, Inc. dba St. Clair Auto Body
No. PS 2023-205	United Towing Services, Inc.
No. PS 2023-206	Seaway Gas & Petroleum, Inc. dba Ecke's Towing, Inc.

This ordinance constitutes the additional legislative authority required by Section 135.42 to exercise these options.

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.

Passed February 3, 2025.

Effective February 4, 2025.

Ordinance No. 22-2025

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

An emergency ordinance authorizing the Director of Public Works, Parks and Recreation and/or Finance, as appropriate, to employ one or more professional consultants to assess, recommend, and/or procure property insurance for the Huntington Bank Field located at 100 Alfred Lerner Way, and other related services, for a period of one year.

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, Parks and Recreation and/or Finance, as appropriate, are authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to assess, recommend, and/or procure property insurance for the Huntington Bank Field located at 100 Alfred Lerner Way, and other related services, for a period of one year.

Section 2. That, if property insurance is not obtained under the professional services contract authorized in Section 1, the Director of Public Works, Parks and Recreation and/or Finance, as appropriate, are authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to procure property insurance for the Huntington Bank Field located at 100 Alfred Lerner Way and other related services, for a period of one year.

Section 3. That the selection of the consultants or firms of consultants for the services authorized in Sections 1 and 2 above shall be made by the Board of Control on the nomination of the Director of Public Works, Parks and Recreation and/or Finance, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works, Parks and Recreation and/or Finance, as appropriate, for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control and may include the cost of the insurance premium, loss control services and other costs incurred by the consultant on the City's behalf. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works, Parks and Recreation and/or Finance, as appropriate, and certified by the Director of Finance.

Section 4. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 600 and other funds approved by the Director of Finance. (RQS 7005, RLA 2024-88)

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

Passed February 3, 2025.

Effective February 4, 2025.

Ordinance No. 99-2025

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

An emergency ordinance authorizing Three Million Ninety-Six Thousand, Eighty-Seven Dollars and Seventy-Nine Cents (\$3,096,087.79) that has previously been allocated for improvements to the West Side Market to be performed by the City to be reallocated for the improvements to the West Side Market contemplated under Ordinance No. 532-2023, passed May 15, 2023.

WHEREAS, Ordinance No. 532-2023, passed May 15, 2023, authorized a construction-manager at risk contract for the public improvement to the West Side Market (the “Market”), including but not limited to, reconfiguring and replacing the basement coolers and storage and constructing new food preparation areas, constructing roof and façade repairs, installing new heating, ventilation, and air conditioning systems, and performing electrical upgrades (the “Public Improvement”); and

WHEREAS, Ordinance No. 542-2024, passed June 3, 2024, amended Ordinance No. 532-2023, to authorize the Director of Capital Projects and/or Director of Public Works to enter into one or more design-build contracts for the Public Improvement (the “Design-Build Public Improvement”) with the Cleveland Public Market Corporation (“CPMC”), or in the alternative, to authorize the Director of Public Works, Community Development, or other appropriate Director, to enter into one or more grant agreements with CPMC, or an entity affiliated with or controlled by CPMC, to provide economic development assistance relating to designing and constructing improvements to the Market, including but not limited to, reconfiguring and replacing the basement coolers and storage and constructing new food preparation areas, constructing roof and façade repairs, installing new heating, ventilation, and air conditioning systems, and performing electrical upgrades (the “Grant Agreement Improvement”); and

WHEREAS, an additional Ten Million Dollars (\$10,000,000.00) was authorized under Ordinance No. 543-2024, passed June 3, 2024, for either the Design-Build Public Improvement or the Grant Agreement Improvement entered into with CPMC, or an entity affiliated with or controlled by CPMC; and

WHEREAS, Three Million Ninety-Six Thousand, Eighty-Seven Dollars and Seventy-Nine Cents (\$3,096,087.79) is already allocated to the Market for capital improvements and is necessary for either the Design-Build Public Improvement or the Grant Agreement Improvement entered into with CPMC, or an entity affiliated with or controlled by CPMC; and

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

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

Section 1. That this Council authorizes Three Million Ninety-Six Thousand, Eighty-Seven Dollars and Seventy-Nine Cents (\$3,096,087.79) payable from Fund No. 10 SF 400, for improvements to the Market as contemplated under Ordinance No. 532-2023, as amended by Ordinance No. 542-2024. The funding will go towards either the Design-Build Public Improvement or the Grant Agreement Improvement for capital improvements and repairs as authorized in that ordinance. (RQS 0103, RL 2025-12)

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.

Passed February 3, 2025.

Effective February 4, 2025.

Ordinance No. 126-2025**By Council Member:** Kazy**An emergency ordinance authorizing the Directors of Finance and Economic Development to enter into an amendment to Contract No. ST 2024-0009 with DigitalC to change certain terms.**

WHEREAS, under the authority of Ordinance No. 585-2023, passed September 25, 2023, the Directors of Finance and Economic Development entered into Contract No. ST 2024-0009 with DigitalC for the City-Wide Broadband Network Project to ensure that every household in the City has access to a low-cost, high-quality internet service plan (the “Agreement”); and

WHEREAS, DigitalC has reported that, in 2024, it has reached 2,802 New Internet Households Subscriptions as defined in the Agreement; and

WHEREAS, DigitalC’s performance metric was to reach 3,500 New Internet Household Subscriptions in 2024 for a performance payment of \$1,750,000; 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 Directors of Finance and Economic Development are authorized to enter into an amendment to the Contract No. ST 2024-0009 with DigitalC to provide that, notwithstanding any other provisions of the Agreement, (i) DigitalC shall be paid \$760,000, reflecting payment in full for New Internet Household subscriptions for 1/1/2024-12/31/2024, (ii) no other payment for New Internet Household subscriptions for 1/1/2024-12/31/2024 shall be made; and (iii) All further payments to DigitalC shall be conditioned upon receiving prior legislative approval. All other terms and conditions of Agreement shall remain the same.

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

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.

Passed February 3, 2025.**Effective February 4, 2025.**

Ordinance No. 158-2025**By Council Member:** Gray

An emergency ordinance authorizing the Director of the Department of Public Works to enter into agreement with Burten, Bell, Carr Development, Inc. for the Reddog Nation – Youth Football and Tutoring Program 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 Public Works is hereby authorized to enter into agreement with Burten, Bell, Carr Development, Inc. for the Reddog Nation – Youth Football and Tutoring Program for the public purpose of providing a youth football and tutoring program through the use of Ward 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	G24674

Section 3. That the Law Department has reviewed and approved this proposal on January 30, 2025. The Department has reviewed and approved the proposal on January 15, 2025. Project shall begin as of March 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.

Passed February 3, 2025.**Effective February 4, 2025.**

Ordinance No. 159-2025**By Council Member: Slife**

An emergency ordinance consenting and approving the issuance of a permit for the CHN Believe in Home 5K on August 9, 2025, 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 CHN Believe in Home 5K on August 9, 2025, managed by Hermes Sports & Events; START at Saint Joseph Academy, 3470 Rocky River Drive; turn left on Rocky River Drive; continue onto Riverside Drive; turnaround; continue onto Rocky River Drive; turn right on Amber Drive; loop back Amber Drive; turn right on Rocky River Drive; turn right into Saint Joseph Academy driveway; turnaround; continue on same course for second loop; FINISH at Saint Joseph Academy; 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.

Passed February 3, 2025.**Effective February 4, 2025.**

Ordinance No. 160-2025

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

An emergency ordinance authorizing the Directors of Economic Development and Finance to enter into an agreement under the Job Creation Income Tax Incentive Program with Canon Healthcare USA, Inc., and/or its designee, to facilitate the purpose and provisions of this ordinance.

WHEREAS, pursuant to the authority of Revised Code Section 718.15 and Section 192.16 of the Codified Ordinances of Cleveland, Ohio, 1976 (“CCO”), and Ordinance No. 1345-2023, passed December 4, 2023, and, in accordance with CCO Section 192.19, the City has created a Job Creation Income Tax Credit Incentive Program (“JCI Tax Credit Program”); and

WHEREAS, prior to passage of this ordinance, the City and the company listed below have reached an agreement specifying all the conditions of the JCI Tax Credit Program were granted and placed in **File No. 160-2025-A**; 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 Directors of Economic Development and Finance are authorized to enter into a Job Creation Income Tax Incentive Agreement (“JCI Tax Incentive Agreement”), for a period not to exceed five (5) years, with Canon Healthcare USA, Inc., and/or its designee (the “Company”), to provide financial assistance and incentives, by means of issuing the company a credit (the “JCI Tax Credit”) against net profit tax due to the City’s Division of Taxation Central Collection Agency (“CCA”) to the Company, an eligible applicant for such credit, which Company will create a minimum of fifty (50) full time jobs new to the City. Company may receive five (5) annual credits measured as fifty percent (50%) of the income tax withholding revenue the City derives from new employees of the Company that will be granted within the Company’s annual net profit return to be filed with the CCA.

Section 2. That the Company must not be delinquent on any portion of its tax filing and payment requirements including but not limited to real estate taxes, municipal income taxes, and withholding tax obligations on behalf of its employees. The term of the JCI Tax Incentive Agreement authorized by this ordinance shall not exceed the term of the Company’s lease, if any, and in no event shall exceed five (5) years, unless otherwise approved by Council.

Section 3. That the Directors of Economic Development, Finance and Office of Equal Opportunity is authorized to enter into a non-standard Community Benefits (“CBA”)

Agreement with the company as a condition to receive funds under this ordinance. The CBA will be modified at the discretion of the OEO to reflect that this is not a construction or redevelopment project but as an attraction of a new employer along with new jobs to the project for the City of Cleveland.

Section 4. That the Company is required to enter into a Workforce Development Agreement as a condition to receive JCI Tax Credit under this ordinance.

Section 5. That the Mayor, the Director of Finance, the Director of Economic Development, the Director of Law, and any other City officials, as appropriate, are each authorized to prepare and sign any other documents, instruments, amendments or certificates and to take such actions as are necessary or appropriate to consummate and implement the transactions described in or contemplated by this ordinance.

Section 6. The contract authorized in this legislation will require the recipients of financial assistance to work with, and/or cause their tenants to work with, Ohio Means Jobs of Cuyahoga County, and/or related affiliate, and City of Cleveland to identify and solicit qualified candidates for job opportunities.

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.

Passed February 3, 2025.

Effective February 4, 2025.

Ordinance No. 161-2025

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

An emergency ordinance to reinstate Enterprise Zone Agreement No. CT9501 NF 2017-028 with 105th Cedar Partners, LLC, or its designee, to provide for tax abatement for certain real property improvements as an incentive for the development of an office building and attraction of new jobs located at 10500 Cedar Avenue in the Cleveland Area Enterprise Zone; to transfer and amend the contract to extend the term of the abatement from ten years to fifteen.

WHEREAS, under Ordinance No 800-16, passed August 10, 2016, this Council entered into Enterprise Zone Agreement No. CT9501 NF 2017-028 (the “Agreement”) with 105th Cedar Partners, LLC, or its designee, to provide for tax abatement for certain real property improvements as an incentive for the development of an office building located at 10500 Cedar Avenue in the Cleveland Area Enterprise Zone; and

WHEREAS, on June 8, 2023, by first amendment/termination, effective January 1, 2023, the City and 105th Cedar Partners, LLC terminated the Agreement due to loss of tenant and qualifying jobs; and

WHEREAS, the City and 105th Cedar Partners, LLC, or its designee Canon Healthcare USA, Inc., or its designee (“Canon”), wish to reinstate the Agreement and to amend the reinstated Agreement to extend the term of the abatement from ten years to fifteen years, not to extend beyond 2035; capturing the remaining 4 years of the reinstated agreement, prospectively, and the 5 years of the extension for 9 years total abatement to Canon.

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 reinstate, transfer and amend Enterprise Zone Agreement No. CT9501 NF 2017-028 with Canon, or designee, to provide for a 9-year, 60% tax abatement for certain real property improvements as an incentive for the attraction of new jobs to an office building located at 10500 Cedar Avenue in the Cleveland Area Enterprise Zone.

Section 2. That the Director of Economic Development is authorized to enter into contracts to reinstate, transfer and amend Enterprise Zone Agreement No. Ct9501 NF2017-028 with Canon, or its designee, to extend the term of the abatement from ten years to fifteen years.

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.

Passed February 3, 2025.

Effective February 4, 2025.

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

[* denotes interim committee member]

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), Gray*, Hairston, 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), Conwell*, Gray, Slife, Spencer, Starr.

TUESDAY – Alternating

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

WEDNESDAY – Alternating

10:00 a.m. – **Safety Committee:** Polensek (CHAIR), Gray, Howse-Jones, Kazy*, 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: Harsh (CHAIR), Griffin, Hairston, Polensek*, 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

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

Jeff Epstein, Chief of Integrated Development

Sarah N. Johnson, Chief Communications Officer

Michele Pomerantz, Chief of Education

Sonya Pryor-Jones, Chief of Youth and Family Success

Bonnie Teeuwen, Chief Operating Officer

Stephanie Wernet, Chief Innovation and Technology Officer

AGING – Mary McNamara, Director

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS –

Carmella Davis, Secretary

BOARD OF ZONING APPEALS –

Elizabeth Kukla, Secretary

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 PLANNING COMMISSION – Marka Fields, Interim Director

CIVIL SERVICE COMMISSION – Rachon Long, Executive Director**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**COMMUNITY RELATIONS BOARD** – Angela Shute-Woodson, Executive Director**ECONOMIC DEVELOPMENT** – Thomas S. McNair, Director**FINANCE** – Paul C. Barrett, Director**Divisions:**

Accounts – Lonya Moss-Walker, Commissioner

Assessments and Licenses – Dedrick Stephens, Commissioner

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

INNOVATION AND TECHNOLOGY – Stephanie Wernet, Chief Innovation and Technology Officer

LANDMARKS COMMISSION – Daniel A. Musson, Secretary

LAW – Mark D. Griffin, Director

Michele Comer, Chief Counsel

Stephanie K. Melnyk, 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 – Mark Duluk, 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

PARKS AND RECREATION – Alexandria Nichols, 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

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/>