

The City Record

Official Publication of the Council of the City of Cleveland



December the Seventh, Two Thousand and Sixteen

Frank G. Jackson
Mayor

Kevin J. Kelley
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

| Ward | Name | Residence | |
|------|----------------------|------------------------------|-------|
| 1 | Terrell H. Pruitt | 16920 Throckley Avenue | 44128 |
| 2 | Zack Reed | 3734 East 149th Street | 44120 |
| 3 | Kerry McCormack | 1429 West 38th Street | 44113 |
| 4 | Kenneth L. Johnson | 2948 Hampton Road | 44120 |
| 5 | Phyllis E. Cleveland | 2369 East 36th Street | 44105 |
| 6 | Mamie J. Mitchell | 12701 Shaker Boulevard, #712 | 44120 |
| 7 | TJ Dow | 7715 Decker Avenue | 44103 |
| 8 | Michael D. Polensek | 17855 Brian Avenue | 44119 |
| 9 | Kevin Conwell | 10647 Ashbury Avenue | 44106 |
| 10 | Jeffrey D. Johnson | 9024 Parkgate Avenue | 44108 |
| 11 | Dona Brady | 1272 West Boulevard | 44102 |
| 12 | Anthony Brancatelli | 6924 Ottawa Road | 44105 |
| 13 | Kevin J. Kelley | 5904 Parkridge Avenue | 44144 |
| 14 | Brian J. Cummins | 3104 Mapledale Avenue | 44109 |
| 15 | Matthew Zone | 1228 West 69th Street | 44102 |
| 16 | Brian Kazy | 4300 West 143rd Street | 44135 |
| 17 | Martin J. Keane | 15907 Colletta Lane | 44111 |

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
 Martin J. Flask, Executive Assistant to the Mayor of Special Projects
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education
 Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability
 Natoya J. Walker Minor, Executive Assistant to the Mayor, Chief of Public Affairs
 Edward W. Rybka, Executive Assistant to the Mayor, Chief of Regional Development
 Dan Williams, Media Relations Director

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

DIVISIONS:
 Architecture and Site Development – _____ Manager
 Engineering and Construction – Richard J. Switalski, Manager
 Real Estate – James DeRosa, Commissioner

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

DEPT. OF LAW – Barbara A. Langhenry, Director, Gary D. Singletary, Chief Counsel, Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel, Victor R. Perez, Chief Assistant Prosecutor, Room 106; Robin Wood, Law Librarian, Room 100

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

Natasha Brandt, Manager, Internal Audit

DIVISIONS:
 Accounts – Lonya Moss Walker, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – James Hartley, Interim Treasurer, Room 115
 Financial Reporting and Control – James Gentile, Controller, Room 18
 Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue

Purchases and Supplies – Tiffany White, Commissioner, Room 128
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

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

DIVISIONS:
 Cleveland Public Power – Ivan Henderson, Commissioner
 Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer
 Water – Alex Margevicius, Commissioner
 Water Pollution Control – Rachid Zoghaib, Commissioner

DEPT. OF PORT CONTROL – Fred Szabo, Interim Director, Cleveland Hopkins International Airport, 5300 Riverside Drive

DIVISIONS:
 Burke Lakefront Airport – Khalid Bahhur, Commissioner
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:
 Administration – John Laird, Manager
 Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:
 Motor Vehicle Maintenance – Jeffrey Brown, Commissioner
 Park Maintenance and Properties – Richard L. Silva, Commissioner
 Parking Facilities – Kim Johnson, Interim Commissioner
 Property Management – Tom Nagle, Commissioner
 Recreation – Samuel Gissentaner, Interim Commissioner
 Streets – Frank D. Williams, Interim Commissioner
 Traffic Engineering – Robert Mavec, Commissioner
 Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

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

DIVISIONS:
 Air Quality – George Baker, Commissioner
 Environment – Chantez Williams, Commissioner, 75 Erieview Plaza
 Health – _____, Commissioner, 75 Erieview Plaza

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

DIVISIONS:
 Animal Control Services – Edward Jamison, Chief Animal Control Officer, 2690 West 7th Street
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive
 Fire – Patrick Kelly, Chief, 1645 Superior Avenue
 Police – Calvin D. Williams, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:
 Administrative Services – Jesus Rodriguez, Commissioner
 Fair Housing and Consumer Affairs Office – John Mahoney, Manager
 Neighborhood Development – Chris Garland, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner

DEPT. OF BUILDING AND HOUSING – Ronald J.H. O'Leary, Director, Room 500

DIVISIONS:
 Code Enforcement – Thomas E. Vanover, Commissioner
 Construction Permitting – Narid Hussain, Commissioner

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

DEPT. OF ECONOMIC DEVELOPMENT – Tracey A. Nichols, Director, Room 210

DEPT. OF AGING – Jane Fumich, Director, Room 122

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Eugene R. Miller (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Gary Johnson, Sr., Daniel McNea, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Peter Whitt.

CIVIL SERVICE COMMISSION – Room 119, Robert Bennett, President; Michael L. Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan, Michael Flickinger.

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

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: Mary Haas McGraw, Joan Shaver Washington, Tim Donovan, Elizabeth Kukla, Secretary.

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

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

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

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

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

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

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

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

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

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel Whalen, Nancy Cronin, Elvin Vauss.

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

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

CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom
 Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A
 Judge Pinkey S. Carr – Courtroom 15C
 Judge Marilyn B. Cassidy – Courtroom 13A
 Judge Michelle Denise Earley – Courtroom 14C
 Judge Emanuella Groves – Courtroom 14B
 Judge Lauren C. Moore – Courtroom 14A
 Judge Charles L. Patton, Jr. – Courtroom 13D
 Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B
 Judge Michael R. Sliwinski – Courtroom 13C
 Judge Janet Rath Colaluca – Courtroom 12B
 Judge Suzan Marie Sweeney – Courtroom 12C
 Judge Joseph J. Zone – Courtroom 14D

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

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 103

WEDNESDAY, DECEMBER 7, 2016

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CITY COUNCIL

MONDAY, DECEMBER 5, 2016

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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2015-2017

MONDAY — Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

The following Committees meet at the Call of the Chair:

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
December 5, 2016

The meeting of the Council was called to order at 4:38 p.m. with the President of Council, Kevin J. Kelley, in the Chair.

Council Members present: Dona Brady, Anthony Brancatelli, Phyllis E. Cleveland, Kevin Conwell, Brian J. Cummins, TJ Dow, Jeffrey D. Johnson, Kenneth L. Johnson, Brian Kazy, Kevin J. Kelley, Martin J. Keane, Kerry McCormack, Mamie J. Mitchell, Michael D. Polensek, Zack Reed, and Matthew Zone.

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Siliman, Chief Operating Officer Darnell Brown, Chief of Regional Development Edward W. Rybka, Chief of Education Monyka S. Price, Media Relations Director Dan Williams, and Directors Dumas, Davis, Spronz, Gordon, McGrath, Cox, O'Leary, West, Nichols, Griffin, Fumich, Ambroz and Burrows.

MOTION

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

MOTION

On the motion of Council Member Zone, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Mitchell.

COMMUNICATIONS

File No. 1453-16.
From Permits Section, Ohio Environmental Protection Agency.

Public Notice of permit application under National Pollutant Discharge Elimination System Permit Program by First Energy Generation LLC for discharge into Lake Erie from Lake Shore Power Plant, 6800 South Marginal Drive, Cleveland, Ohio. Received.

File No. 1454-16.

From Director Jane Fumich, Department of Aging, City of Cleveland. Notice of grant acceptance of \$5,000 from Greater Cleveland Foodbank through funds from National Council on Aging. Received.

File No. 1455-16.

From City of Cleveland Tax Inventive Review Council (TIRC). Compliance Report Summary as of December 31, 2015. Received.

File No. 1456-16.

From Cuyahoga County Board of Elections. Certificate of Result of Election on Issue 32: Proposed Municipal Income Tax (Increase), at the General Election in Cleveland, Ohio, on November 8, 2016. Received.

File No. 1457-16.

From Cuyahoga County Board of Elections. Certificate of Result of Election on Issue 33: Proposed Charter Amendment regarding the Civilian Police Review Board, at the General Election in Cleveland, Ohio, on November 8, 2016. Received.

File No. 1481-16.

From Tracy Oliver Director of DEO Media and Local Affairs, Dominion East Ohio. Notice of approval by the Public Utilities Commission of Ohio of Dominion East Ohio's use of an automatic adjustment mechanism to allow recovery of certain costs associated with deploying the Automated Meter Reading technology. Received.

File No. 1482-16.

From Tracy Oliver Director of DEO Media and Local Affairs, Dominion East Ohio. Notice of filing of new pipeline infrastructure replacement program adjustment (PUCO Case No. 16-2205-GA-RDR) and approval of cost recovery charge adjustments. Received.

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 1466-16.

RE: #2705361. Transfer of License Application, C2. Fiar, Inc., 3153 West 73rd Street (Ward 3). Received.

File No. 1467-16.

RE: #6381797. New License Application, C1. Nijim Food Mart LLC, 3218 East 135th Street (Ward 4). Received.

File No. 1468-16.

RE: #5805794. Transfer of License Application, D5 D6. Medusa Restaurant & Lounge LLC, 1437 Street Clair Avenue (Ward 3). Received.

File No. 1469-16.

RE: #5902350. Stock Application, D1 D2 D6. Michalis, Inc., 11473 Euclid Avenue (Ward 6). Received.

File No. 1470-16.

RE: #4236476. Transfer of Ownership Application, D1 D2 D3 D3A D6. Janet Jeffrey, 11121 Western Avenue (Ward 11). Received.

File No. 1477-16.

RE: #11643550011. Stock Application, C2 C2X D6 D8. C E A M Investment Corp., 1278 West 9th Street (Ward 3). Received.

File No. 1478-16.

RE: #0335525. Transfer of Ownership Application, C1 C2. Aulakh Corporation, 4677 West 130th Street (Ward 16). Received.

File No. 1479-16.

RE: #7146940. Stock Application, D2 D2X D3 D6. RG Max Enterprises LLC, 3670 West 130th Street (Ward 16). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1483-16 — Hazel McDade Dale.

Res. No. 1484-16 — Mary Corine Bailey Ellis Booker.

Res. No. 1485-16 — Nolen J. Motley.

Res. No. 1486-16 — Robert Curtis Wright, DDS.

CONGRATULATIONS RESOLUTION

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

Res. No. 1487-16 — Tom Beres.

RECOGNITION RESOLUTIONS

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

Res. No. 1488-16 — Container Homes.

Res. No. 1489-16 — Council for Economic Opportunities in Greater Cleveland Head Start Program ("Bright Spot" award).

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 1443-16.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and reconvey properties presently owned by Euclid Avenue Garage, LLC and Samal Euclid LLC, or their designees, located at 515 Euclid Avenue 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; and authorizing an agreement with Euclid Avenue Garage, LLC and Samal Euclid LLC, or their designees.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire from and reconvey to, Euclid Avenue Garage, LLC and Samal Euclid LLC, or their designees, for a price of one dollar and other valuable consideration determined to be fair market value, the following property 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 and more fully described as follows:

Parcel No. 2 (PPN 101-26-355)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being "The Above the Roof Parcel" in the Revised Consolidation Plat and Air Rights Lot Split for OSF Properties, Inc. of part of Original Two Acre Lot Nos. 91 and 92, as shown by the recorded plat in Volume 329 of Maps, Page 79 of Cuyahoga County Records.

Together with a Non-Exclusive Appurtenant Easement for ingress and egress filed for record August 17, 1875 in Volume 246, Page 513B of Cuyahoga County Records.

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition and sale of the properties.

Section 3. That this Council finds that the conveyances constitute a public purpose.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 5. That the Director of Economic Development is authorized to enter into an agreement with Euclid Avenue Garage, LLC and Samal

Euclid LLC, or their designees, which shall include the terms and conditions of the transaction authorized by this ordinance.

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.

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

Ord. No. 1444-16.

By Council Member Brancatelli (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 337.251 relating to limited lodging in residence districts, effective February 1, 2017.

Whereas, under Ordinance No. 30-16, passed June 6, 2016, this Council enacted new Section 337.251 of the Codified Ordinances of Cleveland, Ohio, 1976, related to limited lodging in residence districts; and

Whereas, Ordinance No. 30-16 contained a provision that Section 337.251 would become of no force and effect as of February 1, 2017; and

Whereas, this Council wishes to continue the authority of Section 337.251 past February 1, 2017; 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, effective February 1, 2017, the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 337.251 to read as follows:

Section 337.251 Limited Lodging in Residence Districts

(a) *Definitions.* As used in this section:

(1) "Accessory Use" shall have the same meaning as defined in Section 325.02.

(2) "Booking Agent" means any person or entity that facilitates reservations or collects payment for limited lodging accommodations on behalf of or for an owner or primary resident. Merely publishing an advertisement for accommodation in a dwelling unit for limited lodging does not make the publisher a booking agent.

(3) "Dwelling Unit" shall have the same meaning as defined in Section 325.20.

(4) "Limited Lodging" means the accessory use of all or part of a dwelling unit by rental for temporary

occupancy for dwelling, sleeping, or lodging. Limited lodging includes the arrangement of such rental by the owner through a booking agent.

(5) "Lodgers" means a person who is a renter of all or part of a dwelling unit and has mere use without actual or exclusive possession of the dwelling unit.

(6) "Owner" means a titled-owner or a tenant/renter of a property who is in possession and control of the dwelling unit and who lives in the dwelling unit more than 51% of the calendar year. Any tenant or renter of the property must be authorized by the titled-owner of the property to provide limited lodging.

(7) "Primary Residence" means the use of a dwelling unit for residential household living purposes of more than 51% of the calendar year by the owner, tenant/renter, or person in possession and control of the dwelling unit.

(8) "Temporary Occupancy" means the accommodation of lodgers conducted in a dwelling unit, the primary use of which is for household living, and where the total accommodations of lodgers provided is for fewer than ninety-one (91) days per calendar year but where the provision of lodging to any particular lodger is for no more than thirty (30) consecutive days.

(b) *General Provisions.*

(1) Limited lodging is permitted in a Residence District, provided that limited lodging in a particular dwelling unit may be provided for no more than ninety-one (91) days per calendar year.

(2) Notwithstanding Chapter 365, limited lodging is not required to have a certificate of rental registration provided the dwelling unit remains owner-occupied as a Primary Residence.

(3) The standards set forth in division (c) of this section are intended to ensure that limited lodging will not be a detriment to the character and livability of the surrounding residential neighborhood.

(c) *Standards.* A dwelling unit may be used for limited lodging subject to compliance with all of the following minimum requirements:

(1) The dwelling unit shall remain as a household living unit with housekeeping facilities in common.

(2) Limited lodging must be accessory and incidental to the use of a dwelling unit for residential household living purposes as a Primary Residence.

(3) Smoke detectors shall be provided and maintained adjacent to each sleeping area in each dwelling unit as required in Chapter 392.

(4) One or more carbon monoxide detection devices shall be installed and maintained as close to the center of the dwelling unit and within close proximity to the living and sleeping areas of the dwelling unit.

(5) Lodgers shall be notified of the trash and recycle collection days for the property and any applicable rules

and regulations pertaining to leaving or storing trash on the exterior of the property. The owner shall provide proper trash and recycling containers for the lodgers.

(6) The owner or primary resident offering the dwelling unit for limited lodging shall provide to any lodger the contact information, including a telephone number, of a person with responsibility to take action to resolve any complaints regarding the condition, operation or maintenance of the dwelling unit.

(7) Compliance with all other applicable provisions of the Cleveland Codified Ordinances related to residential dwelling units.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1445-16.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to SAMCO Properties, Ltd. to encroach into the public right-of-way of Clifton Boulevard N.W. and West 117th Street by installing, using, and maintaining two entry-way frost slabs.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to SAMCO Properties, Ltd., 6190 Cochran Road, Suite A, Solon, Ohio 44139 ("Permittee"), to encroach into the public right-of-way of Clifton Boulevard N.W. and West 117th Street by installing, using, and maintaining two entry-way frost slabs at the following locations:

Encroachment 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of West 117th Street (80 feet wide) right of way and Clifton Boulevard N.W. (120 feet wide), as shown by the dedication plat in Volume 45 of Maps, Page 22 of Cuyahoga County Records, right of way and also being part of Original Brooklyn Township Lot No. 10 and is further bounded and described as follows:

Beginning at the intersection of the centerline of said West 117th Street

and the centerline of said Clifton Boulevard;

Thence South 75°59'00" East, along the centerline of said Clifton Boulevard, a distance of 41.27 feet;

Thence North 00°12'56" West, a distance of 61.90 feet to a point of intersection of the Westerly right of way for said West 117th Street and the Northerly right of way for Clifton Boulevard and the principal place of beginning of the lands herein described;

Course 1:

Thence South 75°59'00" East, along the Northerly right of way of said Clifton Boulevard, a distance of 79.98 feet;

Course 2:

Thence South 14°01'00" West, a distance of 3.01 feet;

Course 3:

Thence North 75°59'00" West, parallel to the Northerly right of way for said Clifton Boulevard, a distance of 83.60 feet;

Course 4:

Thence North 00°12'56" West, parallel to the Westerly right of way for said West 117th Street, a distance of 28.56 feet;

Course 5:

Thence North 89°47'04" East, a distance of 4.25 feet to a point on the Westerly right of way for said West 117th Street;

Course 6:

Thence South 00°12'56" East, along the Westerly right of way for said West 117th Street, a distance of 26.53 feet to the place of beginning and containing 0.0083 Acre (363 Square Feet) of land.

Encroachment 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Clifton Boulevard N.W. (120 feet wide), as shown by the dedication plat in Volume 45 of Maps, Page 22 of Cuyahoga County Records, right of way and also being part of Original Brooklyn Township Lot No. 10 and is further bounded and described as follows:

Beginning at the intersection of the centerline of said West 117th Street and the centerline of said Clifton Boulevard;

Thence North 00°12'56" West, along the centerline of said West 117th Street, a distance of 61.90 feet;

Thence South 75°59'00" East, a distance of 189.20 feet to a point on the Northerly right of way for Clifton Boulevard and the principal place of beginning of the lands herein described;

Course 1:

Thence South 75°59'00" East, along the Northerly right of way of said Clifton Boulevard, a distance of 11.00 feet;

Course 2:

Thence South 14°01'00" West, a distance of 3.05 feet;

Course 3:

Thence North 75°59'00" West, a distance of 11.00 feet;

Course 4:

Thence North 14°01'00" East, a distance of 3.05 feet to the principal place of beginning and containing 33.55 Square Feet of land.

Be the same more or less, but subject to all legal highways and easements of record.

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

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

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

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

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

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

Ord. No. 1448-16.

By Council Member Kelley.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with On Technology Partners for the professional services necessary to advise and assist in the maintenance and performance of computer technology projects and to provide specific computer technology services for Cleveland City Council.

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 Clerk of Council ("Clerk") is authorized to enter into an agreement with On Technology Partners ("Consultant"), for the professional services necessary to advise and assist in the maintenance and performance of computer technology projects and to provide specific computer technology services as set forth in the agreement. This agreement shall be entered into as of January 1, 2017 and shall be for a term of one year, concluding December 31, 2017. The cost of all services under this agreement shall not exceed \$80,000 and shall be paid for from fund 11-006 and/or 21-006.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Committee on Finance.

Ord. No. 1449-16.

By Council Member Kelley.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility-related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council.

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 Clerk of Council is authorized to enter into an agreement with the Project Group for professional assistance in investigating utility-related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council. This agreement shall be entered into as of January 1, 2017 and shall be for a term of one year, concluding December 31, 2017. The agreement shall be certified in an amount not to exceed \$200,000.00 from fund 52-001, 54-001 and/or 58-001 and such other funds as may be deemed appropriate by the Director of Finance.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Committee on Finance.

Ord. No. 1450-16.

By Council Member Kelley.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with The

Batchelder Company for professional lobbying services for Cleveland City Council.

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 Clerk of Council is authorized to enter into an agreement with The Batchelder Company for professional lobbying services for Cleveland City Council. This agreement shall be for a term of one year beginning January 1, 2017 and ending December 31, 2017, and shall be certified in an amount not to exceed \$48,000 from fund 01, dept. 0101 subfund 001 object code 6320 by the Director of Finance.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Committee on Finance.

Ord. No. 1451-16.

By Council Member Kelley.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Guy Gadomski, CPA to provide professional financial consulting and auditing services necessary for Cleveland City Council.

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 Clerk of Council is authorized to enter into an agreement with Guy Gadomski, CPA to provide professional financial consulting and auditing services necessary for Cleveland City Council, including but not limited to, analysis of the Mayor's Estimate, preparation and presentation of the Council budget retreat, and briefings to the Council President, and any other financial advisory services as directed by the Clerk or her designee. This agreement shall be entered into as of January 1, 2017 and shall be for a term of one year, concluding December 31, 2017.

The agreement shall be certified in an amount not to exceed \$50,000.00 from fund 01, dept. 0101 subfund 001 object code 6320.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Committee on Finance.

Ord. No. 1452-16.**By Council Members Cummins and Kelley (by departmental request).****An emergency ordinance to repeal all sections in Chapters 251 through and including Chapter 291 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended by various ordinances, relating to Air Pollution Control; and to enact new Chapters 251 to 299 relating to Air Quality.**

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 Codified Ordinances of Cleveland, Ohio, 1976:

Sections 251.01 to 251.71, 253.01, 255.01 to 255.07, 257.01 to 257.11, 259.01 to 259.10, 261.01, and 261.02, as enacted by Ordinance No. 857-A-76, passed June 27, 1977,

Section 263.01, as amended by Ordinance No. 2393.02, passed February 3, 2003,

Sections 263.02, 263.03, and 263.04, as enacted by Ordinance No. 857-A-76, passed June 27, 1977,

Section 265.01, as amended by Ordinance No. 141.79, passed December 17, 1977,

Sections 265.02, 265.03, 265.04, 267.01, 267.02, 267.03, 269.01, 269.02, 269.03, 271.01, 271.02, 273.01, 275.01, 277.01 to 277.12, 279.01 to 279.05, 281.01 to 281.05, 283.01 to 283.06, 285.01 to 285.04, 287.01, 287.02, 287.03, 289.01, and 291.01, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 251.01 to 251.77, 253.01, 255.01 to 255.06, 259.01 to 259.08, 261.01, 261.02, 263.01 to 263.07, 265.01 to 265.03, 266.01 to 266.06, 267.01, 267.02, 269.01 to 269.03, 271.01, 271.02, 277.01 to 277.05, 279.01 to 279.03, 281.01 to 281.04, 283.01 to 283.07, 285.01 to 285.05, 289.01, 291.01, 297.01 to 297.10 and 299.01 to 299.03 and 299.99 to read as follows:

**Chapter 251
Definitions****Section 251.01 Title and Distribution**

This part of the Codified Ordinances shall be known as the "Air Quality Code" and may be printed, distributed and made available in electronic format for electronic download via computer network connection, separately from other parts of the Codified Ordinances of the City of Cleveland. The term "this Code" wherever used in this Title V means the Air Quality Code of the City of Cleveland.

Section 251.02 Abrasive Blasting

"Abrasive blasting" means the cleaning, polishing, texturizing, conditioning, removing or preparing of a surface by forcibly propelling a stream of abrasive material with pressurized liquid or compressed air against the surface.

Section 251.03 Abrasive Material

"Abrasive material" means any material used in abrasive blasting operation including but not limited to sand, coal slag, smelter slag, mineral abrasives, metallic abrasives, synthetic abrasives or naturally occurring abrasives.

Section 251.04 Acetylene Torch

"Acetylene torch" means any device that uses a fuel containing acetylene as at least one constituent for the purpose of generating a flame capable of altering the physical state of another material.

Section 251.05 Air Cleaning Equipment

"Air cleaning equipment" means any control equipment which removes, reduces or renders less noxious the air contaminants that are discharged into the atmosphere.

Section 251.06 Air Contaminant

"Air contaminant" means any particulate matter, dust, soot, grime, fumes, gas, mist, except uncombined water, radionuclides, smoke, vapor, except water vapor, charred paper, odorous material, radioactive materials, noxious chemicals, any other material, or any combination thereof which is discharged directly or indirectly into the atmosphere.

Section 251.07 Air Contaminant Source

"Air contaminant source" means any building, structure, facility, operation, installation, other physical facility or real or personal property that emits or may emit any air contaminant. Air contaminant source may also be referred to by the single word "source". Control equipment associated with an air contaminant source is considered to be part of such source and does not require a separate permit to operate.

Section 251.08 Air Pollution

"Air pollution" means the presence in ambient air of one (1) or more air contaminants, or any combination thereof, in sufficient quantities, and of such characteristics and duration as is or threatens to be injurious to human health or welfare, plant or animal life or property, or which unreasonably interferes with the comfortable enjoyment of life and property or the conduct of business.

Section 251.09 Air Pollution Episode

"Air pollution episode" means the occurrence of conditions as set forth in Chapter 283.

Section 251.10 Ambient Air

"Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks or ducts which surrounds human, plant or animal life or property.

Section 251.11 Ambient Air Quality Standards

"Ambient air quality standards" mean ambient air quality goals expressed numerically and intended to be attained and maintained in a stated time through the application of appropriate preventive or control measures. Primary ambient air quality standards define levels of air quality which are necessary, with an adequate margin of safety, to protect the public health. Secondary ambient air quality standards define levels of air quality which are necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

Section 251.12 ASME

"ASME" means the American Society of Mechanical Engineers.

Section 251.13 ASTM

"ASTM" means the American Society for Testing Materials.

Section 251.14 Appeals Board

"Appeals board" means the Board of Building Standards and Building Appeals or such other successor appeals board as shall be established by law and vested with jurisdiction in matters relating to the Air Quality Code.

Section 251.15 Architectural Coating

"Architectural coating" means a coating applied to stationary structures and their appurtenances, to mobile homes and other mobile buildings, to pavements, or to curbs.

Section 251.16 Asbestos

"Asbestos" means the asbestiform varieties of serpentinite (chrysotile) riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite; includes forms within the varieties specified (e.g. amosite) or any mixture containing any of these minerals.

Section 251.17 Atmosphere

"Atmosphere" means the air that envelops or surrounds the earth. The atmosphere includes air inside of buildings, but not inside operating process equipment, tanks, or other spaces where access is typically restricted due to the nature of the structure or physical conditions therein.

Section 251.18 Blast Furnace

"Blast furnace" means the furnace and equipment used in the smelting process in which primarily oxygen is removed from metal oxides and molten metal produced. The furnace and equipment consist of, but are not limited to, the furnace proper, charging equipment, stoves, bleeders, gas dust catcher, gas-cleaning devices and other auxiliaries pertinent to the process. Blast furnace emissions are regulated under the Ohio Administrative Code 3745-18 for sulfur compounds, and 3745-21 for Carbon Monoxide, Photochemically Reactive Materials, and Hydrocarbons.

Section 251.19 Boiler and Electric Boiler

"Boiler" means combustion equipment fired with fossil fuels used to transfer heat from combustion gases to water or other fluids, consisting essentially of burner, firebox, heat exchanger and a means of creating and directing a flow of gases through the unit.

An "Electric Boiler" heats water or other fluids with heat generated electrically instead of by fossil fuel combustion.

Section 251.20 British Thermal Unit or Btu

"British Thermal Unit or Btu" means the amount of heat required to raise one (1) pound of water from fifty-nine degrees Fahrenheit (59°F) to sixty degrees Fahrenheit (60°F) at a constant pressure of one atmosphere.

Section 251.21 By-Product Coke Plant

"By-product coke plant" means a plant used in connection with the distillation process to produce coke in which the volatile matter in coal is expelled, collected and recovered. Such plant consists of, but is not limited to, coal and coke handling equipment, by-product chemical plant and other equipment associated with and attendant to the coking chambers or ovens making up a single battery operated and controlled as a unit.

Section 251.22 Clean Air Act or CAA

"Clean Air Act" or "CAA" means the federal Clean Air Act as amended November 15, 1990; 42 USC 7401 to 7671q, and any subsequent amendments.

Section 251.23 Commenced

"Commenced" means an owner or operator has undertaken a continuous program of construction, installation or modification or has entered into a binding contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction, installation or modification.

Section 251.24 Commissioner

"Commissioner" means: (1) the Commissioner of the Division of Air Quality of the City of Cleveland or his or her appointee in his absence; or (2) anyone appointed by the Mayor or the Director of the Department of Public Health in an acting or interim capacity.

Section 251.25 Compliance Schedule

"Compliance schedule" means a plan of corrective action to achieve full compliance with the provisions of this Code. This schedule may include the following milestones, each to be achieved at the earliest possible date:

- (a) Submission of final control plans for source;
- (b) Awarding of contracts for emission control systems or issuing of purchase orders for component parts to accomplish emission control or process modification;
- (c) Initiation of on-site construction or installation of emission control equipment or process modification;
- (d) Completion of on-site construction or installation of emission control equipment or process modification;
- (e) Achievement of final compliance with all provisions of the Air Quality Code of the City of Cleveland.

Section 251.26 Control Equipment

"Control equipment" means any device, contrivance, or action which prevents, removes, reduces or renders less noxious air contaminants discharged into the atmosphere. Control equipment associated with an air contaminant source is considered to be part of such source and does not require a separate permit to operate.

Section 251.27 Criteria Pollutant

“Criteria pollutant” means particulate matter (PM_{2.5} and PM₁₀), nitrogen oxides, VOCs, sulfur dioxide, carbon monoxide, lead or any other air pollutant and/or air contaminant for which a national ambient air quality standard has been promulgated under Section 109 of the Clean Air Act.

Section 251.28 Emission or Emit

“Emission” or “Emit” means the act of releasing or discharging any air contaminant or contaminants directly or indirectly into the atmosphere from any source. “Emission” also means the air contaminant or contaminants directly or indirectly released or discharged into the atmosphere from any source.

Section 251.29 Emission Limitation and Emission Standard

“Emission limitation and emission standard” mean a requirement that limits the quantity, rate or concentration of emissions of air contaminants, including any requirement relating to the operation or maintenance of an air contaminant source.

Section 251.30 Existing Source

“Existing source” means any source which has been constructed or installed or of which construction, installation or modification was commenced prior to the effective date of this Code.

Section 251.31 Facility

“Facility” means any building, structure, installation, operation, or combination thereof which contains one (1) or more stationary source or sources of air contaminants.

Section 251.32 Fiberated Cementitious Product

“Fiberated cementitious product” means material that contains mineral fibers and cement or material that acts like cement.

Section 251.33 Fuel

“Fuel” means any form of combustible matter whether solid, liquid or gas but does not include refuse other than refuse derived fuel.

Section 251.34 Fuel-Burning Equipment

“Fuel-burning equipment” means any furnace, boiler, apparatus, stack and all appurtenances thereto used in the process of burning fuel for the primary purpose of producing heat or power.

Section 251.35 Fuel-Burning Equipment Input Capacity

“Fuel-burning equipment input capacity” means the maximum heat input rate of any fuel-burning equipment. This maximum heat input rate shall be the manufacturer’s or designer’s guaranteed maximum heat input rate or such other rate as may be determined by the Commissioner in accordance with good engineering practices. In case of conflict the Commissioner’s determination shall govern.

Section 251.36 Fugitive Emissions

“Fugitive emissions” means air contaminants that are not captured or conveyed at the point of origin and emitted into the atmosphere from any source by means other than a stack, chimney, vent or other functionally equivalent conveyance during the processing, transmission, storage, or transportation of fossil fuels or other materials.

Section 251.37 Gasoline Dispensing Equipment

“Gasoline dispensing equipment” means any tanks, pumps, or other equipment utilized to dispense gasoline from stationary storage tanks into motor vehicle gasoline tanks. This includes gasoline dispensing equipment located at a site where fueling vehicles is not the primary function performed at that site.

Section 251.38 Hazardous Air Pollutant

“Hazardous air pollutant” means any air contaminant(s) which may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness to the public and has been so designated as a hazardous air pollutant as defined in Section 112 of the Clean Air Act, by this Code, or by the Commissioner by rule and regulation.

Section 251.39 Incinerator

“Incinerator” means any equipment, machine, device, article, contrivance, structure or part thereof used to burn refuse or to process salvageable material by burning other than by open burning as defined herein.

Section 251.40 Install or Installation

“Install or installation” means to construct, erect, locate or affix any source of air contaminant or contaminants, including related control equipment.

Section 251.41 Liquid Organic Material

“Liquid organic material” means any organic material which is a liquid at standard conditions.

Section 251.42 Mobile Source

“Mobile source” means any vehicular source, including, but not limited to, automobiles, trucks, tractors, buses and other motor vehicles, powered aircraft, railroad locomotives, ships, boats and other waterborne craft, but not including any source mounted on a vehicle whether such mount is temporary or permanent, which source is not used to power the vehicle.

Section 251.43 Modify or Modification

“Modify or modification” means any physical change in, or change in the method of operation of, an existing source or a new source of air contaminants that:

- (a) Increases or decreases the amount of any air contaminant(s) emitted by such source; or
- (b) Results in the emission of any air contaminant(s) not previously emitted from such source.

Section 251.44 New Source

"New source" means any source the construction, installation, or modification of which is commenced on or after the effective date of this Code, except a modification that causes a decrease in the amount of air contaminants emitted.

Section 251.45 Objectionable Odor

"Objectionable odor" means any odor in the atmosphere that, by itself or in combination with other odors, gases, or vapors, is offensive, foul, unpleasant, or repulsive, or tends to injure, endanger, or unreasonably interfere with the health, safety, comfort, or repose of a person. An odor is objectionable when documented investigation includes observations on the odor's nature, intensity, duration, location, and evidence the odor causes or tends to cause injury, detriment, nuisance, or annoyance to persons or to the public.

Section 251.46 Odor

"Odor" means the property of an air contaminant that affects the sense of smell.

Section 251.47 Odorous Material

"Odorous material" means material that has, produces, or emits a distinctive odor.

Section 251.48 Ohio EPA

"Ohio EPA" means the Ohio Environmental Protection Agency.

Section 251.49 Opacity

"Opacity" means the degree to which emissions reduce the transmission of light and partially or wholly obscure the view of the background.

Section 251.50 Open Burning

"Open burning" means the burning of any material or materials wherein air contaminants resulting from combustion are emitted directly into the ambient air, without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, a chamber is regarded as enclosed, when during the time combustion takes place, only such apertures, ducts, stacks, flues, or chimneys are open as are necessary to provide combustion air and to permit the escape of exhaust gas.

Section 251.51 Organic Material

"Organic material" means any chemical compound containing carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

Section 251.52 Organic Solvent

"Organic solvent" means any organic material, liquid at standard conditions, which is used as a diluent, thinner, dissolver, viscosity reducer, or cleaning agent.

Section 251.53 Outdoor Wood Burning Boiler

"Outdoor wood-burning boiler" means a fuel burning device that is: (1) designed to burn, or is capable of burning, clean wood or other approved solid fuels; (2) designed for outdoor installation or installation in structures not normally occupied by humans (e.g., garages or sheds); and (3) designated to heat building space or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/anti-freeze mixture. An outdoor wood-burning boiler may also be known as an: (1) outdoor wood-fired furnace; (2) outdoor wood-burning appliance; (3) outdoor hydronic heater; or (4) outdoor water stove.

Section 251.54 Owner or Operator

"Owner or operator" means any person who owns, leases, controls, operates, or supervises a facility, an air contaminant source, or control equipment.

Section 251.55 Particulate Matter

"Particulate matter" means any material, except water in uncombined form, that is or has been airborne and exists as a liquid or a solid at standard conditions.

Section 251.56 Person

"Person" means any individual, partnership, partner, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns.

Section 251.57 Photochemically Reactive Material

"Photochemically reactive material" means any liquid organic material with an aggregate of more than twenty percent (20%) of its total volume composed of the chemical compounds classified below, or which exceeds any of the following individual percentage composition limitations, referred to the total volume of liquid:

- (a) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation, excluding perchloroethylene: five percent (5%);
- (b) A combination of aromatic hydrocarbons with eight (8) or more carbon atoms to the molecule except ethyl benzene: eight percent (8%); or
- (c) A combination of ethyl benzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: twenty percent (20%).

Wherever any organic material or any constituent of an organic material may be classified from its chemical structure into more than one (1) of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group having the least allowable percent of total volume of liquid.

Section 251.58 Process Equipment

"Process equipment" means any equipment, device, or contrivance used to change, store, or handle any material or materials, and all appurtenances thereto, including ducts and stacks, the use of which may cause discharge of an air contaminant into the atmosphere, but not including any fuel-burning equipment or incinerator as defined in this Code.

Section 251.59 Process Weight

"Process weight" means the total weight of all materials introduced into a unit operation or unit process, including solid fuels, but excluding gaseous fuels and liquid fuels when they are used solely as fuels, and excluding air introduced for the purpose of combustion.

Section 251.60 Process Weight Per Hour

"Process weight per hour" means a rate established as follows:

(a) For continuous or long-run steady-state unit operation or unit process, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof; or

(b) For cyclical or batch unit operation or batch unit process, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such period.

Where the nature of any process or operation or the design of any equipment permits more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

Section 251.61 Refuse

"Refuse" means any discarded matter or any matter which is to be reduced in volume or otherwise changed in chemical or physical properties in order to facilitate its discard, removal, disposal, or reuse, including garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes, human or animal remains, and other wastes.

Section 251.62 Refuse Derived Fuel

"Refuse derived fuel" means refuse which has been processed to separate the non-combustible portion from the combustible portion, and where the combustible portion has been prepared into a form that can be effectively utilized in fuel burning equipment in compliance with permit and rule-based emission limitations.

Section 251.63 Rendering Plant

"Rendering plant" means the land, building or buildings, machinery, apparatus, or fixture(s) employed in a process by which animal, poultry, or fish, which is unsalable, spoiled, contaminated, or otherwise unfit for human consumption, is treated, through the use of heat or other methods, so as to convert into fats and oils, food for poultry, livestock or pets, fertilizer, or other products.

Section 251.64 Salvageable Material

"Salvageable material" means any material which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its reuse.

Section 251.65 Seal

"Seal" means any device, tag, or marking placed or affixed by the Commissioner of Air Quality or by his or her agents or representatives so as to prohibit use of any process, fuel-burning or control equipment, or any incinerator, premise, or source causing a violation, or from which violations of this Code originate. Sealing may also be accomplished by means of a written order by the Commissioner directed to the owner or operator of such equipment, premise, or source instructing such owner or operator that the process, fuel-burning or control equipment, or incinerator, premise, or source causing a violation shall not be operated until the Commissioner authorizes such use in writing.

Section 251.66 Smoke

"Smoke" means the mixture of gases and fine particles produced from the combustion or incomplete combustion of organic matter.

Section 251.67 Source (see Air Contaminant Source)

"Source" when used by itself in this Code means an air contaminant source as defined in this Chapter

Section 251.68 Source Operation

"Source operation" means the last operation preceding emission, which: (a) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion-fuel; and (b) is not an air pollution abatement operation.

Section 251.69 Stack

"Stack" means a duct, chimney, flue, or conduit designed or arranged to capture or conduct air contaminant emissions into the ambient air.

Section 251.70 Standard Conditions

"Standard conditions" means a dry gas temperature of seventy degrees Fahrenheit (70°F) (twenty-one and one-tenth degrees Celsius (21.1°C)), and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch (seven hundred sixty (760) millimeters of mercury) absolute dry air.

Section 251.71 Stationary Source

"Stationary source" means an air contaminant source which does not move from place to place in its day to day operation.

Section 251.72 Transfer Operation

"Transfer operation" means the loading or unloading of any liquid material into or from any tank, truck, trailer, or railroad tank car at a facility.

Section 251.73 Uncontrolled Mass Rate of Emission

"Uncontrolled mass rate of emission" means the total weight rate at which an air contaminant is, or in the absence of control equipment would be, emitted from an air contaminant source when such source is operated at its maximum rated capacity.

Section 251.74 Unit Operation

"Unit operation" means a method where raw materials undergo physical change or methods by which raw materials may be altered into different states, such as vapor, liquid or solid, without changing into a new substance with different properties or composition.

Section 251.75 Unit Process

"Unit process" means a reaction where raw materials undergo chemical change or where one or more raw materials are combined and changed into a new substance with different properties or composition.

Section 251.76 Visible Emission

"Visible emission" means an emission of air contaminants of such quantity or quality as to be seen in contrast with background. Visible emissions are quantified by their opacity, as defined in this Chapter.

Section 251.77 Volatile Photochemically Reactive Material

"Volatile photochemically reactive material" means any photochemically reactive material which has a vapor pressure of one and one-half (1.5) pounds per square inch absolute or greater under actual storage conditions.

**Chapter 253
Ambient Air Quality Standards****Section 253.01 Maximum Concentrations, Non-Degradation**

(a) Concentrations in the ambient air of any contaminant(s) set forth in OAC 3745:25-02, at the effective date of the OAC and as subsequently revised, apply in all areas of the City. Standards are to be attained at the earliest possible date but in no event later than that date established by regulation of the Director of the Ohio Environmental Protection Agency. All measurements of ambient air quality are corrected to standard conditions. Concentrations of any contaminant(s) in the ambient air in excess of the concentrations and time durations set forth in OAC 3745:25-02, or as subsequently amended, shall constitute a condition of undesirable air quality.

(b) Non-Degradation Policy. The significant and avoidable deterioration of air quality in any part of the City where presently existing air quality is equal to or better than that required by the adopted standards is prohibited.

**Chapter 255
Administrative****Section 255.01 Air Quality Personnel**

(a) The Division of Air Quality shall employ and qualify personnel as needed to ensure the successful administration of this Code.

(b) Such personnel of the Division shall: (1) carry out the directions of the Commissioner in all matters, consistent with duties of their respective job descriptions, qualifications and assignments, relating to enforcement of this Code, including the signing of complaints and summons sought for violations; and (2) aid and assist the Commissioner in the efficient discharge of his duties.

(c) No person employed in the Division shall be directly or indirectly interested in sales of service or goods or in any matter in conflict with his employment.

Section 255.02 Notices of Violation; Orders to Abate

(a) Upon discovery of any violation of this Code, the Commissioner or his or her designee shall serve a written notice of violation or violations upon the owner, operator or person in control of the property or operation in violation. The notice of violation or violations shall identify the specific violation or violations of this Code. The notice may include the possible penalties for noncompliance and a recommendation for remedial action.

(b) In addition to or in lieu of a notice, the Commissioner or his or her designee may issue a written order to immediately abate any condition, action, or emission that affects or endangers the public health.

(c) The Commissioner or his or her designee shall send the written notice and/or order to the last known address of the owner, operator, or person in control of the property or operation in violation, and identify the specific violation or violations of this Code. The notice shall state a reasonable period for compliance.

(d) No person or entity shall fail to correct any violation or to comply with any notice or order issued by the Commissioner or his or her designee within the time period stated on the notice or order.

(e) If any person or entity fails to correct any violation or to comply with any notice or order issued under this section, the City may pursue any criminal, administrative or civil remedy authorized by law. In addition, the City may revoke any existing permit to operate and/or seal such source or facility. The Commissioner may issue a remedial order and/or enter into a consent agreement, as part of a remedy required as a result of a violation or failure to comply with an order of the Commissioner or his or her designee. The Commissioner may implement any other actions specified in Chapter 299 of this Code, "Penalties."

Section 255.03 Appeals

(a) Any person, property owner, or member of the general public adversely affected by any order, requirement, decision, or determination by the Commissioner may appeal within thirty (30) days of the issuance of such order, requirement, decision, or determination to the Appeals Board. An appeal stays the effect of the order, requirement, decision, or determination being appealed.

(b) The Commissioner may apply to the Appeals Board to lift the stay.

(c) Any person, property owner, or member of the general public claiming an interest or whose ability to protect an interest may be impaired or impeded by any consent agreement or variance issued by the Commissioner, or by any new air contaminant limitations or visible emission limitations established by the Commissioner, in accordance with the applicable provisions of this Code, may appeal an agreement, variance, or limitations to the Appeals Board within thirty (30) days after the date of publication of such consent agreement or variance by the Commissioner in the *City Record*.

(d) Unless otherwise prohibited in the interests of justice, any person, property owner, or member of the general public is permitted to intervene in a matter before the Appeals Board when such intervention is timely and the person claims an interest relating to the matter and/or the person is so situated that the disposition of the matter by the Appeals Board may impair or impede his ability to protect an interest. For the purpose of this subsection, "timely" means prior to the commencement of a hearing by the Appeals Board on the merits of a matter before the Appeals Board.

(e) The Commissioner shall be a party to any and all appeals brought under this Code and shall be required to file the record of the matter at issue with the Appeals Board within fourteen (14) days of the receipt of the notice of appeal. The Commissioner shall include in the record facts and findings pertinent to his decision. The Appeals Board may also require any other party or intervenor to file a summary of his position prior to the hearing. The Appeals Board shall give public notice of any hearing on an appeal in the *City Record*.

Section 255.04 Records to be Available for Public Inspection; Exception

(a) Any records, reports or information obtained under the applicable provisions of this Code shall be available for public inspection, during regular business hours, except that upon showing to the satisfaction of the Commissioner by any person that such records, reports or information or any particular part thereof other than emission data, to which the Commissioner has access, if made public, would divulge methods or processes entitled to protection as trade secrets of such person. The Commissioner shall consider such record, report or information or particular part thereof confidential, except that such record, report or information or particular part thereof may be disclosed when necessary to sustain an action brought under the applicable provisions of this Code on emission limitations or during a denial or revocation of a permit to operate or variance. For any records that are also subject to State of Ohio Sunshine Laws, the Division will ensure that release or redaction of such records is in compliance with State law.

(b) Nothing in this division shall be construed to prevent the Commissioner from compiling or publishing analyses or summaries relating to the general condition of the atmosphere, provided that such records, reports or information or particular part thereof do not reveal any information otherwise confidential under this section.

Section 255.05 Consent Agreements for Modifications of Equipment or Emission Standards

(a) Whenever any source or source operation is found to be in violation of this Code and the Commissioner determines that compliance with the emission limitations requires the installation of control equipment of complex design or operational change of a complex nature involving technological ingenuity or advances of considerable magnitude, the Commissioner may, upon the approval of the Director of the Department of Public Health, revise any of the emission limitations. In such case, the Commissioner shall enter into a consent agreement with the person owning, operating or in charge of such source or source operation to bring about compliance with the emission limitations or such revisions thereto, at the earliest possible date, based upon technical feasibility and economical reasonableness and their relation to the benefits to the people of the City to be derived from such compliance. The Commissioner may also enter into a consent agreement with the person owning, operating, or in charge of any source or source operation to bring about compliance with the emission limitations, as established in the applicable provisions of this Code, in lieu of or in resolution of any violation of an abatement order. No modification will be allowed that would conflict with an Ohio EPA Air Pollution Permit or rule.

(b) No person entering into such a consent agreement with the Commissioner shall fail to comply with the terms and conditions of the consent agreement without prior written approval of the Commissioner.

(c) The Commissioner shall give public notice of any consent agreement entered into with any person owning, operating, or in charge of, any source or source operation.

Section 255.06 Rules and Regulations

(a) The Commissioner may adopt, amend or alter written rules and regulations of this Code. Such rules and regulations shall neither conflict with nor waive any provision of this Code nor any other section of the Codified Ordinances.

(b) General notice of proposed rules and regulations shall be published in the *City Record*, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. The notice shall include:

(1) A statement of the time, place and nature of public proceedings to accept comments on any proposed rules or regulations, or on any amendments or alterations to existing rules or regulations;

(2) Reference to the legal authority under which a rule or regulation is proposed; and

(3) The proposed rules or regulations, or the amendments or alterations to existing rules or regulations, or a summary of the proposal.

(c) After notice required by this section, the Commissioner shall give interested persons, within a reasonable time period to be determined by the Commissioner, an opportunity to submit written comments and any written data, views, or arguments in support of such comments, and/or to present a verbal statement.

(d) Upon adoption, under the procedure set forth in this section, rules or regulations and amendments thereto and alterations thereof shall become effective after two (2) successive publications in the *City Record*.

(e) Any interested person may petition the Commissioner for the issuance, amendment or repeal of a rule or regulation.

(f) Violation of rules or regulations of the Commissioner shall not constitute the basis for criminal prosecutions, provided, however, that an administrative order of the Commissioner based on such rules and regulations shall be enforceable in accordance with the provisions of this Code, whether administrative or criminal in nature.

(g) On a biannual basis, beginning two years after the date of enactment of this Code, the Commissioner shall determine if any part of this Code should be reviewed. A review may be initiated based on changes to state or federal laws, previously unforeseen air pollution concerns; on recommendation of the Cleveland Industrial Air Pollution Advisory Committee; or other circumstances indicating that such review would be for the betterment of the health and well-being of the Citizens of the City of Cleveland.

Chapter 259 Operation Permits and Variances

Section 259.01 Notification of Installation or Modification; Permit to Operate; Variance Prerequisite for Operation

(a) Except as otherwise provided in this Code, no person shall cause or allow the operation or other use of any air contaminant source or control equipment unless the Commissioner has granted a permit to operate or variance. No person

shall cause or allow the operation or other use of any air contaminant source or control equipment when such permit to operate or variance has been denied or revoked or becomes void. Control equipment only requires a separate permit to operate or variance if emissions from such control equipment are not accounted for in a source's permit to operate or variance.

(b) No person shall cause or allow the operation of any air contaminant source or control equipment for any other purpose or in any other manner than that for which the permit to operate has been issued unless otherwise authorized in writing by the Commissioner.

(c) Subject to the receipt of permit fees and an affirmation of operation signed by the responsible official of the facility, all City Permits to Operate shall renew on a single date each year to be specified by the Commissioner.

Section 259.02 Application for Permit to Operate

(a) Except as otherwise provided in this Code, the owner or operator of an air contaminant source seeking to obtain a permit to operate shall submit an application for permit to operate ("PTO") to the Commissioner as follows:

(1) Applications for permits to operate shall be made on forms prepared by the Commissioner and shall include any reasonable and pertinent information that may be required by the Commissioner. This may include plans and or specifications and or a description adequately detailed to demonstrate awareness of pollution control requirements and compliance therewith.

(2) Failure to comply with any request for information made by the Commissioner shall be cause for rejection of an application, and may constitute grounds for the denial of a permit to operate.

(b) Applications for permits to operate that comply with the requirements of this section and any request for information made by the Commissioner, shall be signed:

(1) By the corporate president or vice president reporting directly to the president, or highest ranking corporate officer with offices located in Cuyahoga County; or

(2) By an equally responsible officer or official in the case of organizations other than corporations; or

(3) By the source owner or operator in all other cases.

(c) The applicant's signature shall constitute personal affirmation that the statements made in the application are true and complete, comply fully with applicable City requirements, and shall subject the responsible official to liability under applicable City laws forbidding false and misleading statements.

(d) The applicant's signature shall constitute an agreement that the applicant assumes responsibility for the operation and location of such source or facility in accordance with this Code and with all other applicable rules and regulations, and terms and conditions.

(e) The owner or operator of a new or modified air contaminant source that requires a Permit to Install ("PTI") or a Permit to Install and Operate ("PTIO") from the Ohio Environmental Protection Agency, or has submitted a notification to operate under the Ohio air pollution Permit by Rule program shall not be required to separately apply for a Permit to Operate from the City of Cleveland for the initial installation, construction, or subsequent modification of the source. Issuance of a City Permit to Operate is contingent upon the facility complying with State requirements, and issuance of the initial City Permit to Operate will occur upon issuance of the initial or modified State PTI or PTIO.

(f) The owner or operator of a new or modified air contaminant source that does not require an Air Permit or Permit by Rule from the Ohio Environmental Protection Agency shall notify the Division of Air Quality of their intent to construct, install, or modify a source prior to commencement of these actions by submitting a signed application for a City Permit to Operate.

(1) Applications shall include any reasonable and pertinent information that may be required by the Commissioner. This may include plans and or specifications and or a description adequately detailed to demonstrate awareness of pollution control requirements and compliance therewith.

(2) The Commissioner will acknowledge receipt of the notification within sixty (60) days but shall not issue a permit to operate until the requirements of Section 259.03 are met. Installation or operation of the air contaminant source may commence immediately, but the owner or operator assumes all risk if the design is unacceptable to the Commissioner.

(3) The owner or operator who submits a timely application for a City Permit to Operate for a new or modified source shall not be in violation of Section 259.01 until the Commissioner takes final action on the permit application.

Section 259.03 Criteria for Granting of Permits to Operate

(a) No permit to operate an existing air contaminant source or control equipment shall be granted until the applicant demonstrates to the satisfaction of the Commissioner that:

(1) The operation of such air contaminant source or control equipment will not result in the discharge of air contaminants in excess of the limitations established by this Code;

(2) The operation of such air contaminant source or control equipment will not create a nuisance or otherwise violate any other provision of this Code or the rules and regulations promulgated therein; and

(3) The information required by the Commissioner in the application has been supplied and has been determined to be adequate for the evaluation of the application for permit to operate.

(b) The Commissioner may require emissions tests before issuing a permit to operate.

(c) The Commissioner shall collect the prescribed permit fee prior to issuing or renewing a permit.

Section 259.04 Action on Application for Permit to Operate

Approval of the application for a permit to operate may, at the discretion of the Commissioner, include a condition requiring emissions tests to be conducted within a reasonable period of time, as determined by the Commissioner, and other special terms and conditions, to establish compliance with the emissions limitations of this ordinance. The Commissioner shall notify the person applying for the permit to operate of his or her approval or reasons for rejection of the application in writing. Upon the approval of the application, the Commissioner shall issue a permit to operate such air contaminant source or control equipment.

Section 259.05 Renewal of Permits to Operate

Permits to operate air contaminant sources or control equipment shall be renewed as follows:

(a) Prior to the expiration of the permit, a written request for renewal of permit or permits to operate must be filed in the office of the Division of Air Quality; and

(b) The request for renewal must list each air contaminant source at the facility and note any changes to the air contaminant source or sources at the facility.

As a courtesy to the regulated facilities, the Commissioner may issue invoices to permitted facilities listing the air contaminant sources believed to require permits at the facilities, and the associated fees for such sources. The responsible party at the facility may, at their option, use the information contained on the invoice to develop their request for renewal of permit or permits to operate and to calculate fees owed for permit renewal.

The request for renewal shall be signed:

(1) By the corporate president or vice president reporting directly to the president, or highest ranking corporate officer with offices located in Cuyahoga County; or

(2) By an equally responsible officer in the case of organizations other than corporations; or

(3) By the source owner or operator in all other cases.

(c) The requestor's signature shall constitute personal affirmation that the statements made in the request are true and complete, complying fully with applicable City requirements, that all judgments and estimates provided have been made in good faith, and shall subject the responsible official to liability under applicable City laws forbidding false and misleading statements.

(d) The requestor's signature shall constitute an agreement that the requestor assumes responsibility for the operation and location of such source or facility in accordance with this Code and with all other applicable rules and regulations, and terms and conditions. Such signature further attests to the requestor's understanding that the data provided in the request for renewal will be used by the City of Cleveland to calculate a fee which the facility is required to pay under Chapter 263 of the Code.

(e) Upon approval of the request for renewal and upon payment of the prescribed permit fees, the Commissioner shall issue a renewal of the permit to operate the source or sources or control equipment contained therein.

Section 259.06 Denial or Revocation of Permits to Operate

(a) A permit to operate may be denied or, once granted, may be revoked:

(1) Incident to any discontinuance and seal order; or

(2) In an emergency where operation of the subject air contaminant source or control equipment may be dangerous to persons or property; or

(3) Where no air pollution control equipment or modification, if required, has been installed to enable operation in accordance with the provisions of this Code; or

(4) Where the air contaminant source or control equipment is of such condition or so installed that it cannot be, or is not being, operated in accordance with the provisions of this Code; or

(5) Upon failure or refusal of the person responsible to submit information required by the Code; or

(6) Upon failure or refusal of the person responsible to comply with an abatement order issued under the provisions of Chapter 255; or

(7) Upon failure or refusal of the person responsible to comply with the terms and conditions of any permit granted by the Commissioner under provisions of this Code; or

(8) Upon failure or refusal of the person responsible to comply with the provisions of Chapter 283.

(b) Prior to the revocation of an existing permit to operate, notice in writing shall be sent by the Commissioner to responsible persons at facilities where violations of this section are known to exist, demanding compliance within a time limit set forth therein, or within a time limit extension granted by the Commissioner.

(c) Denial or revocation of a permit to operate will not bar prosecution for violation of any of the provisions of this Code.

Section 259.07 Prima Facie Evidence of Unlawful Emission

In any hearing of the Municipal Court or any court of competent jurisdiction, the fact of operation without a valid permit to operate or variance, together with testimony as to ownership or responsibility from the records of the Division of Air Quality, shall be prima-facie evidence of unlawful emissions and that the air contaminant source or control equipment for which the permit to operate or variance is not in effect is being operated in violation of the provisions of this Code.

Section 259.08 Variances

(a) The owner or operator of any plant, building structure, process, equipment, or source may apply to the Commissioner for a variance from the provisions of this Code. A variance is a temporary instrument; it does not modify or replace a permit to operate. Any application for a variance must include, at a minimum:

(1) The name, mailing address, phone number, and email for the applicant.

(2) The location of the facility for which a variance is being sought.

(3) A description of the source or sources for which a variance is being sought.

(4) The pollutants, potential pollutants, quantities of emissions, and quantities of potential emissions of the source for which a variance is being sought.

(5) The duration of the variance being requested, and a description of the control strategies employed or methodology for minimizing emissions during the duration of the variance being requested.

(b) The Commissioner shall give public notice of any request for a variance from the provisions of this Code. Public notice shall at a minimum consist of publication in the *City Record* and a daily newspaper of general circulation in the metropolitan area and shall contain the name and location of the facility, a description of the source, the pollutants emitted, the quantities of pollutants emitted the control strategies employed, and the duration of the variance being requested. Additional options for public notice are City of Cleveland Websites and common social media sites. These electronic resources, if used, will be in addition to the *City Record* and daily newspaper.

(c) The Commissioner may grant a variance under this section only after due consideration of the relative interests of the applicant, other owners of property likely to be affected by the discharge of emissions, and the general public. Interested persons may submit written comments on the variance request to the Commissioner. The Commissioner will consider all relevant comments received within thirty (30) days after the latest date of publication of the public notice of the variance request in the *City Record* or daily newspaper of general circulation in the metropolitan area.

(d) The Commissioner shall not grant a variance under this section until the applicant shows to the satisfaction of the Commissioner that:

(1) Such source is not a new source or modification; and

(2) The Commissioner has approved a compliance schedule for such source.

(e) The Commissioner shall approve a compliance schedule where it shows to the satisfaction of the Commissioner that:

(1) The plan and schedule provide for the earliest possible compliance by the source;

(2) Any available alternative operating procedure and interim control measures have reduced or will reduce the impact of such source on the public health;

(3) Good faith efforts have been and will be made to reduce emissions or otherwise comply with this Code or the rules and regulations promulgated therein;

(4) The proposed control strategy will bring the source into compliance with this Code or the rules and regulations promulgated therein; and

(5) The compliance schedule contains a date on or before which the source shall be operated in compliance with this Code or the rules and regulations promulgated therein.

(f) The Commissioner shall act upon a variance request within ninety (90) days after receipt in the office of the Commissioner. The Commissioner shall notify the person applying for the variance of the approval or reasons for rejection of the variance request in writing.

(g) The Commissioner shall give public notice of his decision on all requests for variances. Public notice shall consist of publication in the *City Record* and a daily newspaper of general circulation in the metropolitan area.

(h) If granted, a variance must be effective for the period of time the Commissioner deems appropriate. A variance shall not be a right of the applicant or holder thereof but shall be in the discretion of the Commissioner, as provided in this section.

(i) The Commissioner may require the variance holder, as part of the terms of the variance, to maintain such monitoring equipment and to make a file of such information, records and reports as he deems necessary to ensure compliance with the terms of the variance and to evaluate the effect of the emission upon the ambient air.

(j) No person shall fail to comply with any condition of a variance granted by the Commissioner without prior written approval of the Commissioner. This section has no effect upon the date of final compliance as set forth in the variance as granted.

(k) Once the Commissioner grants a variance, he or she may revoke such variance:

(1) Upon failure or refusal of the variance holder to maintain monitoring equipment and to make and file information, records, and reports as required by the Commissioner; or

(2) Upon failure of the variance holder to meet, or to show good faith effort in meeting, any of the conditions of the variance; or

(3) If during the period of the variance the source operation becomes unsafe and endangers the public health.

(l) Nothing in this section and no variance granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of this Code to any person or his property.

(m) The Commissioner may not grant a variance that conflicts with the air pollution regulations of the Ohio Environmental Protection Agency or the United States Environmental Protection Agency.

(n) Denial or revocation of a variance by the Commissioner shall not bar prosecution for violation of any other applicable provision of this Code.

(o) Any request for renewal of a variance shall be acted upon and treated as an original variance application.

Chapter 261 Exemptions

Section 261.01 Exemptions, Specified; Compliance

(a) The provisions of this Code shall not apply to the following classes of sources:

(1) Systems used exclusively for comfort ventilation;

(2) Fuel-burning equipment using natural gas, or No. 1 or No. 2 fuel oil at rates of less than one million (1,000,000) Btu per hour when operated at the maximum rated capacities and, from which, products of combustion are the sole emissions;

(3) Boilers installed in any residential buildings up to four (4) dwelling units; or

(4) Warm air furnaces, any unit heater, direct-fired unit heater or ceiling-type unit heater fired with natural gas, or No. 1 or No. 2 fuel oil, where equipment is used exclusively for space or comfort heating, or installed in any residential buildings up to four (4) dwelling units.

(b) Exemption under this section shall not relieve any owner or operator of an air contaminant source or control equipment of the responsibility to comply with the provisions of Sections 265.01, 267.01 and 277.01, and Chapters 281 and 283. If the operation of any such air contaminant source or control equipment violates any of the provisions of Sections 265.01, 267.01 and 277.01, and Chapters 281 and 283, the Commissioner must take appropriate action, under the applicable provisions of this Code, to compel abatement of the violation.

Section 261.02 Limited Exemptions

(a) The provisions of Chapter 259 shall not apply to the following classes of sources:

(1) Mobile sources; or

(2) Authorized open burning, abrasive blasting and/or building cleaning, and spray applications of fiberated non-asbestos cementitious products. Permits may be required for such operations under the provisions of Chapters 266, 277 and 281; or

(3) Other sources of small emission significance as the Commissioner may exempt by rules and regulation.

(b) Exemption under this section shall not relieve any owner or operator of an air contaminant source or control equipment of the responsibility to comply with the provisions of other applicable sections of this Code, including, but not limited to, emission standards and limitations, submission of data, reporting requirements, and emergency orders.

Chapter 263 Fees for Permits and Variances

Section 263.01 Fees for Permits and Variances

(a) Fees for the issuance of permits to operate any air contaminant source within the jurisdiction of this code, variances, and renewal of permits to operate shall be as follows:

(1) *Fuel Burning Equipment For Each Unit.* The fee shall be based upon the maximum designed heat input capacity:

| Description | Fee |
|--|------------|
| A. Of a heat input capacity of less than 2,500,000 Btu/hr | \$100.00 |
| B. Of a heat input capacity of at least 2,500,000 Btu/hr and less than 10,000,000 Btu/hr | \$200.00 |
| C. Of a heat input capacity of at least 10,000,000 Btu/hr and less than 25,000,000 Btu/hr | \$500.00 |
| D. Of a heat input capacity of at least 25,000,000 Btu/hr and less than 50,000,000 Btu/hr | \$1,500.00 |
| E. Of a heat input capacity of at least 50,000,000 Btu/hr and less than 100,000,000 Btu/hr | \$2,000.00 |
| F. Of a heat input capacity of 100,000,000 Btu/hr or more | \$2,500.00 |

(2) *Incinerators For Each Unit.* The fee shall be based upon the primary furnace volume of each incinerator:

| Description | Fee |
|--|------------|
| A. Having a primary furnace volume of less than 50 cubic feet | \$250.00 |
| B. Having a primary furnace volume of at least 50 cubic feet and less than 100 cubic feet | \$400.00 |
| C. Having a primary furnace volume of at least 100 cubic feet and less than 200 cubic feet | \$1,500.00 |
| D. Having a primary furnace volume of 200 cubic feet or more | \$2,500.00 |

(3) *Process Equipment.* The fee shall be based upon the value of X as determined from the following equation:

$X = \text{Process Weight in pounds per hour} + \text{Exhaust Air Ventilation in actual cubic feet per minute.}$

| Description | Fee |
|--|------------|
| A. For values of X less than 1,000 | \$100.00 |
| B. For values of X of at least 1,000 and less than 10,000 | \$250.00 |
| C. For values of X of at least 10,000 and less than 50,000 | \$500.00 |
| D. For values of X of at least 50,000 and less than 100,000 | \$1,000.00 |
| E. For values of X of at least 100,000 and less than 500,000 | \$1,500.00 |
| F. For values of X of at least 500,000 and less than 1,000,000 | \$2,000.00 |
| G. For values of X of 1,000,000 or more | \$2,500.00 |

(4) *Process and Fuel Burning Equipment.* The fee for equipment that can be categorized as either "Fuel Burning" or "Process" shall be the higher of the two amounts as calculated above. For the purpose of these calculations, combustion exhaust is not included in exhaust air ventilation. Total fees for all process and fuel burning equipment in each work room, shall not exceed two thousand five hundred dollars (\$2,500).

(5) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of the value of X in this section, the interpretation that results in the highest fee shall apply.

(6) *Gasoline Dispensing Equipment.* One fee shall cover all pumps, tanks, and other gasoline dispensing equipment at the facility. The fee shall be one hundred dollars (\$100.00).

(7) *Any Other Air Contaminant Source.* The fee for any other air contaminant source not included in the above schedule shall be one hundred dollars (\$100.00).

(8) The minimum fee for a permit to operate, renewal permit to operate, or variance for any single facility shall be fifty dollars (\$50.00).

(b) The fees for the examination of applications and issuance of other permits required by this Code, shall be determined for each site or occurrence and shall be as follows:

| | |
|--|---------|
| (1) For each occurrence of open burning | \$50.00 |
| (2) For abrasive blasting of buildings and or other structures, at a single site and performed as part of a single project | \$50.00 |

Section 263.02 Fees for Notifications

(a) The Commissioner shall determine fees for the examination of initial notifications, and incremental fees for examination of revisions to notifications.

(b) The fees for reviewing notifications for the demolition or renovation of any building or structure, or parts thereof, as required under Section 281.02 of this Code, shall be as follows:

(1) A fee of one hundred dollars (\$100.00) must accompany the original notification; this fee covers review of the original notification and as many as three (3) revisions to the original notification; and

(2) If more than three revisions are required, one additional payment of one hundred dollars (\$100.00) must accompany the fourth revision.

Section 263.03 Fees for Witnessing Emissions and Compliance Tests and Retests

(a) The fee for witnessing the first emissions test or compliance test of a given air contaminant source in a calendar year is included in the fee paid for the permit to operate that air contaminant source; and

(b) The fee for witnessing any subsequent emissions test or compliance test of a given air contaminant source within the same calendar year shall be one hundred dollars (\$100.00), and shall be submitted with an intent to test plan or test notification.

Section 263.04 Fee Reduction

If the Ohio EPA air pollution regulations demand a fee for a permit to operate the same air contaminant source, the fee demanded in Section 263.01 shall be reduced by seventy-five percent (75%) unless the resultant fee would be less than fifty dollars (\$50.00). The fee will not be reduced below the minimum fee of fifty dollars (\$50.00).

Section 263.05 Application to Governmental Units

The provisions of this chapter shall apply within the City to all governmental units unless the imposition and collection of fees are prohibited by law.

Section 263.06 Schools and Churches Exempted

The Commissioner shall neither demand nor collect fees under the provision of this Chapter for the required permits to operate, renewal of permits to operate, or variances for fuel-burning equipment or incinerators installed in any public or parochial school from kindergarten through grade 12, or any church in the City. The Commissioner shall neither demand nor collect fees under the provision of this Chapter for the required permits for open burning, abrasive blasting and/or building cleaning, or for notifications for operations under Chapter 281 at any public or parochial school from kindergarten through grade 12, or any church in the City. Structures owned by a church are included in the fee exemption. Exemption from the fee does not exempt a facility from any emission limitations, permit requirements, reporting requirements, pollution control measures, notification requirements, or any other requirements applicable to non-exempt facilities.

Section 263.07 Fee Increase for Late Payment

The fees required in this Chapter shall be increased by fifty percent (50%) if not paid within ninety (90) days of their due date. At least 30 days prior to demanding the additional fifty percent (50%), the Commissioner shall notify the owner or operator of the overdue status of the fee. If a fee has been reduced or adjusted to the minimum fee under Section 263.04, the fifty percent (50%) increase will be based on the reduced or adjusted fee amount.

Chapter 265

Visible Air Contaminant Limitations

Section 265.01 Visible Emission Limitations from Any Single Source of Emission

(a) No person shall discharge into the ambient air from any single source of emission any air contaminant of a shade or density equal to or darker than twenty percent (20%) opacity, except as set forth in the applicable provisions of this chapter and Chapter 277 of this Code.

(b) A person may discharge into the ambient air from any single source of emission for a period or periods aggregating not more than six (6) minutes in any sixty (60) minutes air contaminants of a shade or density equal to or darker than twenty percent (20%) opacity but not darker than sixty percent (60%) opacity.

(c) Visible emissions from fugitive emissions sources are further regulated under Section 266.03. The more stringent requirement shall apply.

Section 265.02 Authority to Establish New Visible Emission Limitations

(a) The Commissioner is hereby authorized to establish new visible emission limitations for any air contaminant source equipped with control equipment if upon emission tests he finds that such source is in compliance with all other applicable emission limitations, as established in this Code, but during the time such emission tests are being conducted the source fails to meet the requirements of Section 265.01.

(b) The Commissioner shall not establish new visible emission limitations that are less stringent than have been established in a U.S. EPA or Ohio EPA Air Pollution Permit or rule. Further, the Commissioner shall not establish new visible emission limitations, under this section, unless the owner or operator of the affected air contaminant source and associated control equipment petitions the Commissioner and proves to the satisfaction of the Commissioner that:

(1) The affected air contaminant source and associated control equipment were operated and maintained in a manner to minimize the opacity or degree of emissions during the emission tests;

(2) The emission tests were performed under the conditions established and monitored by the Commissioner or his or her representative; and

(3) The affected air contaminant source and associated control equipment were incapable of being adjusted or operated to meet the applicable visible emission standard.

(c) Upon establishment by the Commissioner, under this section, of new visible emission limitations for any air contaminant source equipped with control equipment, such new visible emission limitations shall become effective after two (2) successive publications in the *City Record*.

(d) No person, owner, or operator shall discharge into the ambient air from any single source of emission for which new visible emission limitations were established by the Commissioner, air contaminants of a shade or density in excess of the new visible emission limitations as established by the Commissioner, under the requirements of this section.

Section 265.03 Exceptions

(a) Where the presence of uncombined water is the only reason for failure of an emission to meet the limitations established under this chapter, the limitations set forth in such sections shall not apply.

(b) The limitations on visible air contaminants established by Section 265.01 shall not apply to open burning when a permit to open burn has been granted by the Commissioner under authority of Section 277.03.

(c) The Commissioner is hereby authorized to exempt any source from compliance with the limitations of Sections 265.01 and 265.02 for periods of startup and shutdown. The Commissioner may grant such exemption upon request of the owner or operator of any source and proof to the satisfaction of the Commissioner that such exemption is necessary. Such exemption shall be incorporated into the terms and conditions of permits to operate, variances, consent agreements or by written permission of the Commissioner.

(d) The Commissioner shall not exempt any source from any requirement that has been established in a U.S. EPA or Ohio EPA Air Pollution Permit or rule.

Chapter 266 Fugitive Emissions

Section 266.01 General Provisions

(a) No person shall cause or allow any materials to be handled, transported or stored, or a building, its appurtenances or a road to be used, constructed, altered, repaired, renovated, or demolished without taking all necessary and reasonable precautions to prevent particulate matter from becoming airborne, unless exempted from these provisions by Section 266.02 of this Code. Such precautions shall include but not be limited to the following:

(1) Use, where possible, and as weather conditions allow, of water or fugitive emissions suppression chemicals for the control of fugitive emissions in the demolition or renovation of existing buildings or structures, construction operations, the grading of roads or parking areas, or the clearing of land;

(2) Application of asphalt, water or suitable chemicals for the suppression of fugitive emissions on unpaved roadways, parking areas, materials stockpiles and other surfaces which can create fugitive emissions;

(3) Installation and use of hoods, fans and control equipment to enclose, contain, capture and vent the handling of dusty materials;

(4) Use of adequate containment methods during operations where material is applied to a surface at high velocities for the use in abrading the surface, such as abrasive blasting or other similar activities;

(5) Covering at all times when in motion on public roadways open-bodied vehicles transporting materials likely to create fugitive emissions;

(6) Conduct of agricultural practices such as the tilling of land or application of fertilizers, in such a manner as to minimize the fugitive emissions produced;

(7) The paving of unpaved roadways and parking areas;

(8) The maintenance and cleaning of unpaved roadways and parking areas to remove buildup of materials that cause fugitive emissions;

(9) The prompt removal of earth or other material from paved streets and parking areas onto which earth or other material has been deposited by trucking or earth moving equipment or erosion by water or other means;

(10) Application of water or other suitable chemicals for the suppression of fugitive emissions, installation of storage silos, bins or other enclosed structures, or the use of canvas or other suitable coverings, for all materials, stockpiles and stockpiling operations; or

(11) Application of water, or other suitable chemicals for the suppression of fugitive emissions, adequate enclosures, and/or minimization of the height materials are dropped for the transfer of any materials that are formed into or increase material stockpiles.

(b) Fugitive emissions suppression chemicals cannot include any used oil as defined in OAC 3745:279-01(A) (12), or as subsequently amended. Compliance with the provisions of this section shall be determined according to Chapter 266 of this Code.

Section 266.02 Exemptions

The requirements of Sections 266.01 and 266.03 shall not apply to sources of fugitive emissions exempted from the requirements of this Code by Chapter 261 of this Code.

Section 266.03 Visible Emissions from Fugitive Emission Sources

No person shall cause or allow the discharge into the atmosphere of any visible air contaminant resulting from a fugitive emission source in excess of the limitations set forth in Section 265.01 of this Code, or beyond the property line of the property on which the emissions originate. The observations required by Section 265.01 shall be conducted upon the area where the fugitive emissions enter the ambient air and conducted in accordance with the applicable regulations regarding the conducting of visible emissions observations contained within Title 40 of the Code of Federal Regulations, Part 60, Appendix on Test Methods and OAC Rule 3745-17-03, or as subsequently amended.

Section 266.04 Emission of Air Contaminants from Buildings, Equipment, Storage Areas or Material Handling Operations

When dust, fumes, gases, mist, odorous material, vapors, smoke or other particulate matter or any combination thereof escape from a building, equipment, storage area or material handling operation in such a manner and amount as to cause a nuisance or to violate any provision of this Code, the Commissioner may issue a written order in accordance with Chapter 255. The order shall require that the building, equipment, storage area or material handling operation, in which processing, handling and storage are done, be tightly closed, ventilated, hooded or controlled in such a way that all air and gases and air- or gas-borne material leaving the building, equipment, storage area or material handling operation are treated by removal or destruction of air contaminants before discharge into the ambient air.

Section 266.05 Abrasive Blasting and/or Building Cleaning

(a) No person shall cause or allow the abrasive blasting and/or cleaning of a building, structure, or architectural surface without obtaining a permit to blast and/or clean from the Commissioner. The permit fee shall be based on the cost basis set forth in Section 263.01. A permit shall not be required for abrasive blasting or cleaning performed inside equipment designed for that function (e.g. abrasive blasting chambers) or inside confined spaces (e.g. tanks) where access to the public is restricted and the structure itself provides containment. However, escape of particulate matter from the blasting operation must be prevented.

(b) Application for a permit to blast and/or clean shall be made on forms prepared by the Commissioner, shall include reasonable and pertinent information that may be required by the Commissioner, and shall be submitted at least ten (10) working days prior to starting the operation unless emergency conditions necessitate an earlier start. "Working days" include the period of Mondays through Fridays, including any holidays occurring therein. If an applicant claims an emergency condition exists, the application must be submitted no later than the next working day after the activity starts, and shall include the date and hour that the emergency occurred, a description of the sudden unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage or would pose an unreasonable financial burden if not immediately corrected. The Commissioner is not required to accept the explanation as constituting an emergency, but shall evaluate the facts provided.

(c) No permit for the abrasive blasting and/or cleaning operation shall be granted unless the applicant demonstrates to the satisfaction of the Commissioner that:

(1) Adequate containment on site of particulate matter, dust, and water droplets, generated by the activity, shall be furnished;

(2) Provisions for a complete clean up after blasting and/or cleaning shall be provided, including steps to remove particulate matter from adjacent streets, alleys and property to prevent it from being re-entrained in the air;

(3) Full time supervisory authority for all aspects of the operation shall be assigned to one (1) person; and

(4) Appropriate measures will be taken to comply with any additional requirements of the Division of Air Quality.

(d) A permit shall expire on either the operation completion date identified in the application, any expiration date identified on the issued permit, or three hundred sixty-five (365) days after the date of issuance, whichever is sooner. If the abrasive blasting and/or cleaning operation lasts longer than one (1) year, the owner or operator must reapply for the permit.

(e) Each person causing or allowing abrasive blasting and/or cleaning operation shall satisfy the notification requirements specified in this section.

(1) General notice shall be submitted to all owners and occupants of the building, structure or architectural surface where the abrasive blasting and/or cleaning will occur, and to all owners and occupants of buildings adjacent to the work site or within a distance likely to be impacted should an uncontrolled released of particulate matter occur from the activity.

(2) Delivery of notice is to occur:

A. At least five (5) working days before the beginning of any abrasive blasting and/or cleaning operation; or

B. As early as possible before, but not later than, the following working day if the operation is an emergency.

(3) General notice shall include:

A. The name and telephone number of the person responsible for supervising the activity;

B. Type of operation: abrasive blasting or cleaning;

C. The location and street address, including building number or name and floor or room number, if appropriate, where abrasive blasting and/or cleaning will occur. If necessary to identify the location of the activity, attach to the notification any site plans, floor plans or other pertinent information;

D. Scheduled starting and completion dates of operation or any other activity, such as site preparation. Planned operations involving individual nonscheduled operations shall only include the beginning and ending dates of the report period; and

E. Description of the blasting and/or cleaning to be performed and method or methods to be employed including techniques to be used and a description of affected facility components.

(f) Each person submitting an application shall identify his name and title, and shall sign and date the appropriate form. The signature shall constitute an agreement that the person assumes responsibility for the abrasive blasting and/or cleaning operation in accordance with this Code and with all other applicable rules and regulations, and terms and conditions.

(g) In addition to the requirements of this section, the Commissioner may require any additional control methods deemed necessary to adequately control excessive particulate matter and other air contaminants during abrasive blasting and/or cleaning operations.

(h) The Commissioner has authority to regulate, at his discretion, the times and hours of blasting and/or cleaning operations as requirements of the permit.

(i) All painted surfaces to be blasted and/or cleaned for the removal of paint shall be tested for lead prior to abrasive blasting and/or cleaning. The sampling and analysis of paint shall be conducted in accordance with methods approved in advance by the Commissioner to indicate the lead content, if any, of the paint to be removed. Documents of lead test results shall be submitted with the application for a permit to blast and/or clean.

(j) If the activity will occur at a home, childcare facility, or kindergarten built before 1978, U.S. EPA's Lead Renovation, Repair, and Painting Rule may apply. In such case, Applicant must comply with all requirements of the U.S. EPA rule as well as City of Cleveland requirements.

(k) The abrasive blasting of buildings and/or structures shall be of "wet-method" application wherein water is entrained with the cleaning medium to prevent dust during cleaning operations, except as provided in this section.

(1) No person shall cause or allow any dry blasting methods to be utilized unless such methods permit the nozzle to be operated within a tarpaulin enclosure equipped with suitable means of funneling the dispersed abrasive material and debris into a suitable container to prevent the waste materials from becoming airborne.

(m) Where abrasive blasting and/or cleaning occurs, adequate protection to prevent injurious exposures shall be taken in compliance with OAC 4123:1-7-12, or as subsequently amended.

(n) Failure to comply with any request for information made by the Commissioner or any requirements in Section 266.05 shall be cause for rejection of an application, and may constitute grounds for the denial or revocation of a permit for abrasive blasting and/or cleaning operations.

(o) The Commissioner shall notify the person applying for the permit of his approval or reasons for rejection of the application in writing. Upon approval of the application, the Commissioner shall issue a permit for abrasive blasting and/or cleaning operations.

(p) The following events require the owner/operator or responsible party to notify the Commissioner as soon as possible, but no later than the next working day:

(1) Any change in the abrasive blasting and/or cleaning operation schedule; or

(2) Any change in the method or methods to be used; or

(3) Any change in the owner or operator.

The notification may be made in writing, by telephone, via facsimile, or e-mail which is preferred. The Commissioner has the discretion to request a new or revised application, or to revoke the permit, based on the magnitude of the changes.

Section 266.06 Spray Application of Non-Asbestos Fiberated Cementitious Products

(a) Spray application of non-asbestos fiberated cementitious products may require a permit from the Department of Building and Housing. In such case, no person shall cause or allow the use of a cementitious product or compounds containing mineral fibers, whenever such product or compounds are applied to a surface utilizing a spray or pneumatic means of application, excluding the spraying or other use of refractory materials in ovens, furnaces, ladles or other metallurgical process equipment, without obtaining a permit for the spraying of such product or compounds from the Department of Building and Housing. The person receiving such permit shall forward to the Commissioner of Air Quality a copy of each permit for the spraying of such product or compounds.

(b) Regardless of whether a permit is required from the Department of Building and Housing, no person shall cause or allow the spraying of fiberated cementitious products or compounds unless the following procedures are taken:

- (1) Provisions are made for adequate containment of dust and overspray;
- (2) Provisions are made for complete cleanup after spraying;
- (3) All workers and other persons present are provided with, and use appropriately, approved respiratory devices and clothing; and

(4) Any additional requirement stipulated by the Commissioner in the issued permit.

(c) A person shall be assigned supervisory authority for all aspects of the spraying operation and shall be available at the spraying site at all times during the operation.

(d) Failure of any person to comply with any of the requirements of subsections (b) and (c) hereof shall be sufficient grounds for the Department of Building and Housing to revoke any permit or deny any permit application.

(e) This section does not apply to the spraying of cementitious products or compounds containing mineral fibers that are subject to Section 281.02 of this Code.

Chapter 267
Odors

Section 267.01 Emission into Ambient Air

(a) No person shall cause or allow an emission into the ambient air from any air contaminant source or control equipment that will cause the outdoor air to become odorous to the extent specified herein.

(b) Measurements of odor emissions are performed with a portable olfactometer, Nasal Ranger or equivalent, by personnel trained in its operation.

(1) On or adjacent to residential, recreational, institutional, retail sales, hotel, educational or other non-industrial premises when the odorous air has a dilution to threshold (D/T) value of seven (7) or greater and is detectable for two (2) or more measurements, at intervals of not less than fifteen (15) minutes, within the time periods as follows:

If the D/T values = 7 or the lower of the D/T values = 7: 1 hour

If the D/T values = 15 or the lower of the D/T values = 15: 8 hours

If the D/T values = 30 or the lower of the D/T values = 30: 16 hours

If the D/T values = 60 or the lower of the D/T values = 60: 32 hours

(2) On or adjacent to industrial premises when the odorous air has a dilution to threshold (D/T) value of fifteen (15) or greater and is detectable for two (2) or more measurements, at intervals of not less than fifteen (15) minutes, within the time periods as follows:

If the D/T values = 15 or the lower of the D/T values = 15: 8 hours

If the D/T values = 30 or the lower of the D/T values = 30: 16 hours

If the D/T values = 60 or the lower of the D/T values = 60: 32 hours

(c) Dilution to Threshold (D/T) shall mean the highest number of dilutions of the odorous air with non-odorous air at which the odor is detected. When using the Nasal Ranger olfactometer, the D/T value is read directly from the dilution to threshold dial.

(d) The owner or operator of any source or control equipment that emits or may foreseeably emit into ambient air any odor shall notify the Commissioner of such source or control equipment and provide, properly install and maintain in good working order and in operation control devices or procedures approved by the Commissioner.

(e) Abatement and control procedures include but are not limited to the following:

(1) The use of air cleaning equipment, afterburners, scrubbers, absorbers and other methods approved by the Commissioner to remove, dispose of, or recycle odorous materials;

(2) The confinement of odorous materials at the point of origin to prevent emission or escape of any odorous material into ambient air; or

(3) The use of methods in handling, transporting and storing odorous materials to prevent accumulation and spillage or other escape of odorous materials.

(f) An owner or operator of any source or control equipment under these regulations shall provide, properly install and maintain in good working order and in operation devices and measures, approved by the Commissioner, that determine temperatures, pressures and other operating conditions to control odorous materials and minimize emissions. These devices and measures shall prevent the emission of odorous materials through pipes, exhausts or vents into ambient air.

(g) A building which processes, handles or stores any odorous materials shall be tightly closed and ventilated, in a timely fashion, so that odorous materials exiting the building are treated for removal or destruction before discharge into ambient air. Doors and windows shall be tightly closed to prevent the emission or escape of odorous materials into ambient air.

(h) The owner or operator shall report to the Commissioner within one (1) hour of discharge any accidental emissions that cause or contribute to odorous material into ambient air.

Section 267.02 Industrial Sources

(a) Emissions from any of the sources or processes listed in the applicable sections of Chapter 297 shall be treated with air cleaning equipment for the control of odorous material to maintain compliance with Section 267.01.

(b) Sources and Processes to be equipped with Air Cleaning Equipment for the Control of Odorous Material.

Chapter 269
Particulate Limitations

Section 269.01 Emission from Fuel-Burning Equipment

(a) Except as provided in division (a) (1) or (2) of Section 269.01, no person shall cause or allow to be emitted into the atmosphere, from any fuel-burning equipment or premises or to pass a convenient measuring point near the stack outlet,

particulate matter in the gases to exceed four-tenths (0.4) lb. per one million (1,000,000) Btu heat input for installations using less than ten million (10,000,000) Btu per hour total input. Applicable sections of Chapter 297 shall be used to determine the allowable particulate emission limitation for sources with a rated heat input equal to or greater than ten million (10,000,000) Btu per hour.

(1) The maximum allowable amount of particulate emissions for any new or existing fuel burning equipment which is fired only with gaseous fuels, excluding blast furnace gas, and/or number two fuel oil shall be 0.020 pound per million Btu of heat input.

(2) The maximum allowable amount of particulate emissions for any new or existing fuel burning equipment which is fired only with blast furnace gas or any mixture of blast furnace gas with other gaseous fuels and/or number two fuel oil shall be 0.040 pound per million Btu of heat input.

This subsection applies unless the State of Ohio requires a more stringent standard.

(b) The "heat input" shall be the aggregate heat content of all fuels whose products of combustion emanate from a single fuel-burning unit. The heat input-value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel-burning units on a plant or premises which are united either physically or operationally, shall be used to determine the maximum allowable amount of particulate matter which may be emitted from any single fuel-burning unit. The total of the capacities of all operable fuel-burning units within one (1) system constitutes the capacity of the system.

(c) No person shall cause or allow the burning of refuse, garbage or other debris in any boiler or any other device which has not been specifically designed to burn such refuse, garbage or other debris and for which an effective permit to operate has not been issued by the Commissioner.

Section 269.02 Emission from Incinerators

(a) This section applies to any incinerator used to dispose of refuse or other wastes by burning and to the processing of salvageable material by burning.

(b) The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as the Commissioner may determine in accordance with good engineering practices. In case of conflict, the Commissioner's determination shall govern.

(c) For purposes of this section, the total of the capacities of all operable furnaces within one (1) system constitutes the incinerator capacity.

(d) No person shall cause or allow to be emitted into the atmosphere, from any incinerator or premises or to pass a convenient measuring point near the stack outlet, particulate matter in the exhaust gases to exceed:

(1) One-tenth (0.10) pound of particulate matter per one hundred (100) pounds of combustible refuse including its ash and water content charged for incinerators having capacities equal to or greater than one hundred (100) pounds per hour; or

(2) Two-tenths (0.20) pounds of particulate matter per one hundred (100) pounds of combustible refuse (including its ash and water content) charged for incinerators having capacities less than one hundred (100) pounds per hour.

(e) No person shall cause or allow the installation or construction of a flue fed, single flue, single chamber incinerator unless such incinerator is equipped with air cleaning equipment to maintain compliance with the emission limitations as established in this Code.

(f) No person shall cause or allow the operation of a flue fed, single flue, single chamber incinerator after the effective date of this code unless such incinerator is equipped with air cleaning equipment to maintain compliance with the emission limitations as established in this Code.

(g) No person shall cause or allow the operation of a residential incinerator in the City of Cleveland unless such incinerator was installed before the effective date of this Code, is in compliance with Section 3131.13 and does not present a public nuisance.

(h) Incinerators, including all associated equipment and grounds, shall be designed, operated, and maintained so as to prevent the emission of objectionable odors.

Section 269.03 Emission from Process Equipment

(a) No person shall cause or allow the emission of any particulate matter from any process equipment in excess of the maximum allowable emissions as provided for in the applicable sections of Chapter 297.

(b) Table III in Chapter 297 relates process weight rate to maximum allowable mass rate of emission. Table III in Chapter 297 is shown in graphical form in Figure II in Chapter 297. Figure III in Chapter 297 relates uncontrolled mass rate of emission (abscissa) to maximum allowable mass rate of emission (ordinate). Figure III in Chapter 297 shall apply where the uncontrolled mass rate of emission can be determined by an acceptable method, such as a stack test, material balance, application of an emission factor characterization from a reference such as U.S. EPA Publication AP-42, Compilation of Air Pollutant Emission Factors, 5th Edition, January, 1995 and subsequent revisions, or other methods approved by the Commissioner as conforming to good engineering practices. When both the process weight rate and the uncontrolled mass rate of emission can be determined for a source, the more stringent of the applicable values from Table III or Figure III in Chapter 297 shall govern the source.

If two or more process units connect to a single stack or chimney, each unit must be considered a separate entity for the purpose of computing the maximum allowable emission rate using the applicable sections of Chapter 297.

(c) For process equipment of a size smaller than included in the applicable section of Chapter 297: No person shall cause or allow the operation of any process equipment having a process weight rate of less than one hundred (100) pounds per hour or an uncontrolled mass rate of emissions of less than ten (10) pounds per hour unless such process equipment is equipped with control equipment or is installed in accordance with acceptable engineering practices common to the particular industry and as approved by the Commissioner to control the emission of particulate matter.

Chapter 271 Sulfur Compounds Limitations

Section 271.01 Emission of Sulfur Oxides from Fuel-Burning Equipment

No person shall cause or allow the emission of sulfur dioxide from any stack in excess of the rates specified in OAC 3745-18-24 for listed facilities or OAC 3745-18-06 for other facilities.

Section 271.02 Emission of Sulfur Compounds from Process Equipment

No person shall cause or allow the emission of sulfur dioxide from any stack in excess of the rates specified in OAC 3745-18-24 for listed facilities or OAC 3745-18-06 for other facilities.

Chapter 277
Miscellaneous Limitations

Section 277.01 Nuisance

(a) No person shall cause, allow or maintain any public nuisance as defined in this section.

(b) The emission of air contaminants into the ambient air from any air contaminant source or control equipment constitutes a public nuisance where the emission does one (1) or more of the following:

(1) Injures, endangers or has the tendency to injure or endanger the comfort, health, repose, safety or welfare of the public, or is reasonably offensive and objectionable to the public;

(2) Threatens or causes unreasonable injury or damage to property, substantially decreases the value of property, or interferes with the comfortable use and enjoyment of property or normal conduct of business; or

(3) Injures, endangers or has the tendency to injure or endanger any trees, shrubs, crops, plants, or other forms of vegetation.

(c) To determine whether an emission creates a public nuisance, the Division of Air Quality may consider but is not limited to the following factors:

(1) Proximity of the emission to the nearest point of habitation or public exposure;

(2) Extent and duration of the emission;

(3) Nature of the harm;

(4) Whether the emission is recurrent, intermittent or constant;

(5) Whether the emission abatement measures are possible and whether they are used to reduce the emission; and

(6) The quality or state of the ambient air.

(d) The Commissioner may order the air contaminant source or control equipment to be tightly closed and ventilated so any air contaminant or air contaminants leaving the air contaminant source or control equipment shall be treated by the removal or destruction of the air contaminant or air contaminants before discharge into the ambient air. The owner or operator of an air contaminant source or control equipment may implement the abatement and control methods as set forth in Sections 266.01 and 267.01 of this Code.

Section 277.02 Open Burning

(a) No person shall cause, allow or maintain opening burning within the City without first obtaining a permit to open burn from the Commissioner, except as set forth in division (b) of this section. The permit fee shall be determined on the cost basis as set forth in Section 263.01.

(b) The Commissioner shall not require any person to obtain a permit or pay a fee for open burning of the following nature:

(1) Heating tar, performing welding, utilizing acetylene torches, or deploying highway safety flares.

(2) Burning clean and non-contaminated smokeless fuels for warmth of outdoor workers and similar occupational or recreational needs.

(3) Noncommercial cooking of foods for human consumption using campfires, grills, and outdoor fireplace equipment that satisfy the requirements of Section 381.101 of the Fire Prevention Code and the requirements set forth below.

A. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of clean seasoned firewood; and

B. They are not used for waste disposal purposes; and

C. They have a total fuel limited to the purpose for which the open burning is intended, or a maximum of three (3) feet or less in diameter and two (2) feet or less in height, whichever is smaller.

(4) Recognized methods of fire training.

Training in the use of fire extinguishing equipment for commercial or industrial fire prevention that satisfies the requirements set forth in Chapter 389 of the Fire Prevention Code and OAC 3745-19-03(B) (4), or as subsequently amended.

(5) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health and welfare, public safety, property or the environment, and that are excluded from the requirement to obtain a hazardous waste permit under OAC 3745:50-45(D) (1) (d), or as subsequently amended, and as listed in Chapter 387 of the Fire Prevention Code.

(c) The Commissioner shall not issue a permit to open burn except for the following purposes:

(1) Prevention or control of disease or pests, with written or oral verification from the Ohio Department of Health, the Centers for Disease Control and Prevention, cooperative extension service, Ohio Department of Agriculture, or United States Department of Agriculture, that open burning is the only appropriate disposal method.

(2) Bonfires that are used for ceremonial purposes and are of the following nature:

A. They have a total fuel area no greater than five (5) feet in diameter by five (5) feet in height and burn no longer than three (3) hours;

B. They are not to be used for waste disposal purposes; and

C. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of clean seasoned firewood.

(3) Instruction in the methods of firefighting, other than fire extinguisher training, or for research in the control of fire as set forth in the Ohio Fire Code.

The burning of any structure is subject to the Asbestos National Emission Standard for Hazardous Air Pollutants. As such it is further subject to the requirements of Section 281.02. A permit to open burn a structure for fire training will not be issued unless the applicant has demonstrated to the satisfaction of the Commissioner that all requirements of the asbestos rules are being complied with. These include but are not limited to:

1. Inspection by an Ohio Department of Health Certified asbestos specialist; and

2. Submittal of Ohio EPA Notification of Demolition and Renovation; and

3. Proper removal and disposal of all asbestos containing material.

(4) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in this division;

(5) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Commissioner. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Division of Air Quality;

(6) Recognized horticultural, silvicultural, range or wildlife management practices; and

(7) Fires and/or pyrotechnic effects, for the purpose other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.

(d) An application for a permit to open burn shall be submitted in writing at least ten (10) working days before open burning is to be conducted and shall be made on forms prepared by, or acceptable to, the Commissioner.

(e) Except as provided in this section, the application shall contain, as a minimum, information regarding:

(1) The purpose of the proposed burning;

(2) The nature and quantities of material to be burned;

(3) The dates or dates when such burning will take place;

(4) The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields and other pertinent landmarks, transportation facilities, or commercial/shopping areas;

(5) The methods or actions which will be taken to reduce the emission of air contaminants;

(6) Any such additional information the Commissioner may deem necessary; and

(7) Any additional requirements for an application as set forth in OAC 3745-19, or as subsequently amended.

(f) The permit to open burn shall set forth requirements for the open burning as the Commissioner deems necessary to minimize production of smoke and particulate matter and any requirements set forth in OAC 3745-19, or as subsequently amended. The issuance of an open burn permit is not approval that the open burning is being conducted in a safe manner consistent with the requirements of the National Fire Protection Association; however, the Division of Fire may provide comments that can be included in a permit issued under this Section.

(g) The Commissioner shall not grant permission to open burn unless the applicant demonstrates to his satisfaction that:

(1) Open burning is necessary to the public interest;

(2) Open burning will be conducted in a time, place, and manner as to minimize the emission of air contaminants; and

(3) Opening burning will have no serious detrimental effect upon adjacent properties or the occupants thereof.

(h) Except as provided in this section, permission to open burn must be obtained for each specific project.

(i) Violation or violations of any of the conditions set forth in this section in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(j) The Division of Air Quality, the Commissioner, and any agents or representatives of the same, shall not be held liable for any damage to property, harm to an individual or loss of life resulting from any open burning conducted.

(k) It shall be prima facie evidence that the person who owns or controls property on which open burning occurs has caused or allowed such open burning. When open burning prohibited by this section is discovered, the person responsible for the property on which burning occurs shall immediately extinguish or cause the extinguishment of such burning.

(l) All open burning shall comply with any other applicable requirements set forth in Section 3704.11 of the Revised Code, or as subsequently amended, and OAC 3745-19, or as subsequently amended.

Section 277.03 Rendering Plants

No person shall operate or cause to be operated a rendering plant unless:

(a) All vents to ambient air from such rendering plant are substantially free of any odor causing air contaminants;

(b) Appropriate and suitable air cleaning equipment is so placed and operated and air pollution control measures are so instituted that air contaminants are removed or recycled to the process in such manner that the effluent air will not create air pollution;

(c) Odorous materials are confined, processed, stored, handled and disposed of in such a manner that odors produced within or outside the rendering plant from this source can be controlled;

(d) Excessive accumulations of odorous materials resulting from spillage or escape do not occur;

(e) Air contaminant emissions arising from unit operations or unit processes, as well as from the handling of general materials, are confined at the point of origin; and

(f) All finished products, by-products and waste materials are either odor free or so treated as to eliminate or prevent air pollution.

Section 277.04 Outdoor Wood Burning Boilers

No person shall operate or cause to be operated an outdoor wood-burning boiler. See definition of "Outdoor Wood-Burning Boiler" in Chapter 251 for other names of these devices.

Section 277.05 Other Emissions

Any air contaminant or contaminants not specifically covered by provisions of this Code may be the subject of tests, studies and orders of abatement by the Commissioner in accordance with Chapter 255 of this Code.

Chapter 279 Procedures and Other Requirements

Section 279.01 Circumvention

No person shall cause or allow the installation, modification or use of any air contaminant source or control equipment or any equipment pertaining thereto for the purpose of diluting or concealing an emission without resulting in a reduction in the total release of air contaminants to the atmosphere nor shall a person do anything or commit any act with the intent to distort stack test emission results or visible emission opacity readings.

Section 279.02 Data Registration

(a) The Commissioner may require a periodic data registration and shall prepare appropriate forms for such purpose. The data to be registered shall include plans and specifications for any air contaminant source or control equipment and the submission required under this section is in addition to the submission of plans and specifications under Chapter 259 of this Code. The Commissioner may use such information to prepare emission inventories.

Plans and specifications for an air contaminant source or control equipment shall show type of installation, the form and dimension of such equipment, the location of sources of emissions, dimensions of the building or part thereof in which equipment is located, amount of work to be accomplished by such equipment, type of fuel used, means of limiting emissions to conform to limitations set forth in this Code. Written evidence shall be included to substantiate required information, such as test data, calculated values, material balance, maximum quantity of fuel to be burned per hour,

operating requirements, purpose and use of equipment, means of ventilating the room in which equipment is located, raw material used, products produced, operating schedules and such other information as may be required by the Commissioner.

(b) No person shall fail to timely supply the Commissioner with required information, data, reports or other documentation as and when required.

Section 279.03 Right of Entry

The Commissioner or his or her authorized representative may, upon presentation of proper credentials, enter upon private or public property, including improvements thereon, at any reasonable time or when a source is being operated or when a violation of the applicable provisions of this Code has occurred or may occur. Entry shall be for the purpose of making inspections, conducting tests and examining records or reports pertaining to any emission of air contaminants and of determining if there are any actual or potential emissions from such premises, and if so, to determine the sources, amounts, contents and extent of such emissions or to ascertain compliance with provisions of this Code, any orders or regulations adopted thereunder or any other determination of the Commissioner. Inspections may include taking photographic and video-graphic representations of the operation, effects of, outlet of, and/or the actual air contaminant source or control equipment regulated by this Code. If entry or inspection authorized by this section is refused, hindered or thwarted, the Commissioner or his or her authorized representative may by affidavit apply for, and any judge of a court of record may issue, an appropriate inspection warrant necessary to achieve the purposes of this Code within the court's territorial jurisdiction.

**Chapter 281
Hazardous Air Pollutants**

Section 281.01 Designation

Asbestos, beryllium and mercury are hereby designated as hazardous air pollutants.

Section 281.02 Asbestos Emission Standard

(a) No person shall cause or allow the discharge into the atmosphere of any visible emission from any air contaminant source or control equipment engaged in the processing or manufacturing of any asbestos-containing product.

(b) *Demolition or Renovation of Buildings*

(1) No person shall cause or allow the demolition or renovation of any existing building, structure or portion thereof within the City without obtaining a permit to demolish or renovate from the Department of Building and Housing of the City of Cleveland. Application for permit to demolish or renovate shall be made on forms prepared by the Department of Building and Housing and shall include such information as the Department of Building and Housing and the Commissioner of Air Quality deem necessary. Persons receiving a permit from the Department of Building and Housing shall forward a copy of such permit to the Commissioner of Air Quality.

(2) Any person who causes or allows a demolition or renovation shall take adequate precautions as prescribed in Chapter 266 to prevent or reduce asbestos dust emissions.

(3) Any person who causes or allows a demolition or renovation shall determine if such operation is regulated under the Asbestos National Emission Standard for Hazardous Air Pollutants ("Asbestos NESHAP"), and OAC 3745-20.

(4) No person shall cause or allow a demolition or renovation regulated under the Asbestos NESHAP until demonstrating to the satisfaction of the Commissioner of Air Quality that the operation will comply with all applicable Federal and State asbestos regulations.

(5) Any person causing or allowing a demolition or renovation regulated under the Asbestos NESHAP within the City shall submit to the Commissioner of Air Quality a written notification that complies with the requirements as set forth in the Asbestos NESHAP and OAC 3745-20-03, or as subsequently amended.

(6) Notification shall be made using the Ohio EPA "Notification of Demolition and Renovation" form, most recent update, available from Ohio EPA or the Division of Air Quality, Division (b)(11) of this section specifies information required for completion of the Ohio EPA notification form.

(7) The "Notification of Demolition and Renovation" must be submitted no less than ten (10) working days prior to starting the operation, unless the operation meets the criteria of an ordered demolition or emergency renovation contained in the Asbestos NESHAP 40 CFR 61.145. Such operations may begin immediately, but notification must be submitted by the next working day.

(8) Upon receipt of an original "Notification of Demolition and Renovation" the Commissioner or his or her representative shall perform a review of every section of the notification to determine if it has been completely and correctly filled out, and shall maintain a written or electronic copy of the review. Subsequently, the Commissioner or his or her representative shall:

A. For a deficient notification, inform the submitter of the deficiencies requiring correction, and any mandated changes to the starting date, or

B. For a satisfactory notification, inform the submitter that the operation may begin on the specified starting date.

(9) When circumstances require a revised notification to be submitted, per OAC or NESHAP, such notification must explicitly indicate each section of the notification that is being revised, and shall be submitted by hard copy, fax, e-mail, or other means prescribed by Ohio EPA.

(10) The fee for review of original and revised notifications shall be on the cost basis established at Section 263.02.

(11) Information not required by the Ohio EPA for a particular demolition or renovation is not required for notification to the Division of Air Quality. The Commissioner may require such information as part of the notification review. Unless excluded by Ohio EPA, a notification shall contain, at a minimum, the following information, and any additional information deemed necessary by the Commissioner of Air Quality, OAC, or the Asbestos NESHAP:

A. An indication of whether the notice is the original or a revised notification; and

B. Location and street address, including building number or name and floor or room number, if appropriate, city, county, and state, of the facility being demolished or renovated; and

C. Description of the facility or affected part of the facility including the size in square meters or square feet and number of floors, age, and present and prior use of the facility; and

D. Type of operation: Demolition, Ordered Demolition, Renovation, Emergency Renovation, or Fire Training; and

E. An indication of whether asbestos is present; and

F. Name, address, and telephone number of both the facility owner and operator and the asbestos removal contractor owner or operator; and

G. Procedure, including analytical methods, employed to detect the presence of regulated asbestos containing material ("RACM") and Category I and Category II non-friable asbestos containing material ("ACM"); Name and certification number of the Asbestos Hazard Evaluation Specialist certified by the Ohio Department of Health who performed the sampling and evaluation; and

H. The approximate amounts of regulated ACM (RACM), Category I non-friable ACM, and Category II non-friable ACM to be removed from the facility in terms of length of pipe in linear meters (linear feet), surface area in square meters or square feet on other facility components, or volume in cubic meters or cubic feet if off the facility components. Also, an estimate of the approximate amount of Category I and Category II non-friable ACM in the affected part of the facility that will not be removed before demolition; and

I. Scheduled starting and completion dates of demolition or renovation; and

J. Scheduled starting and completion dates of asbestos removal work or any other activity, such as site preparation that would break up, dislodge, or similarly disturb asbestos material in a demolition or renovation; planned renovation operations involving individual nonscheduled operations shall only include the beginning and ending dates of the report period, typically a calendar year; and

K. Description of planned demolition or renovation work to be performed and method or methods to be employed, including demolition or renovation techniques to be used and description of affected facility components; and

L. Description of work practices and engineering controls to be used to comply with the requirements of this subpart, including asbestos removal and waste-handling emission control procedures; and

M. Name, address, and contact information for the waste transporter or transporters; and

N. Name, address, and contact information for the waste disposal site where the asbestos-containing waste material will be deposited; and

O. For ordered demolitions, the name, title, and authority of the State or local government representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification; and

P. For emergency renovations, the date and hour that the emergency occurred, a description of the sudden, unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage or an unreasonable financial burden; and

Q. Description of procedures to be followed in the event that unexpected RACM is found or non-friable ACM becomes crumbled, pulverized, or reduced to powder; and

R. A certification by signature of a responsible party that at least one person trained as required by paragraph §61.145 (c) (8) of the Asbestos NESHAP will supervise the stripping and removal described by the notification; and

S. A certification by signature of a responsible party that acknowledges the existence of laws prohibiting the submission of false or misleading statements, and certifies that facts contained in the notification are true, accurate, and complete.

(c) *Spraying of Asbestos Containing Products.*

(1) No person shall cause or allow the spraying of asbestos containing products within the City of Cleveland without complying in full with the requirements of the Ohio Administrative Code 3745-20-15 "Standard for Spraying."

(2) Any person intending to cause or allow the spraying of asbestos containing products within the City of Cleveland shall notify the Commissioner concurrently with the notification that must be provided to the Director of the Ohio EPA. A copy of such notification is sufficient.

(3) The Commissioner shall neither demand nor collect a fee for receiving a notification of spraying of asbestos containing products.

Section 281.03 Beryllium

This section shall apply only to those sources whose Beryllium emissions are not regulated by a U.S. EPA or Ohio EPA air pollution permit or applicable rule.

(a) Except as set forth in this section, no person shall cause or allow the discharge into the atmosphere from any air contaminant source or control equipment the emission of Beryllium that will result in an ambient air Beryllium concentration in excess of the Maximum Allowable Ground Level Concentration ("MAGLC") calculated as:

MAGLC = (4) x (TLV) / (X) x (Y), where

(TLV) = Threshold Limit Value for Beryllium established by the American Council of Governmental Industrial Hygienists ("ACGIH").

(X) = Hours of operation per day.

(Y) = Days of operation per week.

The Beryllium TLV as of enactment date of this Code was 0.002 milligrams Beryllium per cubic meter (0.002 mg Be/m³) averaged over an 8 hour workshift, but ACGIH was considering a lower value. When calculating the MAGLC, the most up to date TLV shall be used.

(b) From sources located within 1,500 feet of a school, child care facility, or playground, no person shall cause or allow the discharge into the atmosphere of Beryllium that will result in an ambient air Beryllium concentration in excess of 80% of the MAGLC as calculated above.

Section 281.04 Mercury Emission Standard

This section shall apply only to those sources whose Mercury emissions are not regulated by a U.S. EPA or Ohio EPA air pollution permit or applicable rule.

(a) Except as set forth in this section, no person shall cause or allow the discharge into the atmosphere from any air contaminant source or control equipment the emission of Mercury that will result in an ambient air Mercury concentration in excess of the Maximum Allowable Ground Level Concentration ("MAGLC") calculated as:

MAGLC = (4) x (TLV) / (X) x (Y), where

(TLV) = Threshold Limit Value for Mercury established by the American Council of Governmental Industrial Hygienists ("ACGIH").

(X) = Hours of operation per day.

(Y) = Days of operation per week.

The Mercury TLV as of enactment date of this Code was 0.025 milligrams Mercury per cubic meter (0.025 mg Hg/m³) averaged over an 8 hour workshift. When calculating the MAGLC, the most up to date TLV shall be used.

(b) From sources located within 1,500 feet of a school, child care facility, or playground, no person shall cause or allow the discharge into the atmosphere of Mercury that will result in an ambient air Mercury concentration in excess of 80% of the MAGLC as calculated above.

Chapter 283 Emergency Episodes

Section 283.01 Episode Prevention

This chapter is designed to prevent the excessive buildup of air contaminants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these air contaminants on the health of persons.

Section 283.02 Declaration of an Air Pollution Episode

(a) Under Section 3704.032 of the Revised Code, or as subsequently amended, and under regulations issued thereunder, the Governor of the State of Ohio may declare that an air pollution alert, air pollution warning or air pollution emergency exists affecting any or all sources within the City of Cleveland.

(b) Orders under the declaration of an air pollution alert, air pollution warning or air pollution emergency shall take effect upon issuance. No person to whom an order is directed shall fail to initiate compliance measures immediately upon receiving notice.

Section 283.03 Air Pollution Emergencies and Episodes Criteria

(a) Conditions that justify the proclamation and declaration of an air pollution "Alert", air pollution "Warning" or air pollution "Emergency" shall be deemed to exist whenever the Commissioner determines that the accumulation of air contaminants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the Commissioner will be guided by the episode stage criteria in this section, and as tabulated here:

| Pollutant | Alert Criteria | Warning Criteria | Emergency Criteria |
|---|--|---|---|
| Sulfur Dioxide | 800 micrograms per cubic meter (0.3 ppmv), 24 hour average. | 1,600 micrograms per cubic meter (0.6 ppmv), 24 hour average. | 2,100 micrograms per cubic meter (0.8 ppmv), 24 hour average. |
| PM10 | 350 micrograms per cubic meter, 24 hour average. | 420 micrograms per cubic meter, 24 hour average. | 500 micrograms per cubic meter, 24 hour average. |
| Carbon Monoxide | 17 milligrams per cubic meter (15 ppmv), 8 hour average. | 34 milligrams per cubic meter (30 ppmv), 8 hour average. | 46 milligrams per cubic meter (40 ppmv), 8 hour average. |
| Photochemical Oxidants Measured as Ozone | 400 micrograms per cubic meter (0.2 ppmv), 1 hour average. | 800 micrograms per cubic meter (0.4 ppmv), 1 hour average. | 1,000 micrograms per cubic meter (0.5 ppmv), 1 hour average. |
| Nitrogen Dioxide | 1,030 micrograms per cubic meter (0.6 ppmv), 1 hour average. 282 micrograms per cubic meter (0.15 ppmv), 24 hour average. | 2,260 micrograms per cubic meter (1.2 ppmv), 1 hour average. 565 micrograms per cubic meter (0.3 ppmv), 24 hour average. | 3,000 micrograms per cubic meter (1.6 ppmv), 1 hour average. 750 micrograms per cubic meter (0.4 ppmv), 24 hour average. |

Table based on Ohio Administrative Code 3745-25-03, effective December 1st, 2014. If OAC 3745-25-03 is subsequently amended, the criteria above are superseded by the most up to date revision.

(b) "Air pollution forecast": An internal watch by the Ohio Environmental Protection Agency shall be actuated by a national weather service advisory that an "Atmospheric Stagnation Advisory" is in effect or the equivalent local forecast of stagnant atmospheric condition. The air pollution forecast for photochemical oxidants shall take into consideration, but not be limited to, ambient temperatures, surface winds, and ultra-violet solar radiation levels.

(c) "Alert": The "Alert" level is that concentration of air contaminants at which first stage control actions are to begin. An "Alert" will be declared when any one (1) of the levels specified in paragraphs (C) (1) to (C) (5) in OAC 3745-25-03, or as subsequently amended, is reached at any monitoring site and meteorological conditions are such that the air contaminant concentrations can be expected to remain at the specified level or reoccur during the next twenty-four (24) hours unless control actions are taken.

(d) "Warning": The "Warning" level indicates that air quality is continuing to degrade and additional control measures are necessary. A "Warning" will be declared when any one (1) of the levels specified in paragraphs (D) (1) to (D) (5) in OAC 3745-25-03, or as subsequently amended, is reached at any monitoring site and meteorological conditions are such that the air contaminant concentrations can be expected to remain at the specified levels or reoccur during the next twenty-four (24) hours unless control actions are taken.

(e) "Emergency": The "Emergency" level indicates air quality is continuing to degrade to a level that should never be reached and that most stringent control actions are necessary. An "Emergency" will be declared when any one (1) of the levels specified in paragraphs (E) (1) to (E) (5) in OAC 3745-25-03, or as subsequently amended, is reached at any monitoring site.

(f) "Termination": Once declared, any episode stage reached by application of these criteria will remain in effect until the criteria for that episode stage are no longer met. At such time, the next lower episode stage will be assumed or the episode may be terminated completely if no episode stage criteria are met.

Section 283.04 Emission Control Action Programs

(a) Any person responsible for the operation of an air contaminant source which emits twenty-five hundredths (0.25) tons per day or more of air contaminants for which air quality standards have been adopted shall prepare emission control action programs consistent with good industrial practice and safe operating procedures for reducing the emission of air contaminants into the outdoor atmosphere during periods of an air pollution Alert, air pollution Warning and air pollution Emergency. Emission control action programs shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Chapter 297 which are made a part of this section.

(b) Emission control action programs as required under this section shall be in writing and show the source of air contamination, the approximate amount of reduction of contaminants, the approximate time required to effect the program, a brief description of the manner in which the reduction will be achieved during each stage of an air pollution episode and such other information as the Commissioner deems pertinent.

(c) Emission control action programs shall be filed with the Commissioner at the following times:

(1) Existing sources: not later than ninety (90) days after adoption of this Code;

(2) New sources: with application for permit to operate.

(3) The provisions of this section shall not apply if an emission control action program was filed with the Division of Air Quality, as agent for the Ohio Environmental Protection Agency in Cuyahoga County, prior to the adoption of this Code.

(d) During a condition of air pollution Alert, air pollution Warning and air pollution Emergency, emission control action programs as required by this section shall be made available on the premises to the Commissioner or his or her authorized representative.

(e) Emission control action programs shall be subject to review and approval by the Commissioner. If, in the opinion of the Commissioner, such emission control action programs do not effectively carry out the objectives as set forth in Chapter 297, the Commissioner may disapprove such emission control action programs, state his reasons for disapproval and order the preparation of amended emission control action programs within the time period specified in the order.

Section 283.05 Emergency Orders

When the Governor declares an air pollution Alert, air pollution Warning or air pollution Emergency, the following procedures shall immediately be put into effect:

(a) *Air Pollution Alert.*

(1) Any person responsible for the operation of a source of air contamination shall take all air pollution Alert actions as required for such source of air contamination and shall particularly put into effect the emission control action programs for an air pollution Alert.

(2) There shall be no open burning by any person of tree waste, vegetation, refuse or debris in any form.

(3) The use of incinerators for the disposal of any form of solid waste will be limited to the hours between 12:00 noon and 4:00 p.m.

(4) Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.

(5) Persons operating motor vehicles shall be strongly encouraged to eliminate the unnecessary use of automobiles, motorcycles, light-duty trucks and vans, and recreational vehicles.

(b) *Air Pollution Warning.*

(1) Any person responsible for the operation of a source of air contamination shall take all air pollution Warning actions as required for such source of air contamination and shall particularly put into effect the emission control action programs for an air pollution Warning.

(2) Any person responsible for the operation of a source of air contamination shall satisfy the requirements set forth in this section.

(3) Citizens who travel to and from work between the hours of six a.m. and six p.m. are urged to carpool or utilize public transportation.

(4) For carbon monoxide "Warnings", persons operating motor vehicles shall be encouraged to avoid the air pollution "Warning" area.

(c) *Air Pollution Emergency.*

(1) Any person responsible for the operation of a source of air contamination shall take all air pollution Emergency actions as listed as required for such source of air contamination and shall particularly put into effect the emission control action programs for an air pollution Emergency.

(2) All manufacturing establishments will institute such action as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing or postponing operations which emit air contaminants to the extent possible without causing injury to persons or damage to equipment.

(3) Any person responsible for the operation of a source of air contamination shall satisfy the requirements set forth in division (a) (2) to (5) and (b) (3) to (4) of this section.

(4) All places of employment described below shall immediately cease operations:

A. Mining and quarrying of non-metallic minerals.

B. Contract construction work except that which must proceed to avoid physical harm.

C. Wholesale trade establishments, i.e., places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users or to other wholesalers or acting as agents in buying merchandise for or selling merchandise to such persons or companies.

D. Offices of local, County and State government including authorities, joint meetings and any other public body, except to the extent that such offices must continue to operate in order to enforce the requirements of this order or are vitally essential to the preservation of order, safety, health, utility services, and other related services, under City ordinance or State statute.

E. Retail trade establishments, except pharmacies and stores, primarily engaged in the sale of food.

F. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services, offices of insurance carriers, agents and brokers, real estate offices.

G. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments, photographic studios, beauty shops, barber shops, shoe repair shops.

H. Advertising offices, consumer credit reporting, adjustment and collection agencies, duplicating, addressing, blue-printing, photocopying, mailing, mailing list and stenographic services, equipment rental services, commercial testing laboratories.

I. Automobile repair, automobile services, garages, body shops, and automobile painting operations.

J. Establishments rendering amusement and recreation services, including motion picture theaters.

K. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools and public and private libraries.

(5) The use of motor vehicles is prohibited except in emergencies with the approval of City or State police.

Section 283.06 Breakdowns or Malfunctions During an Episode

(a) Under the declaration of an air pollution Alert, air pollution Warning or air pollution Emergency by the Governor of the State of Ohio, if emissions exceeding any of the limits established under this Code are being discharged into the atmosphere as a direct result of breakdown of any emission source or control equipment, the Commissioner may order the owner or operator of such a source or control equipment to immediately discontinue operation of such source or control equipment or to substantially reduce emissions for the duration of the air pollution episode.

(b) No person shall fail to comply with any order issued by the Commissioner in accordance with this section without prior written approval of the Commissioner.

Section 283.07 Scheduled Maintenance of Control Equipment During an Episode

(a) Under the declaration of an air pollution Alert, air pollution Warning or air pollution Emergency by the Governor of the State of Ohio, the Commissioner may order temporary suspension of any approved proffered planned maintenance schedule that necessitates the shutdown of any control equipment unaccompanied by the shutdown of the emission source. In the event that it would be impossible to restore such control equipment to immediate operation, the Commissioner may, at his or her discretion, order the owner or operator of the emission source to immediately discontinue operation of such source or to substantially reduce emissions for the duration of the air pollution episode.

(b) No person shall fail to comply with any order issued by the Commissioner in accordance with this section without prior written approval of the Commissioner.

Chapter 285

Testing and Monitoring Equipment

Section 285.01 Emission Test Methods

Emission tests shall be undertaken by standard methods as published and prescribed in the Ohio Administrative Code 3745-21-10 "Compliance Test Methods and Procedures", effective August 25, 2008, or as amended or modified. The above specifications may be modified or adjusted by the Commissioner to suit specific sampling conditions or needs based upon practice, judgment or experience. Updating of these standards and modifications thereof shall be published in rules and regulations of the Commissioner.

Section 285.02 Sampling and Testing

(a) The Commissioner is hereby authorized to conduct, or cause to be conducted, at the expense of any person owning, operating or in charge of any source or control equipment, any test or tests of any new or existing source or control equipment which in his judgment may result in emissions in excess of the limitations contained in this Code or when the emissions from any such source or control equipment may exceed the limits of emissions provided for herein. All tests shall be conducted in a manner approved by the Commissioner and a complete detailed test report of such test or tests shall be submitted to him. When tests are taken by the owner or independent testers employed by the owner, the Commissioner shall require that the tests be conducted by reputable, qualified personnel and shall stipulate that a qualified representative or representatives of the Division of Air Quality be allowed to observe the conduct of such tests. The Commissioner may stipulate a reasonable time limit for the completion of such test and submission of test reports.

(b) Nothing in this section concerning tests conducted by and paid for by any person or his authorized agent shall be deemed to abridge the rights of the Commissioner or his or her representatives to conduct separate or additional tests of any source or control equipment on behalf of the City, whether or not such tests relate to emissions controlled by specific limitations under this Code.

Section 285.03 Test Facilities and Access

(a) It shall be the responsibility of the owner or operator of the air contaminant source or control equipment tested to provide, at his expense, utilities, facilities, reasonable and necessary openings in the system or stack, and safe and easy access thereto, to permit samples and measurements to be taken.

(b) The Commissioner may require all new air contaminant sources installed or constructed after the effective date of this Code to provide utilities, facilities and reasonable and necessary openings in the system or stack, and safe and easy access thereto, to permit samples and measurements to be taken.

Section 285.04 Source Monitoring and Recording Equipment

(a) When a source has on two (2) or more occasions violated any section of this Code, the Commissioner may require that the source be equipped with monitoring and recording devices within a reasonable period of time that will provide a satisfactory measure of performance. Monitoring programs or devices for parameters that control a specific emission may be used in lieu of direct monitoring of the specific air contaminant with the consent of the Commissioner. Monitoring records so required shall be retained for a minimum of three (3) years and shall be made available to the Commissioner or his or her authorized representative upon request. At such time that the source demonstrates reliable performance, the owner or operator of such source may petition the Commissioner to have this requirement lifted.

(b) All new air contaminant sources installed or constructed after the effective date of this Code, may be required to install monitoring and recording devices that will provide a satisfactory measure of performance. Monitoring programs or devices for parameters that control a specific emission may be used in lieu of direct monitoring of the specific air contaminant with the consent of the Commissioner. Monitoring records so required shall be retained for three (3) years and shall be made available to the Commissioner or his or her authorized representative upon request. At such time as this source demonstrates continuing compliance with emission limitation, the owner or operator of such source may petition the Commissioner to have this requirement lifted.

(c) When requiring monitoring and recording devices, the Commissioner shall consider technical feasibility and economic reasonableness.

Section 285.05 Compliance Testing

(a) The Commissioner is hereby authorized to determine and preserve the option to witness any emissions and compliance tests of any new or existing source or control equipment before he issues a permit to operate under Chapter 259 of this Code.

(b) No person shall fail to submit a timely, appropriate and complete written notification of intent to test or retest a source. Delivery shall occur no less than thirty (30) days prior to the scheduled test date, except as provided herein:

(1) When a retest is scheduled for a mutually agreeable date less than thirty (30) days in the future, notification shall be submitted as soon as the date has been determined.

(2) When a retest is an emergency, delivery of notification shall occur as early as possible before, but not later than the first working day following the start of the retest.

(c) The intent to test notification shall include:

(1) A statement indicating the purpose of the proposed compliance test. If being performed as an Ohio EPA requirement, state the applicable Ohio EPA permit number that requires the compliance test;

(2) A detailed description of the source to be tested;

(3) A detailed description of the test procedures, equipment and sampling sites;

(4) A timetable, setting forth the dates on which:

A. The testing will be conducted; and

B. The final test report will be submitted, not later than thirty days after completion of on-site sampling; and

(5) Any reasonable and pertinent information that may be required by the Commissioner.

(d) Fees for the witnessing of all initial emissions and compliance tests are included as part of the fee required for the issuance of permits to operate under Chapter 259 of this Code. Individual tests conducted on different parts of one (1) source or control equipment unit constitute different parts of one (1) initial test.

(e) The witnessing of any emissions or compliance retest requires an additional fee per Section 263.03 of this Code. If a retest is conducted either the day of or following day of the initial test on the same equipment, an additional fee is not required but the retest shall be categorized as a retest on the equipment.

(f) The following tests, when required by Ohio EPA to be performed at a gasoline dispensing facility, are included in the category of compliance tests and are subject to the notification retest fee requirements:

(1) Static Leak Test;

(2) Dynamic Pressure Test; and

(3) Air-to-Liquid Ratio Test.

Chapter 289
Constitutionality

Section 289.01 Severability

If any clause, sentence, paragraph or part of this Code or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Code and the application of such provisions to other persons or circumstances, but shall be confined in its operation to the controversy in which such judgment shall have been rendered and to the person, firm, corporation or circumstances involved. It is hereby declared to be the legislative intent of Council that this ordinance would have been adopted had such invalid provisions not been included.

Chapter 291
Advisory Committee

Section 291.01 Establishment; Members, Term, Vacancy and Duties

(a) There is established the Cleveland Industrial Air Pollution Advisory Committee to be composed of not more than ten (10) members.

(b) The purpose of such Committee shall be to meet, discuss, make recommendations and issue advisory opinions regarding matters relating to the Air Quality Code of the City of Cleveland, State of Ohio or Federal Codes, or any rules and regulations adopted pursuant thereto, as they affect industrial and commercial enterprises in the City.

(c) The Committee shall meet at least once every three (3) months or more often at the call of the chairperson.

(d) Two (2) members of the Committee shall be appointed by Council; three (3) members shall be appointed by the Mayor, and the remaining five (5) members shall be representatives from business, industrial and commercial enterprises or associations and citizens groups operating in the City. These five (5) members shall be appointed by the Mayor, with the approval of Council.

(e) All members shall serve for a term of two (2) years and may be reappointed at the end of their respective terms. Members shall serve without compensation. If any member resigns, or otherwise is unable to continue to serve as a member of the Committee, such vacancy shall be filled in the same manner as the original appointment for the unexpired term thereof.

(f) The Committee may, at any time, report to Council any matters or suggested changes relating to the Air Quality Code of the City or the rules and regulations adopted pursuant thereto.

(g) The Committee shall issue an annual report no later than January 31 of the following year. Such report shall include any recommendations regarding the Air Quality Code of the City or any other law, rule or regulation affecting air pollution in the City, and in addition may advise the Mayor or Council, upon their request, concerning any matter involving air pollution in the City, and shall include any other information discussed by and deemed pertinent by the committee.

(h) A majority of all the members of such Committee shall constitute a quorum to transact business and to issue any report, recommendation or advisory opinion. A chairperson shall be selected by a majority of the members of such Committee, and shall serve for two (2) years, or until cessation of the chairperson's membership on the committee, whichever occurs sooner. The number of consecutive terms the chairperson may serve shall not be limited.

(i) A member whose term of service has expired, and whose reappointment or replacement is pending, may continue to serve as if formally reappointed.

**Chapter 297
Tables and Charts**

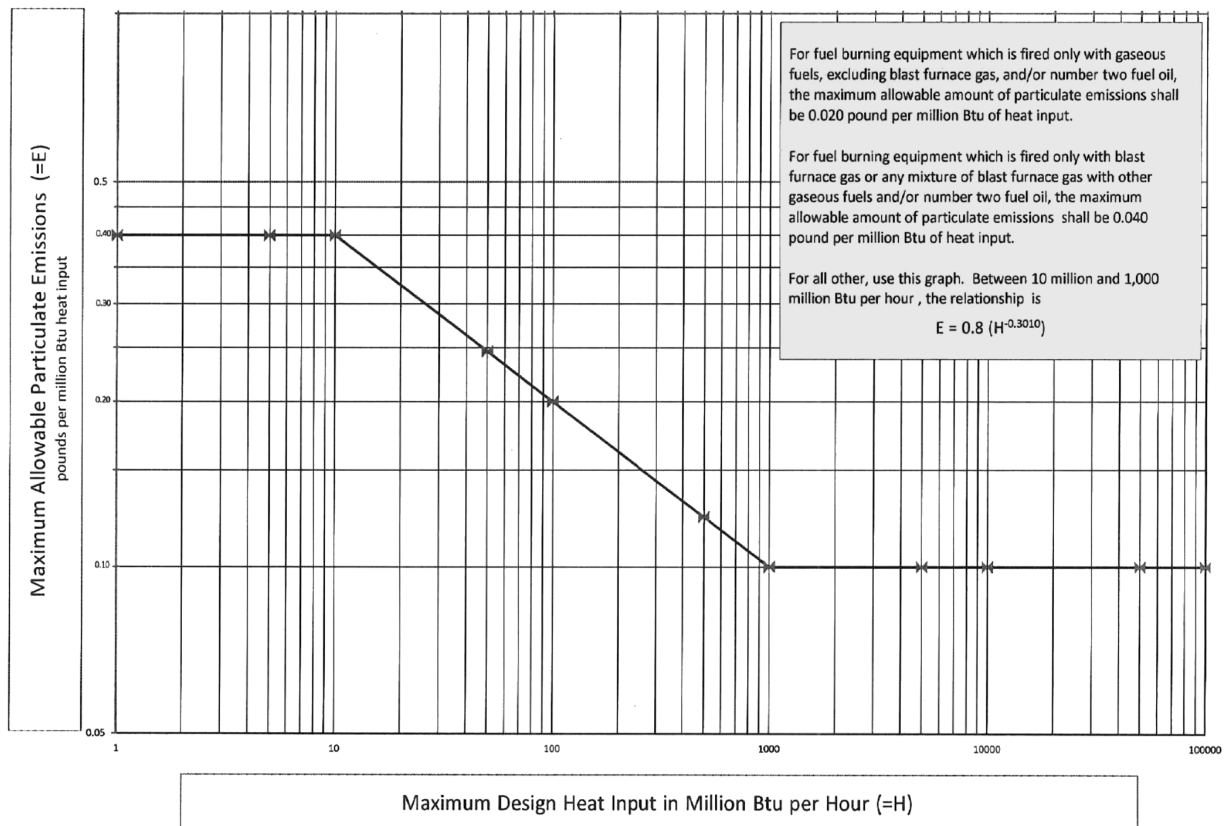
Section 297.01 Appendix A - Table I

Sources and Processes to be equipped with Air Cleaning Equipment for the Control of Odorous Material

1. Rendering Cookers
2. Animal Blood Dryers
3. Asphalt Oxidation
4. Asphalt Roofing Manufacture
5. Brake Shoe Debonding
6. Varnish Cookers
7. Paint Drying or Baking Ovens
8. Meat Smokehouses
9. Coffee Roasting
10. Fabric Backing and Fabric Coating Baking Ovens
11. Ovens for Curing of Binders in Mineral and Wool Production
12. Tear Gas Manufacture
13. Sources of Hydrogen Sulfide or Mercaptans excluding the water or air quenching of slag
14. Manufacture of Rubber or Rubber Products
15. Refining of Crude Oil and Manufacture and Storage of Petroleum Products
16. Decomposition of Waste
17. Sewage and Waste Treatment
18. Printing and other Graphics Arts Processes
19. Foundry Operations including Core Ovens
20. Paper and Pulp Processing
21. Textile, Fibers, and associated Processes
22. Soap Detergents and Kindred Products
23. Scrap Processing
24. Waste processing for recovery, reuse, or conversion of material or energy
25. Other sources that emit or may foreseeably emit odorous material into the atmosphere or ambient air

Section 297.02 Appendix B - Figure I: Allowable Emissions of Particulate Matter from Fuel Burning Installations

Appendix B - Figure I: Allowable Emissions of Particulate Matter from Fuel Burning Installations



↔ Maximum Allowable Particulate Emissions in Pounds per mmBtu

Section 297.03 Appendix B - Table II

| Appendix B - Table II: Allowable Emissions of Particulate Matter from Fuel Burning Installations | |
|--|---|
| Maximum Design Heat (H) Input in Million Btu per Hour | Maximum Allowable Particulate Emissions (E) in Pounds per Million Btu Heat Input |
| 1 to 10 | 0.40 |
| 15 | 0.35 |
| 30 | 0.29 |
| 50 | 0.24 |
| 70 | 0.22 |
| 100 | 0.20 |
| 500 | 0.12 |
| 1,000 and Greater | 0.10 |

Interpolation of the data in this table for values of H between 10 and 1,000 million Btu not given shall be accomplished by use of the formula

$$E = 0.8(H^{0.3010})$$

where E = maximum allowable particulate emissions rate in pounds per million Btu, and H = maximum design heat input in million Btu per hour.

Section 297.04 Appendix C - Table III

| Appendix C - Table III: Allowable Rate of Emissions Based on Process Weight Rate | | | | | |
|--|---------------|----------------------------|---------------------------|---------------|----------------------------|
| Process Weight Rate (= P) | | Rate of Emissions (= E) | Process Weight Rate (= P) | | Rate of Emissions (= E) |
| Pounds per Hour | Tons per Hour | Pounds per Hour | Pounds per Hour | Tons per Hour | Pounds per Hour |
| 100 | 0.05 | 0.55 | 16,000 | 8 | 16.5 |
| 200 | 0.10 | 0.88 | 18,000 | 9 | 17.9 |
| 400 | 0.20 | 1.39 | 20,000 | 10 | 19.2 |
| 600 | 0.30 | 1.83 | 30,000 | 15 | 25.2 |
| 800 | 0.40 | 2.22 | 40,000 | 20 | 30.5 |
| 1,000 | 0.50 | 2.58 | 50,000 | 25 | 35.4 |
| 1,500 | 0.75 | 3.38 | 60,000 | 30 | 40.0 |
| 2,000 | 1.00 | 4.10 | 70,000 | 35 | 41.3 |
| 2,500 | 1.25 | 4.76 | 80,000 | 40 | 42.5 |
| 3,000 | 1.50 | 5.38 | 90,000 | 45 | 43.6 |
| 3,500 | 1.75 | 5.97 | 100,000 | 50 | 44.6 |
| 4,000 | 2.00 | 6.52 | 120,000 | 60 | 46.3 |
| 5,000 | 2.50 | 7.58 | 140,000 | 70 | 47.8 |
| 6,000 | 3.00 | 8.56 | 160,000 | 80 | 49.1 |
| 7,000 | 3.50 | 9.49 | 200,000 | 100 | 51.3 |
| 8,000 | 4.00 | 10.38 | 1,000,000 | 500 | 69.0 |
| 9,000 | 4.50 | 11.23 | 2,000,000 | 1,000 | 77.6 |
| 10,000 | 5.00 | 12.05 | 6,000,000 | 3,000 | 92.7 |
| 12,000 | 6.00 | 13.62 | | | |

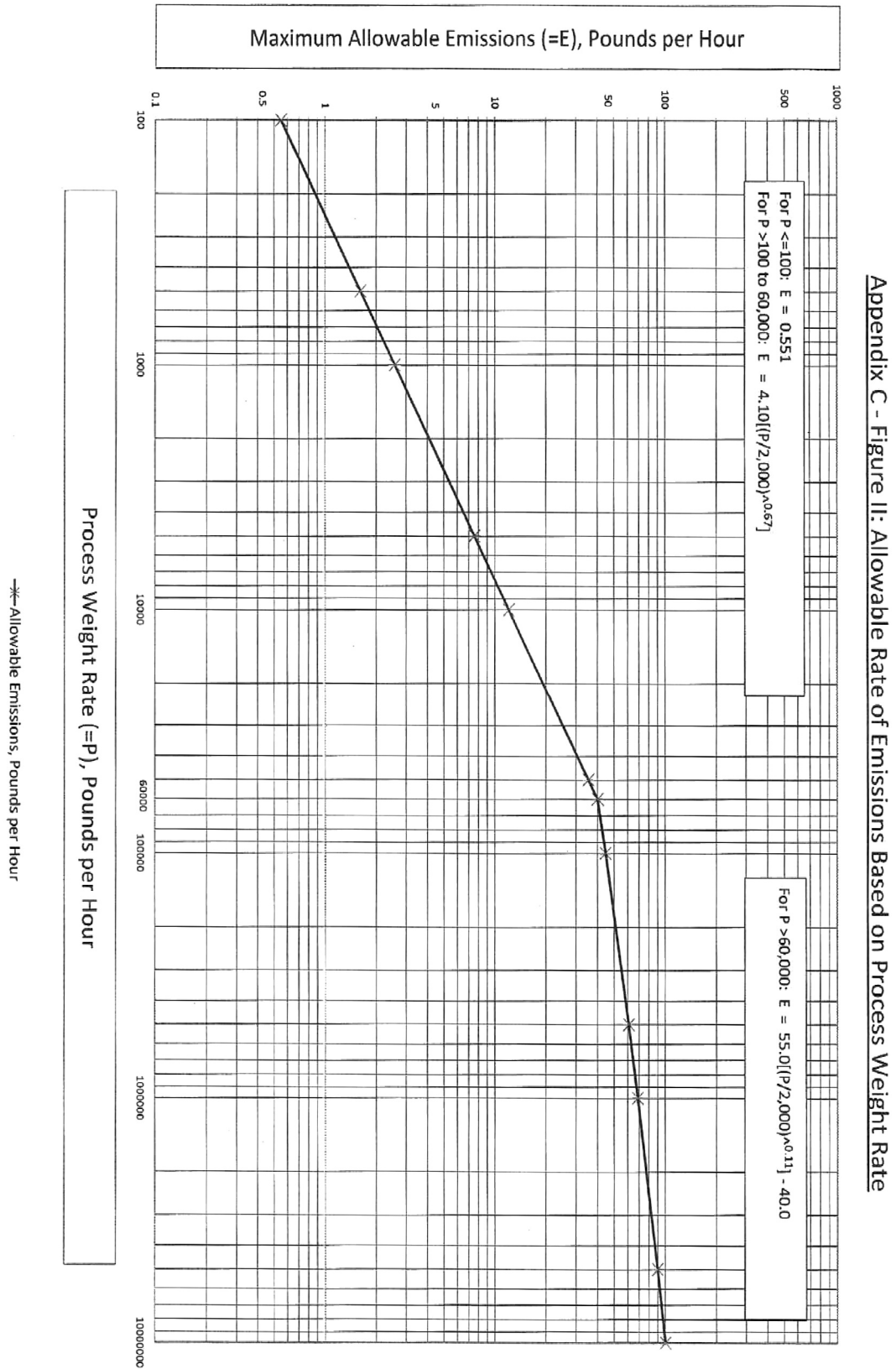
Interpolation of data in this above table shall be accomplished by use of the following formulas:

For P <= 100, E = 0.55

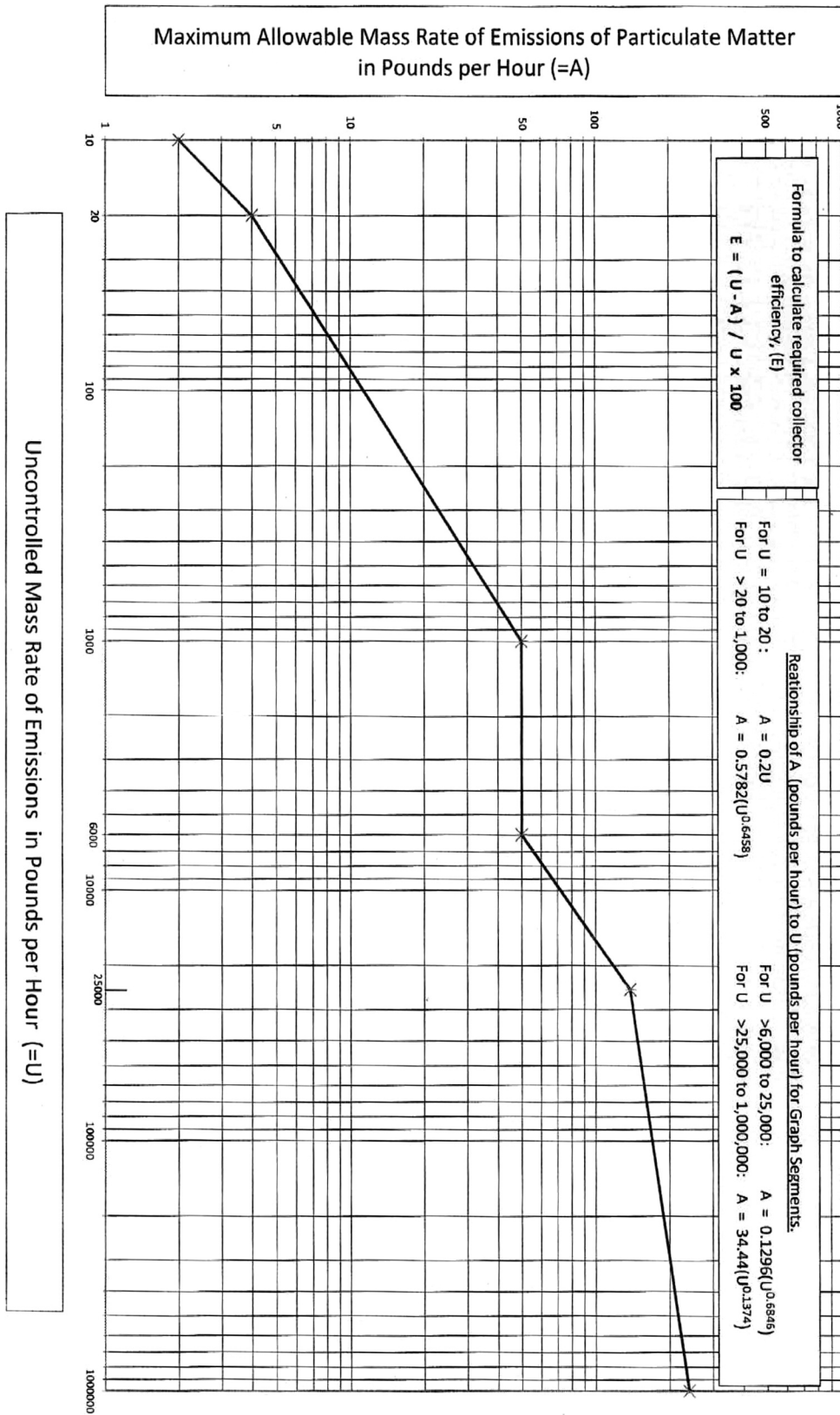
For P > 100 to P = 60,000, E = 4.1 * (P/2,000)^{0.67}

For P > 60,000, E = 55.0 * (P/2,000)^{-0.0}

Section 297.05 Appendix C - Figure II: Allowable Rate of Emissions Based on Process Weight Rate



Section 297.06 Appendix C - Figure III: Allowable Rate of Emissions Based on Uncontrolled Mass Rate of Emissions



Appendix C - Figure III: Allowable Rate of Emissions Based on Uncontrolled Mass Rate of Emissions

Section 297.07 Appendix D – Table IV

| Appendix D - Table IV Emission Reduction Objectives for Particulate Matter | | | |
|---|--|--|--|
| Source of Air Contamination | Air Pollution Alert | Air Pollution Warning | Air Pollution Emergency |
| 1. Coal or oil-fired electric power generating facilities | a. Substantial reduction by utilization of fuels having lowest available ash content. | a. Maximum reduction by utilization of fuels having lowest available ash content. | a. Maximum reduction by utilization of fuels having lowest available ash content. |
| | b. Maximum utilization of midday (12:00 Noon to 4:00 pm.) atmospheric turbulence for boiler lancing and soot blowing. | b. Maximum utilization of midday (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. | b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. |
| | c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area | c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area. | c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area. |
| 2. Coal or oil-fired process steam generating facilities. | a. Substantial reduction by utilization of fuels having lowest available ash content. | a. Maximum reduction by utilization of fuels having lowest available ash content. | a. Maximum reduction by reducing heat and steam necessities consistent with demands to absolute preventing equipment damage |
| | b. Maximum utilization of midday (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. | b. Maximum utilization of midday (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. | b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. |
| | c. Reduction of steam load demands consistent with continuing plant operations. | c. Reduction of steam load demands consistent with continuing plant operations. | c. Taking the action called for in the emergency plan. |
| | | d. Making ready for use a plan of action to be taken if an emergency develops. | |
| 3. A - Manufacturing, processing, and mining industries AND 3. B - Other persons required by the Commissioner to prepare standby plans. | a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations. | a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations. | a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. |
| | b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. | b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. | b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances. |
| | c. Reduction of heat load demands for processing consistent with continuing plant operations. | c. Reduction of heat load demands for processing consistent with continuing plant operations. | c. Maximum reduction of heat load demands for processing. |
| 4. Refuse disposal operations. <i>(continued on next page)</i> | a. Maximum reduction by prevention of open burning. | a. Maximum reduction by prevention of open burning. | a. Maximum reduction by prevention of open burning. |

| | | | |
|--------------------------------|--|---|---|
| 4. Refuse disposal operations. | b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 p.m. | b. Complete elimination of the use of incinerators. | b. Complete elimination of the use of incinerators. |
|--------------------------------|--|---|---|

Section 297.08 Appendix D – Table V

| Appendix D - Table V Emission Reduction Objectives for Sulfur Oxides | | | |
|---|--|--|--|
| Source of Air Contamination | Air Pollution Alert | Air Pollution Warning | Air Pollution Emergency |
| 1. Coal or oil-fired electric power generating facilities. | a. Substantial reduction by utilization of fuels having lowest available sulfur content. | a. Maximum reduction by utilization of fuels having lowest available sulfur content. | a. Maximum reduction by utilization of fuels having lowest available sulfur content. |
| | b. Substantial reduction by diverting electric power generation to facilities outside of Alert Area. | b. Maximum reduction by diverting electric power generation to facilities outside of Warning Area. | b. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area. |
| 2. Coal or oil-fired process steam generating facilities. | a. Substantial reduction by utilization of fuels having lowest available sulfur content. | a. Maximum reduction by utilization of fuels having the lowest available sulfur content. | a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage. |
| | b. Reduction of steam load demands consistent with continuing plant operations. | b. Reduction of steam load demands consistent with continuing plant operations. | b. Taking the action called for in the emergency plan. |
| | | c. Making ready for use a plan of action to be taken if an emergency develops. | |
| 3. A - Manufacturing and processing industries AND | a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations. | a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations. | a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. |
| 3. B - Other persons required by the Commissioner to prepare standby plans. | b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. | b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. | b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances. |
| | c. Reduction of heat load demands for processing consistent with continuing plant operations. | c. Reduction of heat load demands for processing consistent with continuing plant operations. | c. Maximum reduction of heat load demands for processing. |

Section 297.09 Appendix D – Table VI

| Appendix D - Table VI Emission Reduction Objectives for Nitrogen Oxides | | | |
|--|--|--|--|
| Source of Air Contamination | Air Pollution Alert | Air Pollution Warning | Air Pollution Emergency |
| 1. Steam-electric power generating facilities. | a. Substantial reduction by utilization of fuel which results in the formation of less air contaminants. | a. Maximum reduction by utilization of fuel which results in the formation of less air contaminants. | a. Maximum reduction by diverting electric power generation to facilities outside of emergency Area. |
| | b. Substantial reduction by diverting electric power generation to facilities outside of Alert Area. | b. Maximum reduction by diverting electric power generation facilities outside of Warning Area. | |
| 2. Process steam generating facilities. | a. Substantial reduction by utilization of fuel which results in the formation of less air contaminants. | a. Maximum reduction by utilization of fuel which results in the formation of less air contaminants. | a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage. |
| | b. Reduction of steam load demands consistent with continuing plant operations. | b. Reduction of steam load demands consistent with continuing plant operations. | |
| | | c. Making ready for use a plan of action to be taken if an emergency develops. | |
| 3. A - Manufacturing and processing industries AND 3. B - Other persons required by the Commissioner to prepare standby plans. | a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations. | a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations. | a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. |
| | b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. | b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. | b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases vapors or malodorous substances. |
| | c. Reduction of heat load demands for processing consistent with continuing plant operations. | c. Reduction of heat load demands for processing consistent with continuing plant operations. | c. Maximum reduction of heat load demands for processing. |
| 4. Stationary internal combustion engines. | a. Reduction of power demands for pumping consistent with continuing operations | a. Reduction of power demands for pumping consistent with continuing operations | a. Maximum reduction by reducing power demands to absolute necessities consistent with personnel safety and preventing equipment damage |
| | | b. Maximum reduction by utilization of fuels or power source which results in the formation of less air contaminants. | b. Maximum reduction by utilization of fuels or power source which results in the formation of less air contaminants. |
| | a. Maximum reduction by prevention of open burning. | a. Maximum reduction by prevention of open burning. | a. Maximum reduction by prevention of open burning. |

| | | | |
|--------------------------------|--|---|---|
| 5. Refuse disposal operations. | b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 p.m. | b. Complete elimination of the use of incinerators. | b. Complete elimination of the use of incinerators. |
|--------------------------------|--|---|---|

Section 297.10 Appendix D – Table VII and Table VIII

| Appendix D - Table VII Emission Reduction Objectives for Hydrocarbons | | | |
|--|--|--|--|
| Source of Air Contamination | Air Pollution Alert | Air Pollution Warning | Air Pollution Emergency |
| 1. Petroleum products storage and distribution. | a. Substantial reduction of air contaminants by curtailing, postponing, or deferring transfer operations. | a. Maximum reduction of air contaminants by assuming reasonable economic hardship by postponing transfer operations. | a. Elimination of air contaminants by curtailing, postponing, or deferring transfer operations to the extent possible without causing damage to equipment. |
| 2. Surface coating and preparation. | a. Substantial reduction of air contaminants by curtailing, postponing, or deferring transfer operations. | a. Maximum reduction of air contaminants by assuming reasonable economic hardship by postponing transfer operations. | a. Elimination of air contaminants by curtailing, postponing, or deferring transfer operations to the extent possible without causing damage to equipment. |
| 3. A - Manufacturing and processing industries AND 3. B - Other persons required by the Commissioner to prepare standby plans. | a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations. | a. Maximum reduction of air contaminants from operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations. | a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. |

Appendix D - Table VIII

| Emission Reduction Objectives for Carbon Monoxide | | | |
|---|--|--|--|
| Source of Air Contamination | Air Pollution Alert | Air Pollution Warning | Air Pollution Emergency |
| 3. A - Manufacturing industries AND 3. B - Other persons required by the Commissioner to prepare standby plans. | a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production allied operation | a. Maximum reduction of air contaminants from operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations. | a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. |
| 2. Refuse disposal operations | a. Maximum reduction by prevention of open burning. | a. Maximum reduction by prevention of open burning. | a. Maximum reduction by prevention of open burning. |

**Chapter 299
Penalties****Section 299.01 Sealing**

(a) Any person who violates any provision(s) of this Code three (3) or more times within a twelve (12) month period shall, within ten (10) calendar days from the date written notification arrives at its intended location, show cause before

the Commissioner as to why the offending source, equipment, or premise should not be sealed. The notice shall be sent by registered or certified mail, directed to the last known address of the person to be notified. If the person or his whereabouts is unknown, the notice shall be posted on or reasonably near the premises at which the violation or violations occurred. If upon the hearing, at which the violator or his agent or attorney may appear and be heard, the Commissioner finds that adequate corrective measures have not been taken, the Commissioner may seal the source, equipment, or premise until such time as corrective measures have been taken.

(b) Sealing may also be ordered by the Commissioner and effected after reasonable notice under the following circumstances:

(1) Any air contaminant source or control equipment is being operated without a permit to operate or variance as required by this Code;

(2) Any necessary repair or alteration is not accomplished within the specified time limit;

(3) In case of an emergency, the operation of any air contaminant source or control equipment is or may reasonably be dangerous to the health, safety or general welfare. Such operation shall be sealed without notice;

(4) Control equipment has been installed to enable an operation or process to meet the conditions of a permit to operate, and such control equipment is not being operated;

(5) Test facilities and access required under Section 285.03 are not provided;

(6) Source monitoring and/or recording equipment required under Section 285.04 has not been provided; or

(7) Any information, data, reports or programs required under provisions of this Code or by the Commissioner have not been provided.

(c) Under Section 259.07, prima-facie evidence of any violation(s) will support the action of the Commissioner in sealing certain source, equipment, or premise as provided therein.

(d) Sealing of equipment shall not bar other legal action against the owner or operator thereof.

(e) No person shall tamper with a seal or operate any air contaminant source or control equipment sealed by the Commissioner, or enter any premise that has been sealed by the Commissioner, unless such action or operation is authorized in writing by the Commissioner.

Section 299.02 Citations

Violations of this Code may be cited at the time and place of observation of violations by the Commissioner or his or her designee. Upon failure of the person cited to accept such waiver ticket, the Commissioner or his or her designee shall note such refusal and proceed as in other violations to cause a complaint and summons to issue.

Section 299.03 Written Warnings

(a) For residential violations of Sections 266.03, 266.04, 266.05, 267.01, 277.02, 277.03, and 277.05 of this Code, at least one written warning will be given to the owner, agent, or occupant prior to issuance of a violation. If the violations for which a written warning was issued continue, or a new violation occurs within twelve (12) months subsequent to the written warning, residential violations of the above sections are subject to a citation under Section 299.02.

(b) For commercial, industrial, or any other non-residential violations of the above sections, a written warning is not required prior to issuing a citation.

Section 299.99 Penalties

(a) No person shall violate any provision of this Code nor participate in the violation of its provisions.

(b) Whoever violates Sections 266.03, 266.04, 266.05, 267.01, 267.02, 277.02, 277.03, or 277.05 shall be guilty of a minor misdemeanor. Whoever violates any other provision of this Code shall be guilty of a misdemeanor of the first degree.

(c) Each day of any violation shall constitute a separate offense and shall be subject to the penalties set forth in this section.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 1472-16.

By Council Members Brancatelli and Polensek.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 686B, Sections 686B.01 through 686B.06 and 686B.99, regulating non-bank automated teller machines.

Whereas, smash and grab robberies and burglaries are increasingly victimizing Cleveland convenience stores, grocery stores, and gas station stores, as criminals drive stolen vehicles into store fronts to steal non-bank owned automated teller machines (ATMs); and

Whereas, the crime wave is jeopardizing the safety of customers and store employees, disrupting business, and causing thousands of dollars in store damage and lost ATM money; and

Whereas, an ATM contains an average of approximately \$10,000, and the cost of smash and grab thefts nationwide is estimated at \$288 million per year, including theft, repair and loss of business costs; and

Whereas, regulating the placement and installation of ATMs, and requiring security measures at stores, including security cameras, lighting, bollards, and GPS trackers on ATMs, will deter criminals from committing smash and grab robberies at easy targets and help catch criminals; and

Whereas, Senator Tom Patton introduced Senate Bill No. 335 pending in the Ohio Senate that would require the superintendent of financial institutions to adopt rules to regulate the placement of automated teller machines and regulate the servicing of automated teller machines, including how often cash

is replenished and more frequent servicing with smaller amounts of cash; and

Whereas, Cleveland City Council wants to protect citizens and prevent smash and grab robberies by regulating installation, requiring security measures, and requiring more frequent servicing of non-bank owned automated teller machines; 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 Chapter 686B, Sections 686B.01 through 686B.06 and 686B.99 to read as follows:

CHAPTER 688 NON-BANK
AUTOMATED TELLER MACHINES

Section 686B.01 Definition

As used in this chapter:

(a) "Automated teller machine" means an automated, unstaffed banking facility to which both of the following apply:

(1) It is owned or operated by, or operated in sponsorship with, a financial institution at which deposits are received, cash disbursed, or money lent.

(2) It is located at a non-bank location, including but not limited to a convenience store, grocery store, restaurant, dollar store, or gas station store.

(b) "Bank" means, as defined in Ohio Revised Code Section 1101.01 (B), a corporation that solicits, receives, or accepts money or its equivalent for deposit as a business, whether the deposit is made by check or is evidenced by a certificate of deposit, passbook, note, receipt, ledger card, or otherwise "Bank" also includes a state bank or a corporation doing business as a bank or savings bank under authority granted by the bank regulatory authority of another state of the United States or another country, but does not include a savings association, savings bank, or credit union."

(c) "Financial Institution" has the same meaning as defined in Ohio Revised Code Section 5725.01 (A).

(d) "Operator" means a person or an agent or officer of a person in whom is vested ownership, dominion, control or title, and operation of an automated teller machine.

(e) "Store owner" means the owner of a non-bank commercial business that contains or intends to install an ATM inside.

(f) "Candlefoot power" means the light intensity of candles on a horizontal plane at thirty-six inches above ground level and five feet in front of the area to be measured.

Section 686B.02 General Prohibition on Installation without Registration and License

No operator of an automated teller machine shall install and/or maintain an automated teller machine in the City of Cleveland unless such operator shall register with and obtain a license for such automated teller machine from the Commissioner of the Division of Assessments and Licenses (Commissioner) in accordance with the requirements of this chapter.

Section 686B.03 Registration and License Application, Renewal and Fee

(a) The Commissioner shall not issue a license to any operator who:

(1) does not operate an ATM in accordance with the requirements of this chapter; or

(2) has been convicted of any form of theft;

(b) Before installing and/or maintaining an ATM in the City of Cleveland, the operator shall file a

license application with the Commissioner in accordance with the requirements of this chapter and containing the following information:

(1) The location and address where the ATM will be installed and maintained;

(2) The name, address, phone and electronic contact information of the operator, store owner, and property owner, to be updated during the year if such information changes;

(4) A fee amount to be determined by the Board of Control to defray the expenses of administering the provisions of this chapter and not prorated based upon the time of the year the permit application is filed; and

(5) Written authorization from the store owner where the ATM will be placed;

(6) All operators who have installed and/or maintained an ATM prior to the enactment of this law must file the license application with the Commissioner within ninety days of the effective date of this ordinance.

(c) *License Term.* Licenses shall be granted for each calendar year, and a new license is required for each subsequent calendar year.

(d) *License Display.* The operator shall display the license on a conspicuous part of the ATM.

(e) The Commissioner may suspend or revoke any license granted under this section on the basis of a violation of this chapter.

Section 686B.04 Regulation of Installation

During installation of an automated teller machine, an operator must:

(a) Secure the automated teller machine to the floor with reinforcing brackets or base plates; and

(b) Secure the automated teller machine to the wall from the outside to the inside with reinforcing brackets or base plates; and

(c) Place the automated teller machine against a brick or concrete wall or another substantial surface, away from the front store entrance wall and not assessable from the parking lot; and

(d) Secure a global positioning system (GPS) tracking device to the ATM that can locate the unit if it is stolen.

Section 686B.05 Security measures

A store owner shall maintain the following security measures at its ATM facilities:

(a) Strategic placement of steel bollards that are a maximum of four feet high and spaced no less than twenty-four inches apart, or concrete planter boxes that are no less than two feet high, by the front entrance of the store; and

(b) Lighting in the parking area and front entrance of the store, beginning at dusk, according to the following standards:

(1) A minimum of ten candlefoot power at the front entrance of the

store and extending in an unobstructed direction outward five feet; and

(2) A minimum of two candlefoot power in the parking area within sixty feet of the front entrance of the store.

(c) Two surveillance cameras installed and maintained as follows:

(1) one which shall view and record all persons and activity occurring within a minimum of six feet from the front entrance of the store facing into the parking area; and

(2) one which shall view and record all persons and activity occurring within a minimum of six feet from the ATM located inside the store; and

(3) The recordings made by such cameras shall be preserved by the store owner for at least thirty days.

Section 686B.06 Servicing requirements

An operator shall service an ATM as follows:

(a) replenish the cash in the ATM at least every month; and

(b) provide no more than two thousand dollars (\$2000.00) in cash in an ATM upon servicing.

Section 686B.99 Penalty

Whoever violates Section 686B.02 of this chapter shall be guilty of a fourth degree misdemeanor on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the first degree on the third and any subsequent offense. Each day during which noncompliance or a violation continues shall constitute a separate offense.

Whoever violates any provision of Sections 686B.03, 686B.04, 686B.05 or 686B.06 of this chapter is guilty of a minor misdemeanor, and shall be fined one hundred and fifty dollars (\$150).

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1473-16.

By Council Member Kelley.

An emergency ordinance authorizing the Council President to enter into an agreement with Cobalt Group, Inc. to provide professional services regarding Cleveland City Council operations and staff development.

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

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

Section 1. That the Council President is authorized to enter into an agreement with Cobalt Group, Inc. ("Consultant") to provide professional services regarding Cleveland City Council operations and staff development, including the services set forth in Consultant's Statement of Work, as directed by the Clerk of Council or her designee. This agreement shall be entered into as of January 1, 2017 and shall be for a term of one year, concluding December 31, 2017.

The agreement shall be certified in an amount not to exceed \$66,000.00 from fund 01, dept. 0101, subfund 001, and object code 6320.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Committee on Finance.

Ord. No. 1474-16.

By Council Member Kelley.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Mita Marketing LLC for the professional services necessary to assist Cleveland City Council with communications and public relations.

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 Clerk of Council

is authorized to enter into an agreement with Mita Marketing LLC for the professional services necessary to assist Cleveland City Council with communications and public relations, for a one year period beginning January 1, 2017 and concluding December 31, 2017.

Section 2. That the cost of said contract shall not exceed \$60,000 and shall be certified from Fund 01, Dept. 0101, Subfund 001, Object Code 6320.

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

Referred to Committee on Finance.

FIRST READING ORDINANCE REFERRED

Ord. No. 1446-16.

By Council Member Mitchell.

An ordinance establishing a Planned Unit Development (PUD) for the Legacy Pointe at St. Luke's housing development between E. 110th Street and E. 115th Street north of MLK Jr. Drive and south of Woodland Ave and designating Britt Oval as an Open Space Recreation district as shown on the attached map (Map Change No. 2552).

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

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

Beginning at the intersection of Martin Luther King Drive and E. 110th Street;

Thence northerly along the centerline of E. 110th Street to its intersection with the westerly prolongation of the northerly line of subplot 16 in the Barbara & Albert Statsny Subdivision as recorded in the Cuyahoga County Map Records Book 32 Page 24;

Thence easterly along said northerly line to its intersection with the easterly line thereof;

Thence southerly along said easterly line and its prolongation to its intersection with the northerly line of a parcel of land conveyed to STL Housing, LLC and also known as Cuyahoga County Permanent Parcel No. 128-03-048;

Thence easterly along said northerly line and its prolongation to its intersection with the centerline of W. 111th Street;

Thence northerly along said centerline to its intersection with the centerline of Glencrest Court;

Thence easterly along said centerline to its intersection with E. 111th Place;

Thence northerly along said centerline to its intersection with the centerline of Stastny Court;

Thence easterly along said centerline to its intersection with the centerline of W. 112th Street;

Thence northerly along said centerline to its intersection with the westerly prolongation of a northerly line of a parcel of land conveyed to STL Housing, LLC by Deed dated November 14, 2006 and recorded in AFN 200611140996 and also known as Cuyahoga County Permanent Parcel No. 128-03-029;

Thence easterly along said northerly line to its intersection with an easterly line thereof;

Thence southerly along said easterly line to its intersection with a northerly line thereof;

Thence easterly along said northerly line to its intersection with the westerly line of a parcel of land conveyed to Sophia D. Harmon by deed dated February 19, 2015 and also known as Cuyahoga County Permanent Parcel No. 128-04-067;

Thence southerly along said westerly line and its prolongation to its intersection with the centerline of Glencrest Court;

Thence westerly along said centerline to its intersection with the centerline of Britt Oval;

Thence westerly along the centerline of Britt Oval to its intersection with the centerline of Martin Luther King Jr. Drive;

Thence westerly along said centerline to the place of origin;

and as identified on the attached map shall be established as the boundary of the Legacy Pointe at St. Luke's PUD;

Section 2. That the lands bounded and described as follows:

Beginning at the intersection of Martin Luther King Jr. Drive and Britt Oval;

Thence northerly and easterly following the arc of Britt Oval back to its intersection with the centerline of Martin Luther King Jr. Drive;

Thence westerly along said centerline to the place of origin;

and as identified on the attached map is changed to an 'Open Space Recreation' District;

Section 3. That the change of zoning of lands described in Section 1 through 2 shall be identified as Map Change No. 2552, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



**Establishing a Planned Unit Development (PUD) for the Legacy Pointe at St. Luke's housing development between E. 110th Street and E. 115th Street north of MLK Jr. Drive and south of Woodland Ave and designating Britt Oval as an Open Space Recreation district as shown on the attached map
Map Change No. 2552.**

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

**Res. No. 1442-16.
By Council Members McCormack, K. Johnson and Brancatelli (by departmental request).**

An emergency resolution declaring the intent to vacate a portion of West 29th Street and Vermont Avenue.

Whereas, this Council is satisfied that there is good cause to vacate a portion of West 29th Street and Vermont Avenue, as described; and

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

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

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

West 29th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being all that portion of West 29th Street (66.00 feet wide) extending from the North line of Detroit Avenue (100.00 feet wide) to its intersection

with the North line of Vermont Avenue (40.00 feet wide).

Vermont Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being all that portion of Vermont Avenue (Width Varies) extending from the West line of West 28th Street (66.00 feet wide) Westerly to its intersection with that portion of Vermont Avenue vacated by City of Cleveland ordinance 2411-47 passed 4-26-1948.

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

Section 2. That this resolution 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 adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on

Municipal Services and Properties, Development Planning and Sustainability.

Res. No. 1458-16.

By Council Member Conwell.

An emergency resolution supporting and encouraging Mayor Jackson and his Administration to continue and expand the development of smart city technology and collaborative partnerships with the private sector that will provide social and economic benefits to the City of Cleveland and the surrounding region.

Whereas, a smart city is an urban development vision to integrate multiple information and communication technology to enhance quality, performance and interactivity of urban services to reduce cost and resource consumption and to improve contact between citizens and government; and

Whereas, a smart city makes more efficient use of physical infrastructure through artificial intelligence and analytics to support a strong and healthy economic, social, and cultural development for the residents of the city; and

Whereas, a smart city utilizes and promotes new technology collaborations to address key challenges such as reducing traffic congestion, fighting crime, fostering economic growth, managing the effects of climate change, and improving the delivery of city services; and

Whereas, a smart city encourages the inclusive approach to open data where datasets from municipalities, community organizations, foundations, universities, health care institutions can be shared thus creating collaborative partnerships in addressing both local and regional problems as well as working toward creative solutions to improve services and the quality of life for citizens; and

Whereas, the proliferation of technology is happening at increasing speed, changing the landscape of cities, which will promote the change in the physical infrastructure of the city; and

Whereas, attracting private investment into public infrastructure is essential for new job creation, economic development, and the City's long term economic competitiveness; and

Whereas, innovation is key to being competitive in the regional, national and global marketplace, which is why the city must embrace new and innovative ideas and technology solutions; and

Whereas, smart city public-private partnerships can identify, finance, and support capital projects that will implement a range of smart city solutions to create new revenues while expanding the quality of life for Cleveland residents; and

Whereas, the Jackson Administration has already developed smart city technologies and partnerships, including for example its partnership with NEO CANDO, Northeast Ohio Community and Neighborhood Data for Organizing, using geographical information system (GIS) techniques to enhance property data in order to identify vacant and abandoned properties and prevent more abandonment; and

Whereas, the Administration and its partners have developed a Smart City Cleveland project with the United States Department of Transportation Federal Transit Administration that commits to using smart city technology to improve surface transportation, while improving public safety, transit service and energy security; and

Whereas, other examples of the Administration's development of smart city technologies are the following: 1) parking space indicators at Cleveland Hopkins Airport used to indicate which parking spaces are open or occupied in the parking garage; 2) video surveillance cameras in the downtown district and some of the City's commercial corridor providing twenty-four hour video surveillance; 3) an upcoming downtown project using automated lighting and monitoring of parking spaces on West 6th Street and West 9th Street; and 4) an upcoming project involving General Electric and Siemens cameras and small lighting; and

Whereas, this Council encourages the Administration to expand its smart city technology efforts and seek opportunities such as the City of Columbus' recent award of \$40 million

in federal start-up funds from the Department of Transportation's "smart cities" competition to link an impoverished community to jobs using driverless vehicles; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore, Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council supports and encourages Mayor Jackson and his Administration to continue and expand the development of smart city technology and collaborative partnerships with the private sector that will provide social and economic benefits to the City of Cleveland and the surrounding region.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Mayor Jackson.

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.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1447-16.

By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Petco Foundation for the 2016 Petco Grant for canine Enrichment Personnel Program; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$75,000, and any other funds that may become available during the grant term from the Petco Foundation to conduct the 2016 Petco Grant for canine Enrichment Personnel Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1447-16-A, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other

governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with or make payments to agencies, entities, or individuals to implement the grant as described in the file.

Section 5. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

Section 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.

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1459-16.

By Council Member Cummins.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Detroit Shoreway Community Development Organization for the Brooklyn Centre and Jones Home Historic Districts Marketing and Signage Program through the use of Ward 14 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 Detroit Shoreway Community Development Organization for the Brooklyn Centre and Jones Home Historic Districts Marketing and Signage Program for the public purpose of marketing these specific neighborhoods as an important, historic and vibrant neighborhood for city of Cleveland residents through the use of Ward 14 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$18,779 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1460-16.

By Council Member Reed.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Mt. Pleasant NOW Development Corporation for the Holiday Food Gift Card Program through the use of Ward 2 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into an agreement effective November 21, 2016 with the Mt. Pleasant NOW Development Corporation for the Holiday Food Gift Card Program for the public purpose of providing food cards and food baskets to needy low to moderate income residents residing in the city of Cleveland through the use of Ward 2 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$7,500 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1461-16.

By Council Members Polensek and J. Johnson.

An emergency ordinance authorizing the Director of the Department of Community Development with the St. Clair Superior Development Corporation for the Holiday Food Gift Card Program through the use of Wards 8 and 10 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 an agreement effective November 21, 2016 with the St. Clair Superior Development Corporation for

the Holiday Food Gift Card Program for the public purpose of providing food gift cards to needy low to moderate income residents residing in the city of Cleveland through the use of Wards 8 and 10 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$15,000 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1471-16.

By Council Members McCormack and Kelley (by departmental request).

An emergency ordinance designating Lakeside Avenue between East 13th Street and East 16th Street with a secondary and honorary designation of "Tom Beres Way".

Whereas, this ordinance constitutes an emergency measure for the immediate preservation of public peace, property, health or safety in that the citizens of Cleveland want to honor Tom Beres with a second and honorary street designation on Lakeside Avenue; now, therefore,

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

Section 1. That Lakeside Avenue between East 13th Street and East 16th Street is designated with a secondary and honorary designation of "Tom Beres Way".

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 adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1480-16.

By Council Members Conwell, Reed, McCormack, Ken Johnson, Cleveland, Polensek, Cummins, Kazy and Keane.

An emergency ordinance authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Public Works is hereby authorized to enter into agreement effective January 2, 2017 with Poise Entertainment Co. for the Youth Music Education Program for the public purpose of providing music education programming to city of Cleveland youth through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$9,500 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1462-16.

By Council Member Dow.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 8802 Superior Avenue and repealing Resolution No. 275-16 objecting to said permit.

Whereas, this Council objected to a transfer of ownership of a C1 and C2 Liquor Permit to 8806 Superior Grace, Inc., DBA Pagetown Wireless, 8802 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 2455479 by Resolution No. 275-16 adopted by the Council on February 29, 2016; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 8806 Superior Grace, Inc., DBA Pagetown Wireless, 8802 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 2455479, be and the same is hereby withdrawn and Resolution No. 275-16, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 1463-16.

By Council Member Brancatelli.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D3, D3A and D6 Liquor Permit at 4002 Jennings Road and repealing Resolution No. 527-16 objecting to said permit.

Whereas, this Council objected to a transfer of ownership of a D1, D3, D3A and D6 Liquor Permit to ICB 1, Inc., DBA Iron City Café, 4002 Jennings Road, Cleveland, Ohio 44109, Permanent Number 4119413 by Resolution No. 527-16 adopted by the Council on April 25, 2016; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the transfer of ownership of a D1, D3, D3A and D6 Liquor Permit to ICB 1, Inc., DBA Iron City Café, 4002 Jennings Road, Cleveland, Ohio 44109, Permanent Number 4119413, be and the same is hereby withdrawn and Resolution No. 527-16, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 1464-16.

By Council Member Brancatelli.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 3578 Independence Road and repealing Resolution No. 946-16 objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 Liquor Permit to LRC Enterprises, LLC, DBA Club 1227, 3578 Independence Road, Cleveland, Ohio 44105, Permanent Number 4949651 by Resolution No. 946-16,

adopted by the Council on August 10, 2016; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the renewal of a D5 Liquor Permit to LRC Enterprises, LLC, DBA Club 1227, 3578 Independence Road, Cleveland, Ohio 44105, Permanent Number 4949651, be and the same is hereby withdrawn and Resolution No. 946-16, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 1475-16.

By Council Member J. Johnson.

An emergency resolution objecting to the TREX transfer of ownership of a D5 and D6 Liquor Permit to 1321 East 40th Street.

Whereas, Council has been notified by the Division of Liquor Control of an application for the TREX transfer of ownership of a D5 and D6 Liquor Permit from JRR & R, Inc., DBA J Roys Lounge, 21300 Libby Road, Maple Heights, Ohio 44137, Permanent Number 41828740005 to Free Chuck, LLC, DBA Pats Tavern, 1321 East 40th Street, Cleveland, Ohio 44114, Permanent Number 2904966; 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 TREX transfer of ownership of a D5 and D6 Liquor Permit from JRR & R, Inc., DBA J Roys Lounge, 21300 Libby Road, Maple Heights, Ohio 44137, Permanent Number 41828740005 to Free Chuck, LLC, DBA Pats Tavern, 1321 East 40th Street, Cleveland, Ohio 44114, Permanent Number 2904966; 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 to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 1476-16.

By Council Member Dow.

An emergency resolution objecting to a New D4 Liquor Permit at 3615 Euclid Avenue.

Whereas, Council has been notified by the Division of Liquor Control of an application for a New D4 Liquor Permit at Royal Order of Jesters Court 14, DBA ROJ Court 14, 3615 Euclid Avenue, Cleveland, Ohio 44113, Permit Number 7565014; 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 a New D4 Liquor Permit at Royal Order of Jesters Court 14, DBA ROJ Court 14, 3615 Euclid Avenue, Cleveland, Ohio 44113, Permit Number 7565014; 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 to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1273-16.

By Council Members Cummins, Brancatelli and Keane.

An emergency ordinance allowing the Regional Transit Authority to place advertising on permitted bus shelters and transit stations.

Approved by Directors of City Planning Commission, Finance, Law; Passage recommended by Committees on Transportation, Development Planning and Sustainability, Finance.

The rules were suspended. Yeas 15. Nays 1. Read second time. Read third time in full. Passed. Yeas 15. Nays 1.

Those voting yea: Council Members Brady, Brancatelli, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Kazy, Keane, Kelley, McCormack, Mitchell, Reed, Zone.

Those voting nay: Council Member Polensek

Ord. No. 1282-16.

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

An emergency ordinance authorizing the Director of Capital Projects to enter into a maintenance, inspection, and repair agreement and to issue an encroachment permit, either separately or in combination with the agreement, to The Cleveland Clinic Foundation to encroach into the public rights-of-way over East 105th Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Development Planning and Sustainability, when amended, as follows:

1. In Section 1, line 3, after "permit" insert a comma.

2. In Section 2, line 1, after "into" insert "one or more"; in line 2, strike "agreement" and insert "agreements"; and in line 4, strike "ordinances." and insert "the following ordinances: Ordinance No. 328-78, passed April 24, 1978, Ordinance No. 315-83, passed June 15, 1983, Ordinance No. 54-84, passed March 5, 1984, Ordinance No. 550-94, passed May 2, 1994, and Ordinance No. 1296-97, passed October 20, 1997."

The rules were suspended. Yeas 15. Nays 1. Read second time. Read third time in full. Passed. Yeas 15. Nays 1.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

Those voting yea: Council Members Brady, Brancatelli, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Kazy, Keane, Kelley, McCormack, Mitchell, Reed, Zone.

Those voting nay: Council Members Polensek.

Ord. No. 1309-16.

By Council Member Mitchell.

An emergency ordinance designating the Levi T. Scofield Residence as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1334-16.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Northeast Ohio Regional Sewer District to encroach into the public right-of-way of Division Avenue by installing, using and maintaining an exterior access stairwell to the District's pump station.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Development Planning and Sustainability.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1341-16.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Cuyahoga County Department of Public Safety and Justice Services for the FY 2016 Cleveland Domestic Violence Program; and to enter into one or more contracts with Cuyahoga County and other entities to implement the program.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1342-16.

By Council Members Cleveland and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Workforce Development to apply for, accept and expend funds and resources from the Ohio Department of Job and Family Services, or other fiscal agents, for the 2016 Workforce Innovation and Opportunity Act and Workforce Development Program grants; to enter into contracts and memoranda of understanding with various entities necessary to administer and implement the Workforce Development programs; to enter into one or more agreements with Cuyahoga County, or other fiscal agents, to accept monies for implementation of the programs; and to sublease areas at OhioMeansJobs Cleveland-Cuyahoga County One-Stop Service Center, located at 1020 Bolivar Road.

Approved by Directors of Workforce Development, Finance, Law; Passage recommended by Committees on Workforce and Community Benefits, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1345-16.

By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice's Bureau of Justice Assistance for the FY 2016 Byrne Justice Assistance Grant (JAG) Local Solicitation; and authorizing one or more contracts with Cuyahoga County and the cities of East Cleveland and Cleveland Heights needed to implement the grant.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Safety, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1346-16.

By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 16 State Byrne Memorial Justice Assistance Grant for the operation of the Northern Ohio Law Enforcement Task Force (NOLETF); and authorizing the Director to enter

into agreements with various municipalities or governmental agencies needed to implement the grant.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Safety, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1347-16.

By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the FY 2017 Impaired Driving Enforcement Program (IDEP) Grant.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Safety, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1348-16.

By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the FY 2017 Selective Traffic Enforcement Program (STEP) Grant.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Safety, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1356-16.

By Council Member Polensek.

An emergency ordinance designating Henry Wadsworth Longfellow School as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1389-16.

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

An emergency ordinance authorizing the Director of Community Development to consent to the assignment of HOME Loan Contract No. 57501 from Glenville Development Corporation to Famicos Foundation for the Glenville Elderly Project; and authorizing the director to enter into an amendment to the assigned contract regarding certain terms.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1390-16.

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

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

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1391-16.

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

An emergency ordinance authorizing the Director of Community Development to lease certain property, formerly known as the Memphis School site, located at 4103 Memphis Avenue to the Cuyahoga County Land Reutilization Corporation, or its designee, to sublease portions to other tenants for the purposes of urban farming, community gardening, and a vineyard, including processing and wine distribution, for a term of twenty-five years, and four options to renew for five-years each, exercisable by the Director of Community Development.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance, when amended, as follows:

1. In the title, strike lines 12 and 13 in their entirety and insert "each, which shall require additional legislative authority to exercise."

2. In Section 2, lines 2 and 3, strike "exercisable by the Director of Community Development." and insert "which shall require additional legislative authority to exercise." Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 1410-16.

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

An emergency ordinance authorizing the Mayor to place covenants and deed restrictions on City-owned property located at the southwest corner of East 55th and Woodland Avenue, being conveyed to HEC Properties, LLC.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1411-16.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a development agreement with HEC Properties, LLC, or their designee, for the sale and redevelopment of property located at the corner of East 55th Street and Woodland Avenue; and authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1412-16.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with HEC Properties, LLC, or its designee, to provide for tax abatement for certain real property improvements at 2700 East 55th Street in the Cleveland Area Enterprise Zone.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1414-16.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Intesa Holdings, LLC and Intesa Garage, LLC, or their designees to provide financial assistance towards improvements related to the mixed-use retail and residential apartment building and parking garage to be located on several permanent parcels at the vacant site at the intersection of Mayfield Road and the new extension of Circle Drive; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1415-16.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with

Worthington Yards Ltd, or its designee, for project debt associated with the Worthington Yards Project to be located at 725 Johnson Court; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1416-16.

By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Attorney General for the 2016-17 Ohio Drug Use Prevention - DARE Program.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Safety, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1417-16.

By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County Public Safety and Justice Services for the FY 2016 Violence Against Women Act (VAWA) grant for a sexual assault advocate under the Cleveland Domestic Violence Program; and authorizing a contract with the Cleveland Rape Crisis Center.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Safety, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1418-16.

By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County Public Safety and Justice Services for the FY 2016 Violence Against Women Act (VAWA) grant for the Cleveland Domestic Violence Program.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Safety, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1419-16.

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

An emergency ordinance to amend Section 1 of Ordinance No. 417-15, passed April 20, 2015, relating to the purchase by one or more requirement contracts of various on-road vehicles, apparatus, and off-road equipment,

cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1427-16.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an allocation agreement with Cuyahoga County for the allocation of the proceeds of the continued levy of the County Excise Taxes for First Energy Stadium, Progressive Field, and Quicken Loans Arena.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1428-16.

By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Community Relations to enter into a contract with Cleveland Peacemakers Alliance, Inc. for professional services necessary to develop and implement a hospital-based violence intervention program, for a period of one year, with one option to renew for an additional year, exercisable by the Director of the Community Relations Board.

Approved by Directors of Community Relations Board, Finance, Law; Passage recommended by Committees on Safety, Finance, when amended, as follows:

1. In Section 1, lines 6 and 7, strike "\$75,000" and insert "\$100,000" in both places; and in line 8, after "01-0109-6320" insert "and \$5,000 each from Wards 2, 8, 9, 10 and 15 Casino Revenue Fund No. 10 SF 188".

Amendment agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 1429-16.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the secretary of the Civil Service Commission to enter into one or more contracts with EB Jacobs, LLC for professional services necessary to provide and implement Division of Fire promotional examinations, for a period of one year.

Approved by Secretary of Civil Service Commission and Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1430-16.

By Council Member Kelley (by departmental request).

An emergency ordinance to make additional appropriations of Four Million One Hundred Thousand (\$4,100,000) of General Fund Seven Hundred Fifty Thousand (\$750,000) of Enterprise Funds and Eight Hundred Twenty Five Thousand (\$825,000) of Debt Service Funds.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1431-16.

By Council Member Kelley (by departmental request).

An emergency ordinance to provide for the transfer and amendment to the General Fund appropriations in the amount of Fourteen Million Three Hundred Forty Five Thousand (\$14,345,000) and Eight Hundred Thirty Thousand (\$830,000) within the Enterprise Fund.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1432-16.

By Council Member Kelley (by departmental request).

An emergency ordinance to make temporary appropriations for the current payrolls and other ordinary expenses of the City of Cleveland from the period from January 1, 2017 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2017.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**SECOND READING
ORDINANCES PASSED**

Ord. No. 1015-16.

By Council Member Kelley (by initiative petition).

An ordinance to supplement the Codified Ordinances of the City of Cleveland, 1976, by enacting a new chapter relating to "Democracy Day" and providing that the people of the City of Cleveland support the movement to amend the U.S. Constitution to establish that corporations are not people and money is not speech and also providing for biennial public hearings on these topics.

Approved by Director of Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1255-16.

By Council Member Brancatelli. An ordinance changing the Use, Area and Height districts and establishing an Urban Form Overlay district along W. 25th Street and Denison Ave between Bradwell Ave and I-71 (Map Change No. 2546).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1256-16.

By Council Member Zone.

An ordinance changing the Use and Area districts of the northeast and southeast parcels of Franklin Ave and W. 52nd Street to Local Retail and Townhouse and establishing an Urban Form Overlay district on the northeast corner of Franklin and W. 52nd Street (Map Change No. 2549).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability, when amended, as follows:

1. In the title, line 3; in Section 1, lines 2 and 3; in Section 2, lines 2 and 3; and in Section 3, line 2, strike "Franklin Ave" and insert "**Franklin Boulevard**".

Amendment agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 1257-16.

By Council Member Brancatelli.

An ordinance changing the Use, Area and Height districts and establishing an Urban Form Overlay district along W. 25th Street and Selzer Ave between Bradwell Ave and Selzer Ave. (Map Change No. 2547).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1358-16.

By Council Member Conwell.

An ordinance changing the Use, Area and Height districts and establishing an Urban Core Overlay District Between Chester Avenue and Euclid Avenue west of Martin Luther King, Jr., Drive and east of East 105th Street (Map Change No. 2548).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

MOTION

On the motion of Council Member Zone, the absence of Council Member Terrell H. Pruitt is hereby authorized. Seconded by Council Member Mitchell.

MOTION

The Council Meeting adjourned at 6:00 p.m. to meet at the call of the Chair.

The next scheduled meeting of Council is Monday, January 9, 2017, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

The following measures will be on their final passage at the next meeting:

NONE

BOARD OF CONTROL

November 30, 2016

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 30, 2016 at 10:37 am. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Davis, Interim Director Szabo, Acting Directors Cusick, Eckart, Cosgrove, Directors West, Nichols, and Acting Director Donald.

Absent: Mayor Jackson, Directors Cox, and Fumich.

Others: Tiffany White Johnson, Commissioner, Purchases & Supplies.

Michael Curry, Office of Equal Opportunity.

On motions, the following resolutions were adopted, except as may be otherwise noted.

Resolution No. 482-16.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Thermo Electron North America, LLC for an estimated quantity of the purchase of HPLC/PDA Detector and Appurtenances, Item 1, for the Division of Water, Department of Public Utilities, received on August 12, 2016, under the authority of Section 129.28 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the order quantities would amount to \$73,238.53 (0%, 45 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a contract for the items.

Yeas: Directors Langhenry, Dumas, Davis, Interim Director Szabo, Acting Directors Cusick, Eckart, Cosgrove, Directors West, Nichols, and Acting Director Donald.
Nays: None.

Absent: Mayor Jackson, Directors Cox, and Fumich.

Resolution No. 483-16.

By Director Davis.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 7, 2016 for Disposal of Catch Basin Debris, for the Division of Water Pollution Control, Department of Public Utilities, of under the authority of Section 129.29 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Langhenry, Dumas, Davis, Interim Director Szabo, Acting Directors Cusick, Eckart, Cosgrove, Directors West, Nichols, and Acting Director Donald.
Nays: None.

Absent: Mayor Jackson, Directors Cox, and Fumich.

Resolution No. 484-16.

By Director Davis.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Sona Construction, LLC for the public improvement of WPC Building Improvements Phase II - Garage Ventilation and Windows Project (Total Gross Price including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on October 5, 2016, under the authority of Ordinance No. 1554-13, passed by the Council of the City of Cleveland on February 10, 2014, upon a unit basis for the improvement, in the aggregate amount of \$569,800.00, 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 for Sona Construction, LLC for the above-mentioned public improvements is approved:

SUBCONTRACTOR CSB/MBE/FBE WORK

| | |
|-------------------------------|----------------------|
| Miles Mechanical, Inc. | MBE |
| | \$220,000.00(38.60%) |
| Construction Management Team | FBE |
| | \$ 42,000.00(07.40%) |
| D. E. Williams Electric, Inc. | CSB |
| | \$ 15,362.00(02.70%) |
| Wilson-Shaw | Non-Certified |
| | \$177,680.00(31.18%) |

Yeas: Directors Langhenry, Dumas, Davis, Interim Director Szabo, Acting Directors Cusick, Eckart, Cosgrove, Directors West, Nichols, and Acting Director Donald.
Nays: None.

Absent: Mayor Jackson, Directors Cox, and Fumich.

Resolution No. 485-16.

By Director Davis.

Whereas, under authority of Ordinance No. 1497-13, passed by the Council of the City of Cleveland on November 18, 2013, Resolution No. 409-15, adopted by this Board of Control on October 21, 2015, authorized the City to enter into contract with ADP, LLC for administration of Flexible Spending Account services for one year with two one-year renewal options, for a total fee not to exceed \$50,000.00 for the life of the contract, and

Whereas, ADP, LLC, recently notified the City that it has signed definitive agreements to sell its Consumer Health Spending Account business and another to Wage-Works, Inc. by a transaction expected to close by the end of November, 2016, effectively requesting the City's consent to assignment of the contract with ADP, LLC to Wage-Works; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the City consents to the request of ADP, LLC to assign to WageWorks, Inc. the contract for administration of the City's Flexible Spending Account services authorized by Ordinance No. 1497-13, passed November 18, 2013, and Board of Control Resolution No. 409-15, adopted October 21, 2015.

Be it further resolved that the Director of Human Resource is authorized to execute all documents and do all things necessary to effect the consent to the assignment of the contract with ADP, LLC authorized above. A copy of the consent to assignment and the assignment authorized shall be filed with the original of the contract in the custody of the Commissioner of Accounts.

Yeas: Directors Langhenry, Dumas, Davis, Interim Director Szabo, Acting Directors Cusick, Eckart, Cosgrove, Directors West, Nichols, and Acting Director Donald.
Nays: None.

Absent: Mayor Jackson, Directors Cox, and Fumich.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

PHYSICAL EXAMINATION: All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 19, 2016

9:30 A.M.

Calendar No. 16-292: Appeal from Landmark Commission Decision/3011 Vine Court (Ward 3)

Carol Vang appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the City of Cleveland Landmarks Commission rendered on October 13, 2016 regarding design approval of nine townhomes at 3110 Vine Court in Case 16-55. (Filed November 7, 2016)

Calendar No. 16-294: 2330 East 30th Street (Ward 5)

CMHA, owner, proposes to erect an 8' x 3' - 11" and 8' tall single faced, illuminated identification message center ground sign in a C1 Multi-Family Residential District. The owner appeals for relief from Section 350.13 of the Cleveland Codified Ordinances which states that message center ground sign for a community facility in a Residential District requires Board of Zoning Appeals approval. (Filed November 9, 2016)

Calendar No. 16-295: 8006 Townsend Avenue (Ward 6)

Dionne Sanford, owner, proposes to establish use as a Type A daycare in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of Section 337.08(e)(3) which states that Child daycare use in Multi-Family Residential District must be at least 15 feet away from any adjoining premises not used for a similar purpose. (Filed November 11, 2016)

Calendar No. 16-297: 16419 St. Clair Avenue (Ward 8)

Recycle Midwest Inc., owner, proposes to establish use as outside storage of used materials in a C2 Semi-Industry District. The owner appeals for relief from the strict application of Section 345.03(c)(33) of the Cleveland Codified Ordinances which states that outside storage of used or salvaged materials is not permitted in a Semi Industry District. Outside storage of used materials is first permitted in a General Industry District, but only if surrounded by a seven foot high opaque fence or wall and only if 500 feet from a residence district per Section 345.04(a)(1)(C)(3). Premises are not enclosed with seven foot high opaque fence, and are within 500 feet of residence districts to the South and West. (Filed November 17, 2016)

POSTPONED FROM NOVEMBER 28, 2016

Violation Notice

Calendar No. 16-271: Appeal from 4856 Broadway Road (Ward 13)
The Kronenberger Company, owner, and Elie Abou Touma, lessee appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation Number V16033985 issued on October 6, 2016 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(C) of the Cleveland Codified Ordinances which states that there shall be no change or substitution of the use of any building or premises, no extension of any existing premises, nor shall any premises be occupied for any new use until a certificate of

Occupancy has been issued. (Filed October 17, 2016 - No Testimony)

Postponed from November 28, at the request of the Councilman.

POSTPONED FROM NOVEMBER 28, 2016

Calendar No. 16-274: 2469 Tremont Street aka 2471 Tremont Street (Ward 3)

Civic Builders, owner, propose to erect a 1,900 square feet single family house on a 3,510 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum lot width allowed for a single family dwelling in a "B" area district is 40 feet and a 30 foot wide lot is proposed. This section also states that a minimum lot area of 4,800 square feet is required for a single family dwelling and a lot area of approximately 3,510 square feet is proposed.

2. Section 357.08 which states that in a Multi-Family District the depth of the required rear lot shall be not less than 20' and the proposed depth of rear lot is 9' - 5'.

3. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. The proposed distance to adjacent residence is 18 inches.

4. Section 357.09(b)(2)(C) which states that in a Multi-Family District no interior side yard shall be less in width than one-fourth (1/4) the height of the main building on the premises nor less than eight (8) feet. Building mean height is approximately 30' - 8" thus no interior side yard shall be less than the minimum 8' - 0" and a 1' - 6" side yard is proposed.

5. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed October 19, 2016 - No Testimony)

First postponement made at the request of the appellant in order to allow for time to work with the Block Club.

POSTPONED FROM NOVEMBER 21, 2016

Calendar No. 16-240: 2002 Torbenson Drive (Ward 10)

Jason Johnson, owner, and Mekita Anderson, Lessee, propose to establish a Type A daycare within an existing single family residence A1 One-Family Residential. The appellant appeals for relief from the strict application of Section 337.23g(3)(C) of the Cleveland Codified Ordinances which states that a Type A day care shall not be less than 30 feet from adjoining premises in a Residence District not used for similar purpose and requires Board of Zoning Appeals approval after public notice, public hearing, if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board the daycare and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood. (Filed September 1, 2016 - Testimony taken)

Second postponement made at the request of the appellant to allow for

more time to meet with Councilman. First postponement made at the request of appellant in order to allow her time to meet with the Councilman.

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 5, 2016

At the meeting of the Board of Zoning Appeals on Monday, December 5, 2016 the following appeals were scheduled for hearing before the Board.

The following appeal was **APPROVED:**

Calendar No. 16-287: 1300 West 54th Street
Gregory and Holly Scott, owners, propose to erect a 6' x 25' - 3" metal rear deck attached to existing masonry single family residence in a C1 Two-Family Residential District.

The following appeal was **DENIED:**

Calendar No. 16-280: 2750 Woodhill Road
Church Extension Plan, owner, proposes to establish use of property as materials storage yard, including dusty material in a C1 Semi-Industry District and a B3 General Industry District.

The following appeals were **WITHDRAWN:**

Calendar No. 16-140: 12710 Miles Avenue
Badran LLC, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation Number V16014482 issued on May 28, 2016.

Calendar No. 16-281: 16110 Arcade Avenue
Edgar Aznaurov, owner, proposes to erect a 7' - 6" x 14' and 5.67' x 20' one story frame kitchen and laundry room addition.

The following appeals were **DISMISSED:**

Calendar No. 16-236: 2600 Hamilton Avenue/Dance Hall Appeal
Flexco Incorporated, owner, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the Division of Assessments and Licenses to deny the Entertainment Venue Application #EVEN15-00046.

Calendar No. 16-279: 10818 Bernard Avenue
Ramdat Sarran, owner, proposes to erect approximately 60 linear feet of 6 foot high fence and 43 linear feet of 4 foot height fence in a B1 Two-Family Residential District.

Calendar No. 16-282: 2814 York Avenue
Ashley Balasacoe, owner, proposes to install air conditioner condenser

units in the required side yard in a B1 Two-Family Residential District.

The following case was **POSTPONED:**

Calendar No. 16-283: Strongsville Investments Inc.
4115 Howlett Avenue. Postponed to March 6, 2017.

The following cases were heard by the Board of Zoning Appeals on Monday, November 28, 2016 and the decisions are adopted and approved on Monday, December 5, 2016:

The following appeals were **APPROVED:**

Calendar No. 16-249: 4170 Lee Road
4170 Lee Road Tavern, LLC., owner, doing business as New Sir Rah/King of Diamonds, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances.

Calendar No. 16-256: 6700 Clark Avenue
Mark L. Shawver, owner, proposes to install a shed for storage as a primary use in a Local Retail Business District.

Calendar No. 16-257: 8206 Wade Park Avenue
Phyllis Wilson, owner, proposes to build a parking lot for existing legal non-conforming daycare in a D2 Multi-Family Residential District.

Calendar No. 16-286: 598 East 185th Street
Curtis A. Hart, owner, and prospective purchaser Joe Zawatski propose to add use of motor vehicle service or repair garage and motor vehicle sales facility to existing, nonconforming car wash in a C1 Local Retail Business District.

The following case was heard by the Board of Zoning Appeals on Monday, October 24, 2016 and the decision was adopted and approved on Monday, December 5, 2016:

Calendar No. 16-251: 6920 Gertrude Avenue
Walter Eddy, owner, proposes to erect a 31' x 31' 1 story frame accessory detached gable garage on vacant lot in a B1 Two-Family Residential District.

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of November 30, 2016

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in the City Record:

* * *

Docket A-190-16.
RE: Appeal of Miljo Popovic, Owner of the Two Dwelling Units

Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 7219 Union Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 24, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that it is an investment property and the Appellant did not appear for the hearing. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saab, Bradley, Maschke. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-196-16.

RE: Appeal of Ace Real Estate Investments, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 3180 West 44th Street from a NOTICE OF VIOLATION — HAZARDOUS CONDITIONS, dated September 12, 2016, and from a VACATE ORDER, dated September 13, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that the testimony presented indicates hazardous conditions and to uphold the Vacate Order. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Saab, Bradley, Maschke. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-197-16.

RE: Appeal of Vincente Diaz, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 7115 Hecker Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 14, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant Appellant until July 01, 2017 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saab, Bradley, Maschke. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-198-16.

RE: Appeal of Wendell Williams, Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Three Story Masonry Walls/Wood Floors Property, located on the premises known as 1379 East 86th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 14, 2016, and a One Story Garage - Detached; Masonry Property from a CONDEMNATION ORDER — GARAGE, dated September 15, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that the testimony presented indicates that the property is in condemned condition and that the Appellant was not present for the hearing. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Saab, Bradley, Maschke. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-199-16.

RE: Appeal of Corey Perry, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 3336 West 61st Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 22, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until December 30th, 2016 to present plans to the Building Department and obtain all required permits, and until May 30, 2017 to complete abatement of the violations, noting that failure to meet any of those dates will result in the property be REMANDED immediately; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Saab, Bradley, Maschke. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-200-16.

RE: Appeal of Barbara Sinclair, Owner of the One Dwelling Unit Single-Family Residence One Story Frame Property, located on the premises known as 4246 East 175th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 29, 2016 of the Director of the Department of

Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-200-16 has been POSTPONED; to be rescheduled for January 11, 2017.

* * *

Docket A-201-16.

RE: Appeal of Allen F. Mix, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property, located on the premises known as 3889 Brookside Boulevard from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 29, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until May 30, 2017 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab

Yeas: Messrs. Denk, Saab, Bradley, Maschke. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-202-16.

RE: Appeal of John Staten, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 2912 Barber Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 22, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 01, 2017 to complete abatement of the violations, with the note that the grounds must be maintained in presentable condition; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saab, Bradley, Maschke. Nays: None. Absent: Mr. Gallagher.

* * *

EXTENSION OF TIME:

Docket A-138-16.

Dvorak Family Trust - 12014 Milan Avenue:

A motion is in order at this time to grant the Appellant until January 30th, 2017 to obtain all required permits for the work; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saab, Bradley, Maschke. Nays: None. Absent: Mr. Gallagher.

AMENDED RESOLUTION:

Docket A-145-16.

2044 Euclid Lofts, LLC - 2044 Euclid Avenue:

FROM: to grant the variance to the duct insulation and permit it to remain outside the building and not be rated, with the provision that sheet metal screens, as indicated on the drawings, be installed at the windows and balconies at full height...

TO: to grant the variance to the requirement for the exhaust duct insulation beyond the building exterior wall, with the provision that sheet metal panels, as indicated on the drawings, be installed at the windows and balconies...

Yeas: Messrs. Denk, Saab, Bradley, Maschke. Nays: None. Absent: Mr. Gallagher.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-145-16 — 2044 Euclid Lofts, LLC (Amended)
- A-167-16 — Neil T. Clough
- A-179-16 — Raechel Sheobilas
- A-191-16 — William Phillips
- A-192-16 — Carmen Rosales
- A-195-16 — U.S. Bank, N.A.
- A-211-16 — Kim Crow

Yeas: Messrs. Denk, Saab, Bradley, Maschke. Nays: None. Absent: Mr. Gallagher.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

November 16, 2016

Yeas: Messrs. Denk, Saab, Bradley, Maschke. Nays: None. Absent: Mr. Gallagher.

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

FRIDAY, DECEMBER 16, 2016

File No. 151-16 — J. Glen Smith Boiler Improvements, for the Division of Architecture and Site Development, Office of Capital Projects, as authorized by Ordinance No. 733-14, passed by the Council of the City of Cleveland, June 9, 2014.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, THURSDAY, DECEMBER 8, 2016 AT 11:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 517A, CLEVELAND, OH 44114.**

November 30, 2015 and December 7, 2016

THURSDAY, DECEMBER 22, 2016

File No. 150-16 — Cremation Services for the Indigent Dead, for the Division of Vital Statistics, Department of Public Health, as authorized by Ordinance No. 549-16, passed by the Council of the City of Cleveland, June 7, 2016.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, THURSDAY, DECEMBER 15, 2016 AT 10:00 A.M. THE CLEVELAND DEPARTMENT OF PUBLIC HEALTH, 75 ERIEVIEW PLAZA, 2ND FLOOR, CLEVELAND, OH 44114.**

November 30, 2015 and December 7, 2016

THURSDAY, DECEMBER 22, 2016

File No. 153-16 — Ridge Road Streets Facility - Fire Restoration, for the Division of Architecture and Site Development, Office of Capital Projects, as authorized by Ordinance No. 733-14, passed by the Council of the City of Cleveland, June 9, 2014.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, TUESDAY, DECEMBER 13, 2016 AT 10:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 517A, CLEVELAND, OH 44114.**

December 7, 2015 and December 14, 2016

FRIDAY, JANUARY 5, 2017

File No. 152-16 — 2017-2019 Citywide Ready Mix Concrete, for the Division of Purchases and Supplies, Department of Finance, as authorized by Section 181.01 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, FRIDAY, DECEMBER 16, 2016 AT 2:00 P.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 514, CLEVELAND, OH 44114.**

December 7, 2015 and December 14, 2016

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1169-16. By Council Members Zone, K. Johnson and Brancatelli (by departmental request).

An emergency resolution declaring the intent to vacate a portion of the 1st un-named Alley East of West 65th Street and North of West Clinton Avenue.

Whereas, this Council is satisfied that there is good cause to vacate a portion of the 1st un-named Alley East of West 65th Street and North

of West Clinton Avenue, as described; and

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

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

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, of part of Original Brooklyn Township 160 Acre Lot 32 further described as follows:

Being the 1st un-named Alley (20.00 feet wide), East of West 65th Street (80.00 feet wide) and North of West Clinton Avenue N.W. (60.00 feet wide) extending from the North line of West Clinton Avenue N.W. (60.00 feet wide) Northerly to its terminus as shown in the Gordon Allotment in Volume 21 of Maps, Page 2 of Cuyahoga County Records.

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

Section 2. That this resolution 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 adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted November 28, 2016.
Effective November 29, 2016.

Ord. No. 1276-16.

By Council Members Brady and Kelley (by departmental request).

An emergency ordinance determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, roofs; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement, for a period of two years for contracts executed by December 31, 2019.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, the repair and replacement of roofs for a period of two years for contracts executed by December 31, 2019 (the "Improvement"), for the various divisions of the Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making

of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

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

Section 4. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 5. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 50 SF 002, 52 SF 001, 54 SF 001, 54 SF 400, 58 SF 001, and from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, Request No. RQS 2002, RL 2016-86.

Section 6. That the Director of Public Utilities shall provide an annual status report to the Chair of the Public Utilities Committee, that includes OEO participation levels, for any contracts let under this legislation.

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 November 28, 2016.
Effective November 29, 2016.

Ord. No. 1277-16.

By Council Members Brady and Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services necessary to repair and maintain the decorative and special lighting for City bridges and the Wyland Whale Mural Park on North Marginal Road, including labor and insurance, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years with two one-year options to renew, the first of which requires additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years with two one-year options to renew, of the necessary items of materials, equipment, supplies, and services necessary to repair and maintain the decorative and special lighting for City bridges and the Wyland Whale Mural Park on North Marginal Road, including labor and insurance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercised at the option of the Director of Public Utilities, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 3. That under Section 108 (b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 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.

Passed November 28, 2016.
Effective November 29, 2016.

Ord. No. 1279-16.

By Council Members Brady and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to

apply for NEORS Community Cost Share Program Funds; to enter into an agreement with The Cleveland Metroparks to serve as a sub-grantee to design, construct and maintain up to four bioretention cells at Wildwood Park, for the Office of Sustainability, Department of Public Utilities, for a period of at least fifteen years.

Whereas, under Ordinance No. 642-15, passed July 22, 2015, the Director of Public Utilities applied for and accepted a grant from the US EPA in the amount of \$175,000 for the City of Cleveland Bioretention at Wildwood Park Project ("Wildwood Park Project"); and

Whereas, as part of the above grant application, the City committed to contribute \$175,000 of the NEORS Community Cost Share Program funds as a match for the Wildwood Park Project for a total project budget of \$350,000; and

Whereas, in 2013, management of the City's Lakefront properties, including Wildwood Park, was assumed by Cleveland Metroparks ("Metroparks"); and

Whereas, the City wishes to enter into an agreement with Metroparks to implement the Wildwood Park Project by sub-granting the total project budget of \$350,000 to Metroparks in order for them to design, construct, and maintain up to four bioretention cells at Wildwood Park; and

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

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

Section 1. That the Director of Public Utilities is authorized to apply for and accept funding from the Northeast Ohio Regional Sewer District under the NEORS Community Cost Share Program in the amount of \$175,000, to conduct the Wildwood Park Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the program; and that the funds are appropriated for the purposes described in this ordinance.

Section 2. That a copy of the grant agreement from the US EPA and the project narrative is placed in File No. 1279-16-A.

Section 3. That notwithstanding and as any exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to enter into and execute one or more agreements with Metroparks to implement the Wildwood Park Project, including but not limited to, defining responsibilities under the US EPA grant agreement and NEORS Community Cost Share Program. The agreement shall provide that it is Metropark's responsibility to provide for the design, construction and maintenance of up to four bioretention cells at Wildwood Park for a period of at least fifteen years, and that the City as the main US EPA grant recipient, will retain primary responsibility for grant compliance and reporting, and will ensure that Metroparks complies with all grant terms and conditions during project implementation, and contain other provisions needed to implement the Wildwood Park Project.

Section 4. That the agreement or agreements will be prepared by the Director of Law.

Section 5. That this Council authorizes payment to Metroparks, as subgrantee, in an amount up to \$350,000 to implement the Wildwood Park Project as described in the file, payable from the fund or funds to which are credited the US EPA Grant funds applied for and accepted under Ordinance No. 642-16, passed July 22, 2015, and the fund or funds to which are credited the NEORS Community Cost Share Program funds authorized by this ordinance.

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 November 28, 2016.
Effective November 29, 2016.

Ord. No. 1336-16.
By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance approving the Tax Incentive Review Council's Year 2015 recommendations.

Whereas, under Section 5709.85 of the Revised Code, if a municipal corporation grants an exemption from taxation, they shall create a Tax Incentive Review Council ("TIRC"); and

Whereas, one of the functions of the TIRC is to annually review all agreements granting exemptions from property taxation and to make recommendations to either continue, modify, or cancel their agreements based on various factors, including fluctuations in the business cycle unique to the owner's business; and

Whereas, in compliance with Section 5709.85 of the Revised Code, the City of Cleveland has created a TIRC and the TIRC has made written recommendations on exemptions to be approved by the legislative authority; and

Whereas, under Section 5709.85 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; 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 TIRC's Year 2015 recommendations contained in File No. 1336-16-A are approved.

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 November 28, 2016.
Effective November 29, 2016.

Ord. No. 1337-16.
By Council Members Brancatelli, Dow and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Global X Associate, LLC, or its designee, to provide for tax abatement for certain real property improvements at 2101 Superior Avenue in the Cleveland Area Enterprise Zone.

Whereas, by letter dated October 24, 2016, the City provided the Cleveland Metropolitan School District ("CMSD") with a notice of proposed tax exemptions required by the Revised Code; and

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area, which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Revised Code; and

Whereas, under Ordinance No. 1568-14, passed December 8, 2014, this Council changed the maximum term of tax abatements from ten to fifteen years, as now allowed under Ohio law; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics described in division (A) of Section 5709.61 of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code; and

Whereas, Global X Associates, LLC, or its designee (the "Enterprise") has proposed to renovate the existing K.K. Holmes Building located at 2101 Superior Avenue in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that it would be at a competitive disadvantage operating at this location if taxes on certain real property improvements were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a 10-year, fifty percent (50%) tax abatement for certain real property improvements commencing the first year for which the real property improvements would first be taxable were that property not exempted from taxation; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 1337-16-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305.

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

Section 6. That any contract authorized by this legislation must require the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts. The identification process shall place special emphasis on the hard to employ, including people who are disabled and people who have been convicted of or who have pled guilty to a criminal offense which is unrelated to the duties of the job opportunity.

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 November 28, 2016.
Effective November 29, 2016.

Ord. No. 1349-16.
By Council Members Brady and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Cleveland Housing Network for professional services necessary to provide administration and other related services for the Division of Water's discount affordability program, for a period of one year, with two one-year options to renew, the first of which is exercisable by the Director of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Cleveland Housing Network for professional services necessary to provide administration and other related services for the Division of Water's discount affordability program on the basis of its proposal received on September 8, 2016, in the total sum of \$193,905, for the Department of Public Utilities, for a period of one year, with two one-year options to renew, the first of which is exercisable by the Director of Public Utilities. The first of the

one-year options to renew may be exercised by the Director of Public Utilities, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. RQS 2002, RL 2016-99.

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 November 28, 2016.
Effective November 29, 2016.

Ord. No. 1350-16.

By Council Members Brady and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Kronos Incorporated for professional services necessary to maintain the current time and attendance workforce system and software and hardware support, 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 Utilities is authorized to enter into one or more contracts with Kronos Incorporated for professional services necessary to maintain the current time and attendance workforce system and software and hardware support on the basis of its proposal dated September 29, 2016, in the total sum of \$71,684.12, for the Department of Public Utilities, for a period of one year. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. RQS 2002, RL 2016-105.

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 November 28, 2016.
Effective November 29, 2016.

Ord. No. 1351-16.

By Council Members Brady and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with AT & T for professional services necessary to add new network telecommunications services, for the various divisions of the Department of Public Utilities for a period of five years.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with AT & T for

professional services necessary to add new network telecommunications services for the various divisions of the Department of Public Utilities on the basis of its proposal dated July 6, 2016, in the total sum of \$750,000 annually, for a period of five years. The contract or contracts shall be paid from Fund Nos. 50 SF 001, 52 SF 001, 54 SF 001, and 58 SF 001 for the first contract year, and then appropriated annually from funds approved by the Director of Finance.

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 November 28, 2016.
Effective November 29, 2016.

Ord. No. 1352-16.

By Council Members Brady and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. RC 2015-35 with Vancuren Services, Inc. for tree trimming services.

Whereas, under the authority of Ordinance No. 863-13, passed August 14, 2013, the Director of Public Utilities entered into Contract No. RC 2015-35 with Vancuren Services, Inc. for tree trimming services; and

Whereas, Ordinance No. 863-13 requires further legislation before exercising the first options to renew on 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 Utilities is authorized to exercise the first option to renew Contract No. RC 2015-35 with Vancuren Services, Inc. for tree trimming services, in the total approximate amount of \$640,000. This ordinance constitutes the additional legislative authority required by Ordinance No. 863-13 to exercise the option. RQN 2004, RL 2016-37.

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 November 28, 2016.
Effective November 29, 2016.

Ord. No. 1353-16.

By Council Members Brady and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to exercise the first options to renew Contract No. RC 2015-37 with Sargent Electric Company and Contract No. RC 2015-41 with Preventive Power and Maintenance, Inc. for the cleaning of insulators, bushings and lighting arrestors.

Whereas, under the authority of Ordinance No. 1595-13, passed January

27, 2014, the Director of Public Utilities entered into Contract No. RC 2015-37 with Sargent Electric Company and Contract No. RC 2015-41 with Preventive Power and Maintenance, Inc. for the cleaning of insulators, bushings and lighting arrestors; and

Whereas, Ordinance No. 1595-13 requires further legislation before exercising the first options to renew on 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 Utilities is authorized to exercise the first option to renew Contract No. RC 2015-37 with Sargent Electric Company and the first option to renew Contract No. RC 2015-41 with Preventive Power and Maintenance, Inc. for the cleaning of insulators, bushings and lighting arrestors, in the total approximate amount of \$500,000. This ordinance constitutes the additional legislative authority required by Ordinance No. 1595-13 to exercise these options. RQN 2004, RL 2016-39.

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 November 28, 2016.
Effective November 29, 2016.

Ord. No. 1354-16.

By Council Members Brady and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to exercise the first options to renew Contract No. MA RC 2015-51 with Phoenix Partners LLC dba Cleveland Valve & Gauge and Contract No. MA RC 2015-45 with Industrial Valves and Universal Machine & Valve Co. for labor and materials necessary to repair, replace and maintain various types of valves, actuators, and appurtenances.

Whereas, under the authority of Ordinance No. 850-14, passed August 20, 2014, the Director of Public Utilities entered into Contract No. MA RC 2015-51 with Phoenix Partners LLC dba Cleveland Valve & Gauge and Contract No. MA RC 2015-45 with Industrial Valves and Universal Machine & Valve Co. for labor and materials necessary to repair, replace and maintain various types of valves, actuators, and appurtenances; and

Whereas, Ordinance No. 850-14 requires further legislation before exercising the first options to renew on 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 Utilities is authorized to exercise the first options to renew Contract No. MA RC 2015-51 with Phoenix Partners LLC dba Cleveland Valve & Gauge and Contract No. MA RC 2015-45 with Industrial Valves and Universal Machine & Valve Co. for labor and

materials necessary to repair, replace and maintain various types of valves, actuators, and appurtenances, in the total approximate amount of \$150,000. This ordinance constitutes the additional legislative authority required by Ordinance No. 850-14 to exercise these options. RQN 2002, RL 2016-35.

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 November 28, 2016.
Effective November 29, 2016.

Ord. No. 1392-16.
By Council Member Kelley (by departmental request).
An emergency ordinance authorizing the Director of Finance to enter into various written standard purchase and requirement contracts for the purchase of medical materials, equipment, supplies, and services, for the various divisions of City government, for a period of one year with two one-year options to renew, exercisable by the Director of Finance.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore, Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976 for a period of one year with two one-year options to renew, exercisable by the Director of Finance, for the necessary items of medical materials, equipment, supplies, and services, including but not limited to first responder supplies, first aid supplies, pharmaceutical services, laboratory testing, and related items and services, for the various divisions of City government, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 2. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors

selected through that cooperative process.

Section 4. That the cost standard contracts authorized shall be paid from Fund No. 01-1505-6410 and other funds approved by the Director of Finance, Request No. RQN 1505, RL 2016-9.

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 November 28, 2016.
Effective November 29, 2016.

Ord. No. 1394-16.
By Council Member Kelley (by departmental request).
An emergency ordinance authorizing the Director of Human Resources to exercise the second option to renew Contract No. CT 0402 PS 2015-053 with The Fedeli Group to provide professional services necessary to analyze health care providers, benefits, and claims, and to evaluate proposals received for benefit management services.

Whereas, under the authority of Ordinance No. 621-14, passed June 2, 2014, the Director of Human Resources entered into Contract No. CT 0402 PS 2015-053 with The Fedeli Group to provide professional services necessary to analyze health care providers, benefits, and claims, and to evaluate proposals received for benefit management services; and

Whereas, Ordinance No. 621-14 requires further legislation before exercising the second option to renew on this contract; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore, Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Human Resources is authorized to exercise the second option to renew Contract No. CT 0402 PS 2015-053 for an additional year at a cost not to exceed \$150,000, with The Fedeli Group to provide professional services necessary to analyze health care providers, benefits, and claims, and to evaluate proposals received for benefit management services. This ordinance constitutes the additional legislative authority required by Ordinance No. 621-14 to exercise this option. (RQS 0402, RL 2016-123)

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 November 28, 2016.
Effective November 29, 2016.

Ord. No. 1422-16.
By Council Member Zone.
An emergency ordinance authorizing the Director from the Depart-

ment of Community Development to enter into agreement with the Gordon Square Arts District for the Gordon Square Community Arts Program through the use of Ward 15 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement effective January 1, 2017 with the Gordon Square Arts District for the Gordon Square Community Arts Program for the public purpose of providing art education to youth and adults residing in the city of Cleveland through the use of Ward 15 Casino Revenue Funds

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed November 28, 2016.
Effective November 29, 2016.

Ord. No. 1423-16.
By Council Member Zone.
An emergency ordinance authorizing the Director from the Department of Community Development to enter into agreement with the Gordon Square Arts District for the Spotlight on Culture: Arts & Cultural Education Exposition through the use of Ward 15 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement effective January 1, 2017 with the Gordon Square Arts District for the Spotlight on Culture: Arts & Cultural Education Exposition for the public purpose of providing historical educational programming for city residents on the history of the Polish and Latino community in the city of Cleveland as expressed in arts and culture through the use of Ward 15 Casino Revenue Funds

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall

contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed November 28, 2016.
Effective November 29, 2016.

COUNCIL COMMITTEE MEETINGS

**Thursday December 1, 2016
9:30 a.m.**

Health and Human Services Committee & Safety Committee: Present H&HS: Cummins, Chair; Mitchell, Vice Chair; Brady, Conwell, J. Johnson, McCormack. *Authorized Absence:* Cleveland. Present in Safety: Zone, Chair; Conwell, Vice Chair; Kazy, Keane, McCormack, Mitchell, Polensek.

**Monday December 5, 2016
9:00 a.m.**

Development, Planning and Sustainability (Zoning) Committee: Present: Brancatelli, Chair; Cummins, McCormack, Zone. *Authorized Absence:* Cleveland, Vice Chair; Dow, Pruitt. Pro tempore: Keane.

Committee of the Whole: Present: Kelley, Chair; Brady, Brancatelli, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Kazy, Keane, McCormack, Mitchell, Polensek, Reed, Zone. *Authorized Absence:* Pruitt.

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
Bold type in sections indicates amendments

Aging Department

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Authorizing the Clerk of Council to enter into an agreement with Guy Gadowski, CPA to provide professional financial consulting and auditing services necessary for Cleveland City Council. (O 1451-16) 1820

Authorizing the Clerk of Council to enter into an agreement with Mita Marketing LLC for the professional services necessary to assist Cleveland City Council with communications and public relations. (O 1474-16) 1855

Authorizing the Clerk of Council to enter into an agreement with On Technology Partners for the professional services necessary to advise and assist in the maintenance and performance of computer technology projects and to provide specific computer technology services for Cleveland City Council. (O 1448-16)..... 1820

Authorizing the Clerk of Council to enter into an agreement with The Batchelder Company for professional lobbying services for Cleveland City Council. (O 1450-16) 1820

Authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council. (O 1449-16) 1820

Authorizing the Council President to enter into an agreement with Cobalt Group, Inc. to provide professional services regarding Cleveland City Council operations and staff development. (O 1473-16) 1854

Authorizing the Director from the Department of Community Development to enter into agreement with the Gordon Square Arts District for the Gordon Square Community Arts Program through the use of Ward 15 Casino Revenue Funds. (O 1422-16) **1871**

Authorizing the Director of Capital Projects to enter into a maintenance, inspection, and repair agreement and to issue an encroachment permit, either separately or in combination with the agreement, to The Cleveland Clinic Foundation to encroach into the public rights of way over East 105th Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges. (O 1282-16) 1860

Authorizing the Director of Economic Development to enter into a development agreement with HEC Properties, LLC, or their designee, for the sale and redevelopment of property located at the corner of East 55th Street and Woodland Avenue; and authorizing the Commissioner of Purchases and Supplies to sell City owned property no longer needed for public use. (O 1411-16) 1861

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Intesa Holdings, LLC and Intesa Garage, LLC, or their designees to provide financial assistance towards improvements related to the mixed use retail and residential apartment building and parking garage to be located on several permanent parcels at the vacant site at the intersection of Mayfield Road and the new extension of Circle Drive; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose. (O 1414-16)..... 1861

Authorizing the Director of Finance to enter into an allocation agreement with Cuyahoga County for the allocation of the proceeds of the continued levy of the County Excise Taxes for First Energy Stadium, Progressive Field, and Quicken Loans Arena. (O 1427-16) 1862

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| Authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds. (O 1480-16) | 1858 |
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| To make temporary appropriations for the current payrolls and other ordinary expenses of the City of Cleveland from the period from January 1, 2017 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2017. (O 1432-16) | 1862 |
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| HPLC/PDA Detector and Appurtenances — per C.O. Sec. 129.28 to Thermo Electron North America, LLC — Division of Water, Dept. of Public Utilities (BOC Res. 482-16) | 1863 |
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Board of Control — Water Division

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| HPLC/PDA Detector and Appurtenances — per C.O. Sec. 129.28 to Thermo Electron North America, LLC — Dept. of Public Utilities (BOC Res. 482-16) | 1863 |
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Board of Control — Water Pollution Control Division

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| Disposal of Catch Basin Debris — per C.O. Sec. 129.29 — all bids rejected — Dept. of Public Utilities (BOC Res. 483-16) | 1863 |
| WPC Building Improvements Phase II: Garage Ventilation and Windows Project — per Ord. 1554-13 to Sona Construction, LLC — Dept. of Public Utilities (BOC Res. 484-16) | 1863 |

Board of Elections

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| From Cuyahoga County Board of Elections. Certificate of Result of Election on Issue 32: Proposed Municipal Income Tax (Increase), at the General Election in Cleveland, Ohio, on November 8, 2016. (F 1456-16) | 1817 |
| From Cuyahoga County Board of Elections. Certificate of Result of Election on Issue 33: Proposed Charter Amendment regarding the Civilian Police Review Board, at the General Election in Cleveland, Ohio, on November 8, 2016. (F 1457-16) | 1817 |

Board of Zoning Appeals — Report

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| Arcade Avenue, 16110 (Ward 8) — Edgar Aznaurov, owner — appeal withdrawn on 12/5/16 (Cal. 16-281) | 1865 |
| Bernard Avenue, 10818 (Ward 11) — Ramdat Sarraan, owner — appeal dismissed on 12/5/16 (Cal. 16-279) | 1865 |
| Clark Avenue, 6700 (Ward 15) — Mark L. Shawver, owner — appeal granted and adopted on 12/5/16 (Cal. 16-256) | 1865 |
| East 185th Street, 598 (Ward 8) — Curtis A. Hart, owner, and prospective purchaser Joe Zawatski — appeal granted and adopted on 12/5/16 (Cal. 16-286) | 1865 |
| Gertrude Avenue, 6920 (Ward 12) — Walter Eddy, owner — appeal granted and adopted on 12/5/16 (Cal. 16-251) | 1865 |
| Hamilton Avenue, 2600 (Ward 7) — Flexco Incorporated, owner — appeal dismissed on 12/5/16 (Cal. 16-236) | 1865 |
| Howlett Avenue, 4115 (Ward 3) — Strongsville Investments, Inc., owner — appeal postponed to 3/6/17 on 12/5/16 (Cal. 16-283) | 1865 |
| Lee Road, 4170 (Ward 1) — 4170 Lee Road Tavern, LLC, owner — appeal granted and adopted on 12/5/16 (Cal. 16-249) | 1865 |
| Miles Avenue, 12710 (Ward 2) — Badran LLC, owner — appeal withdrawn 12/5/16 (Cal. 16-140) | 1865 |
| Wade Park Avenue, 8206 (Ward 7) — Phyllis Wilson, owner — appeal granted and adopted on 12/5/16 (Cal. 16-257) | 1865 |
| West 54th Street, 1300 (Ward 15) — Gregory and Holly Scott, owners — appeal heard on 12/5/16 (Cal. 16-287) | 1865 |
| Woodhill Road, 2750 (Ward 6) — Church Extension Plan, owner — appeal heard on 12/5/16 (Cal. 16-280) | 1865 |
| York Avenue, 2814 (Ward 3) — Ashley Balasacoe, owner — appeal dismissed on 12/5/16 (Cal. 16-282) | 1865 |

Board of Zoning Appeals — Schedule

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| East 30th Street, 2330 (Ward 5) — CMHA, owner — appeal to be heard on 12/19/16 (Cal. 16-294) | 1864 |
| St. Clair Avenue, 16419 (Ward 8) — Recycle Midwest Inc., owner — appeal to be heard on 12/19/16 (Cal. 16-297) | 1864 |
| Townsend Avenue, 8006 (Ward 6) — Dionne Sanford, owner — appeal to be heard on 12/19/16 (Cal. 16-295) | 1864 |
| Vine Court, 3011 (Ward 3) — Carol Vang — appeal to be heard on 12/19/16 (Cal. 16-292) | 1864 |

Capital Projects

Authorizing the Director of Capital Projects to enter into a maintenance, inspection, and repair agreement and to issue an encroachment permit, either separately or in combination with the agreement, to The Cleveland Clinic Foundation to encroach into the public rights of way over East 105th Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges. (O 1282-16) 1860

Authorizing the Director of Capital Projects to issue a permit to Northeast Ohio Regional Sewer District to encroach into the public right of way of Division Avenue by installing, using and maintaining an exterior access stairwell to the District's pump station. (O 1334-16) 1860

Authorizing the Director of Capital Projects to issue a permit to SAMCO Properties, Ltd. to encroach into the public right of way of Clifton Boulevard N.W. and West 117th Street by installing, using, and maintaining two entry way frost slabs. (O 1445-16)..... 1819

Declaring the intent to vacate a portion of the 1st un-named Alley East of West 65th Street and North of West Clinton Avenue. (R 1169-16) **1867**

Declaring the intent to vacate a portion of West 29th Street and Vermont Avenue. (R 1442-16)..... 1856

Designating Lakeside Avenue between East 13th Street and East-16th Street with a secondary and honorary designation of "Tom Beres Way". (O 1471-16) 1858

Casino Revenue Funds

Authorizing the Director from the Department of Community Development to enter into agreement with the Gordon Square Arts District for the Gordon Square Community Arts Program through the use of Ward 15 Casino Revenue Funds. (O 1422-16) **1871**

Authorizing the Director of the Department of Community Development to enter into agreement with Detroit Shoreway Community Development Organization for the Brooklyn Centre and Jones Home Historic Districts Marketing and Signage Program through the use of Ward 14 Casino Revenue Funds. (O 1459-16) 1857

Authorizing the Director of the Department of Community Development with the St. Clair Superior Development Corporation for the Holiday Food Gift Card Program through the use of Wards 8 and 10 Casino Revenue Funds. (O 1461-16) 1858

Authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds. (O 1480-16) 1858

City of Cleveland Bids

2017-2019 Citywide Ready Mix Concrete — Department of Finance — Division of Purchases and Supplies — per C.O. Sec. 181.101 — bid due January 5, 2017 (advertised 12/7/2016 and 12/14/2016) 1867

Cremation Services for the Indigent Dead — Department of Public Health — Division of Vital Statistics — per Ord. 549-16 — bid due December 22, 2016 (advertised 11/30/2016 and 12/7/2016)..... 1867

J. Glen Smith Boiler Improvements — Office of Capital Projects — Division of Architecture and Site Improvement — per Ord. 733-14 — bid due December 16, 2016 (advertised 11/30/2016 and 12/7/2016)..... 1867

Ridge Road Streets Facility — Fire Restoration — Office of Capital Projects — Division of Architecture and Site Improvement — per Ord. 733-14 — bid due December 22, 2016 (advertised 12/7/2016 and 12/14/2016)..... 1867

City Planning Commission

Allowing the Regional Transit Authority to place advertising on permitted bus shelters and transit stations. (O 1273-16)..... 1860

Authorizing the Mayor to place covenants and deed restrictions on City owned property located at the southwest corner of East 55th and Woodland Avenue, being conveyed to HEC Properties, LLC. (O 1410-16) 1861

Changing the Use and Area districts of the northeast and southeast parcels of Franklin Ave and W. 52nd Street to Local Retail and Townhouse and establishing an Urban Form Overlay district on the northeast corner of Franklin and W. 52nd Street (Map Change No. 2549). (O 1256-16)..... 1863

Changing the Use, Area and Height districts and establishing an Urban Core Overlay District Between Chester Avenue and Euclid Avenue west of Martin Luther King, Jr., Drive and east of East 105th Street (Map Change No. 2548). (O 1358-16)..... 1863

Changing the Use, Area and Height districts and establishing an Urban Form Overlay district along W. 25th Street and Denison Ave between Bradwell Ave and I 71 (Map Change No. 2546). (O 1255-16) 1862

Declaring the intent to vacate a portion of the 1st un-named Alley East of West 65th Street and North of West Clinton Avenue. (R 1169-16) **1867**

Declaring the intent to vacate a portion of West 29th Street and Vermont Avenue. (R 1442-16)..... 1856

Designating Henry Wadsworth Longfellow School as a Cleveland Landmark. (O 1356-16) 1861

Designating Lakeside Avenue between East 13th Street and East-16th Street with a secondary and honorary designation of "Tom Beres Way". (O 1471-16) 1858

Designating the Levi T. Scofield Residence as a Cleveland Landmark. (O 1309-16)..... 1860

Establishing a Planned Unit Development (PUD) for the Legacy Pointe at St. Luke's housing development between E. 110th Street and E. 115th Street north of MLK Jr. Drive and south of Woodland Ave and designating Britt Oval as an Open Space Recreation district as shown on the attached map (Map Change No. 2552). (O 1446-16) 1855

Civil Service Commission

Authorizing the secretary of the Civil Service Commission to enter into one or more contracts with EB Jacobs, LLC for professional services necessary to provide and implement Division of Fire promotional examinations, for a period of one year. (O 1429-16) 1862

Clerk of Council

Authorizing the Clerk of Council to enter into an agreement with Guy Gadowski, CPA to provide professional financial consulting and auditing services necessary for Cleveland City Council. (O 1451-16) 1820

Authorizing the Clerk of Council to enter into an agreement with Mita Marketing LLC for the professional services necessary to assist Cleveland City Council with communications and public relations. (O 1474-16) 1855

Authorizing the Clerk of Council to enter into an agreement with On Technology Partners for the professional services necessary to advise and assist in the maintenance and performance of computer technology projects and to provide specific computer technology services for Cleveland City Council. (O 1448-16)..... 1820

Authorizing the Clerk of Council to enter into an agreement with The Batchelder Company for professional lobbying services for Cleveland City Council. (O 1450-16) 1820

Authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council. (O 1449-16) 1820

Cleveland Clinic Foundation

Authorizing the Director of Capital Projects to enter into a maintenance, inspection, and repair agreement and to issue an encroachment permit, either separately or in combination with the agreement, to The Cleveland Clinic Foundation to encroach into the public rights of way over East 105th Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges. (O 1282-16) 1860

Cleveland Housing Network (CHN)

Authorizing the Director of Public Utilities to enter into one or more contracts with Cleveland Housing Network for professional services necessary to provide administration and other related services for the Division of Water's discount affordability program, for a period of one year, with two one-year options to renew, the first of which is exercisable by the Director of Public Utilities. (O 1349-16) 1869

Cleveland Public Power (CPP)

Authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council. (O 1449-16) 1820

Authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services necessary to repair and maintain the decorative and special lighting for City bridges and the Wyland Whale Mural Park on North Marginal Road, including labor and insurance, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years with two one-year options to renew, the first of which requires additional legislative authority. (O 1277-16) 1868

Codified Ordinances

To repeal all sections in Chapters 251 through and including Chapter 291 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended by various ordinances, relating to Air Pollution Control; and to enact new Chapters 251 to 299 relating to Air Quality. (O 1452-16) 1821

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 686B, Sections 686B.01 through 686B.06 and 686B.99, regulating non-bank automated teller machines. (O 1472-16) 1853

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 337.251 relating to limited lodging in residence districts, effective February 1, 2017. (O 1444-16) 1818

To supplement the Codified Ordinances of the City of Cleveland, 1976, by enacting a new chapter relating to "Democracy Day" and providing that the people of the City of Cleveland support the movement to amend the U.S. Constitution to establish that corporations are not people and money is not speech and also providing for biennial public hearings on these topics. (O 1015-16)..... 1862

Communications

From City of Cleveland Tax Incentive Review Council (TIRC). Compliance Report Summary as of December 31, 2015. (F 1455-16) 1817

From Cuyahoga County Board of Elections. Certificate of Result of Election on Issue 32: Proposed Municipal Income Tax (Increase), at the General Election in Cleveland, Ohio, on November 8, 2016. (F 1456-16) 1817

From Cuyahoga County Board of Elections. Certificate of Result of Election on Issue 33: Proposed Charter Amendment regarding the Civilian Police Review Board, at the General Election in Cleveland, Ohio, on November 8, 2016. (F 1457-16) 1817

From Permits Section, Ohio Environmental Protection Agency. Public Notice of permit application under National Pollutant Discharge Elimination System Permit Program by First Energy Generation LLC for discharge into Lake Erie from Lake Shore Power Plant, 6800 South Marginal Drive, Cleveland, Ohio. (F 1453-16) 1817

From Tracy Oliver Director of DEO Media and Local Affairs, Dominion East Ohio. Notice of approval by the Public Utilities Commission of Ohio of Dominion East Ohio's use of an automatic adjustment mechanism to allow recovery of certain costs associated with deploying the Automated Meter Reading technology. (F 1481-16) 1817

Community Development

Authorizing the Director from the Department of Community Development to enter into agreement with the Gordon Square Arts District for the Gordon Square Community Arts Program through the use of Ward 15 Casino Revenue Funds. (O 1422-16) 1871

Authorizing the Director of Community Development to consent to the assignment of HOME Loan Contract No. 57501 from Glenville Development Corporation to Famicos Foundation for the Glenville Elderly Project; and authorizing the director to enter into an amendment to the assigned contract regarding certain terms. (O 1389-16) 1861

Authorizing the Director of Community Development to lease certain property, formerly known as the Memphis School site, located at 4103 Memphis Avenue to the Cuyahoga County Land Reutilization Corporation, or its designee, to sublease portions to other tenants for the purposes of urban farming, community gardening, and a vineyard, including processing and wine distribution, for a term of twenty five years, and four options to renew for five years each, exercisable by the Director of Community Development. (O 1391-16)..... 1861

Authorizing the Director of the Department of Community Development to enter into agreement with Detroit Shoreway Community Development Organization for the Brooklyn Centre and Jones Home Historic Districts Marketing and Signage Program through the use of Ward 14 Casino Revenue Funds. (O 1459-16) 1857

Authorizing the Director of the Department of Community Development with the St. Clair Superior Development Corporation for the Holiday Food Gift Card Program through the use of Wards 8 and 10 Casino Revenue Funds. (O 1461-16) 1858

Community Relations

Authorizing the Director of Community Relations to enter into a contract with Cleveland Peacemakers Alliance, Inc. for professional services necessary to develop and implement a hospital based violence intervention program, for a period of one year, with one option to renew for an additional year, exercisable by the Director of the Community Relations Board. (O 1428-16)..... 1862

Condolences

Condolence Resolution for Hazel McDade Dale (R 1483-16)..... 1818

Condolence Resolution for Mary Corine Bailey Ellis Booker (R 1484-16) 1818

Condolence Resolution for Nolen J. Motley (R 1485-16) 1818

Condolence Resolution for Robert Curtis Wright, DDS (R 1486-16)..... 1818

Congratulations

Congratulations Resolution for Tom Beres (R 1487-16) 1818

Contracts

Authorizing the Director of Community Development to consent to the assignment of HOME Loan Contract No. 57501 from Glenville Development Corporation to Famicos Foundation for the Glenville Elderly Project; and authorizing the director to enter into an amendment to the assigned contract regarding certain terms. (O 1389-16) 1861

Authorizing the Director of Community Relations to enter into a contract with Cleveland Peacemakers Alliance, Inc. for professional services necessary to develop and implement a hospital based violence intervention program, for a period of one year, with one option to renew for an additional year, exercisable by the Director of the Community Relations Board. (O 1428-16)..... 1862

Authorizing the Director of Finance to enter into various written standard purchase and requirement contracts for the purchase of medical materials, equipment, supplies, and services, for the various divisions of City government, for a period of one year with two one-year options to renew, exercisable by the Director of Finance. (O 1392-16) 1871

Authorizing the Director of Human Resources to exercise the second option to renew Contract No. CT 0402 PS 2015-053 with The Fedeli Group to provide professional services necessary to analyze health care providers, benefits, and claims, and to evaluate proposals received for benefit management services. (O 1394-16) 1871

Authorizing the Director of Law to apply for and accept a grant from the Cuyahoga County Department of Public Safety and Justice Services for the FY 2016 Cleveland Domestic Violence Program; and to enter into one or more contracts with Cuyahoga County and other entities to implement the program. (O 1341-16) 1860

Authorizing the Director of Public Safety to apply for and accept a grant from the Petco Foundation for the 2016 Petco Grant for canine Enrichment Personnel Program; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant. (O 1447-16) 1857

Authorizing the Director of Public Utilities to enter into one or more contracts with Cleveland Housing Network for professional services necessary to provide administration and other related services for the Division of Water's discount affordability program, for a period of one year, with two one-year options to renew, the first of which is exercisable by the Director of Public Utilities. (O 1349-16) 1869

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. RC 2015-35 with Vancuren Services, Inc. for tree trimming services. (O 1352-16) 1870

Authorizing the Director of Public Utilities to exercise the first options to renew Contract No. RC 2015-37 with Sargent Electric Company and Contract No. RC 2015-41 with Preventive Power and Maintenance, Inc. for the cleaning of insulators, bushings and lighting arrestors. (O 1353-16)..... 1870

Authorizing the Director of Workforce Development to apply for, accept and expend funds and resources from the Ohio Department of Job and Family Services, or other fiscal agents, for the 2016 Workforce Innovation and Opportunity Act and Workforce Development Program grants; to enter into contracts and memoranda of understanding with various entities necessary to administer and implement the Workforce Development programs; to enter into one or more agreements with Cuyahoga County, or other fiscal agents, to accept monies for implementation of the programs; and to sublease areas at OhioMeansJobs Cleveland Cuyahoga County One Stop Service Center, located at 1020 Bolivar Road. (O 1342-16) 1860

Authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services necessary to repair and maintain the decorative and special lighting for City bridges and the Wyland Whale Mural Park on North Marginal Road, including labor and insurance, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years with two one-year options to renew, the first of which requires additional legislative authority. (O 1277-16) 1868

Authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on road vehicles and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government, for a period of one year. (O 1390-16) 1861

Authorizing the secretary of the Civil Service Commission to enter into one or more contracts with EB Jacobs, LLC for professional services necessary to provide and implement Division of Fire promotional examinations, for a period of one year. (O 1429-16) 1862

Determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, roofs; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement, for a period of two years for contracts executed by December 31, 2019. (O 1276-16) 1867

To amend Section 1 of Ordinance No. 417 15, passed April 20, 2015, relating to the purchase by one or more requirement contracts of various on road vehicles, apparatus, and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed. (O 1419-16)..... 1862

Criminal Justice Services

Authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY-16 State Byrne Memorial Justice Assistance Grant for the operation of the Northern Ohio Law Enforcement Task Force (NOLETF); and authorizing the Director to enter into agreements with various municipalities or governmental agencies needed to implement the grant. (O 1346-16) 1860

Cuyahoga County

Authorizing the Director of Community Development to lease certain property, formerly known as the Memphis School site, located at 4103 Memphis Avenue to the Cuyahoga County Land Reutilization Corporation, or its designee, to sublease portions to other tenants for the purposes of urban farming, community gardening, and a vineyard, including processing and wine distribution, for a term of twenty five years, and four options to renew for five years each, exercisable by the Director of Community Development. (O 1391-16)..... 1861

Authorizing the Director of Finance to enter into an allocation agreement with Cuyahoga County for the allocation of the proceeds of the continued levy of the County Excise Taxes for First Energy Stadium, Progressive Field, and Quicken Loans Arena. (O 1427-16) 1862

Authorizing the Director of Law to apply for and accept a grant from the Cuyahoga County Department of Public Safety and Justice Services for the FY 2016 Cleveland Domestic Violence Program; and to enter into one or more contracts with Cuyahoga County and other entities to implement the program. (O 1341-16) 1860

Authorizing the Director of Workforce Development to apply for, accept and expend funds and resources from the Ohio Department of Job and Family Services, or other fiscal agents, for the 2016 Workforce Innovation and Opportunity Act and Workforce Development Program grants; to enter into contracts and memoranda of understanding with various entities necessary to administer and implement the Workforce Development programs; to enter into one or more agreements with Cuyahoga County, or other fiscal agents, to accept monies for implementation of the programs; and to sublease areas at OhioMeansJobs Cleveland Cuyahoga County One Stop Service Center, located at 1020 Bolivar Road. (O 1342-16) 1860

Debt Service Funds

To make additional appropriations of Four Million One Hundred Thousand (\$4,100,000) of General Fund Seven Hundred Fifty Thousand (\$750,000) of Enterprise Funds and Eight Hundred Twenty Five Thousand (\$825,000) of Debt Service Funds. (O 1430-16) 1862

Dominion East Ohio

From Tracy Oliver Director of DEO Media and Local Affairs, Dominion East Ohio. Notice of approval by the Public Utilities Commission of Ohio of Dominion East Ohio's use of an automatic adjustment mechanism to allow recovery of certain costs associated with deploying the Automated Meter Reading technology. (F 1481-16) 1817

Economic Development Department

Authorizing the Director of Economic Development to enter into a development agreement with HEC Properties, LLC, or their designee, for the sale and redevelopment of property located at the corner of East 55th Street and Woodland Avenue; and authorizing the Commissioner of Purchases and Supplies to sell City owned property no longer needed for public use. (O 1411-16) 1861

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Intesa Holdings, LLC and Intesa Garage, LLC, or their designees to provide financial assistance towards improvements related to the mixed use retail and residential apartment building and parking garage to be located on several permanent parcels at the vacant site at the intersection of Mayfield Road and the new extension of Circle Drive; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose. (O 1414-16)..... 1861

Authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Global X Associate, LLC, or its designee, to provide for tax abatement for certain real property improvements at 2101 Superior Avenue in the Cleveland Area Enterprise Zone. (O 1337-16) **1869**

Authorizing the Mayor to place covenants and deed restrictions on City owned property located at the southwest corner of East 55th and Woodland Avenue, being conveyed to HEC Properties, LLC. (O 1410-16) 1861

Encroachments

Authorizing the Director of Capital Projects to enter into a maintenance, inspection, and repair agreement and to issue an encroachment permit, either separately or in combination with the agreement, to The Cleveland Clinic Foundation to encroach into the public rights of way over East 105th Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges. (O 1282-16) 1860

Authorizing the Director of Capital Projects to issue a permit to Northeast Ohio Regional Sewer District to encroach into the public right of way of Division Avenue by installing, using and maintaining an exterior access stairwell to the District's pump station. (O 1334-16) 1860

Authorizing the Director of Capital Projects to issue a permit to SAMCO Properties, Ltd. to encroach into the public right of way of Clifton Boulevard N.W. and West 117th Street by installing, using, and maintaining two entry way frost slabs. (O 1445-16)..... 1819

Enterprise Funds

An emergency ordinance To provide for the transfer and amendment to the General Fund appropriations in the amount of Fourteen Million Three Hundred Forty Five Thousand (\$14,345,000) and Eight Hundred Thirty Thousand (\$830,000) within the Enterprise Fund. (O 1431-16) 1862

To make additional appropriations of Four Million One Hundred Thousand (\$4,100,000) of General Fund Seven Hundred Fifty Thousand (\$750,000) of Enterprise Funds and Eight Hundred Twenty Five Thousand (\$825,000) of Debt Service Funds. (O 1430-16) 1862

Enterprise Zone Agreement

Authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Global X Associate, LLC, or its designee, to provide for tax abatement for certain real property improvements at 2101 Superior Avenue in the Cleveland Area Enterprise Zone. (O 1337-16) 1869

Environmental Protection Agency (EPA)

From Permits Section, Ohio Environmental Protection Agency. Public Notice of permit application under National Pollutant Discharge Elimination System Permit Program by First Energy Generation LLC for discharge into Lake Erie from Lake Shore Power Plant, 6800 South Marginal Drive, Cleveland, Ohio. (F 1453-16) 1817

Famicos Foundation

Authorizing the Director of Community Development to consent to the assignment of HOME Loan Contract No. 57501 from Glenville Development Corporation to Famicos Foundation for the Glenville Elderly Project; and authorizing the director to enter into an amendment to the assigned contract regarding certain terms. (O 1389-16) 1861

Finance Department

Approving the Tax Incentive Review Council's Year 2015 recommendations. (O 1336-16) 1869
Authorizing the Director of Finance to enter into an allocation agreement with Cuyahoga County for the allocation of the proceeds of the continued levy of the County Excise Taxes for First Energy Stadium, Progressive Field, and Quicken Loans Arena. (O 1427-16)..... 1862
Authorizing the Director of Finance to enter into various written standard purchase and requirement contracts for the purchase of medical materials, equipment, supplies, and services, for the various divisions of City government, for a period of one year with two one-year options to renew, exercisable by the Director of Finance. (O 1392-16) 1871
Authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on road vehicles and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government, for a period of one year. (O 1390-16) 1861
To make additional appropriations of Four Million One Hundred Thousand (\$4,100,000) of General Fund Seven Hundred Fifty Thousand (\$750,000) of Enterprise Funds and Eight Hundred Twenty Five Thousand (\$825,000) of Debt Service Funds. (O 1430-16) 1862
To make temporary appropriations for the current payrolls and other ordinary expenses of the City of Cleveland from the period from January 1, 2017 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2017. (O 1432-16)..... 1862
To provide for the transfer and amendment to the General Fund appropriations in the amount of Fourteen Million Three Hundred Forty Five Thousand (\$14,345,000) and Eight Hundred Thirty Thousand (\$830,000) within the Enterprise Fund. (O 1431-16) 1862
To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 686B, Sections 686B.01 through 686B.06 and 686B.99, regulating non-bank automated teller machines. (O 1472-16) 1853

Fire Division

Authorizing the secretary of the Civil Service Commission to enter into one or more contracts with EB Jacobs, LLC for professional services necessary to provide and implement Division of Fire promotional examinations, for a period of one year. (O 1429-16) 1862

General Fund

To make additional appropriations of Four Million One Hundred Thousand (\$4,100,000) of General Fund Seven Hundred Fifty Thousand (\$750,000) of Enterprise Funds and Eight Hundred Twenty Five Thousand (\$825,000) of Debt Service Funds. (O 1430-16) 1862
To provide for the transfer and amendment to the General Fund appropriations in the amount of Fourteen Million Three Hundred Forty Five Thousand (\$14,345,000) and Eight Hundred Thirty Thousand (\$830,000) within the Enterprise Fund. (O 1431-16) 1862

Glenville Development Corporation

Authorizing the Director of Community Development to consent to the assignment of HOME Loan Contract No. 57501 from Glenville Development Corporation to Famicos Foundation for the Glenville Elderly Project; and authorizing the director to enter into an amendment to the assigned contract regarding certain terms. (O 1389-16) 1861

Grants

Authorizing the Director of Law to apply for and accept a grant from the Cuyahoga County Department of Public Safety and Justice Services for the FY 2016 Cleveland Domestic Violence Program; and to enter into one or more contracts with Cuyahoga County and other entities to implement the program. (O 1341-16) 1860

Authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice's Bureau of Justice Assistance for the FY 2016 Byrne Justice Assistance Grant (JAG) Local Solicitation; and authorizing one or more contracts with Cuyahoga County and the cities of East Cleveland and Cleveland Heights needed to implement the grant. (O 1345-16) 1860

From Director Jane Fumich, Department of Aging, City of Cleveland. Notice of grant acceptance of \$5,000 from Greater Cleveland Foodbank through funds from National Council on Aging. (F 1454-16)..... 1817

Health Department

To repeal all sections in Chapters 251 through and including Chapter 291 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended by various ordinances, relating to Air Pollution Control; and to enact new Chapters 251 to 299 relating to Air Quality. (O 1452-16) 1821

Holiday Food Gift Card Program

Authorizing the Director of the Department of Community Development to enter into an agreement with the Mt. Pleasant NOW Development Corporation for the Holiday Food Gift Card Program through the use of Ward 2 Casino Revenue Funds. (O 1460-16)..... 1858

Authorizing the Director of the Department of Community Development with the St. Clair Superior Development Corporation for the Holiday Food Gift Card Program through the use of Wards 8 and 10 Casino Revenue Funds. (O 1461-16) 1858

Human Resources Department

Authorizing the Director of Human Resources to exercise the second option to renew Contract No. CT 0402 PS 2015-053 with The Fedeli Group to provide professional services necessary to analyze health care providers, benefits, and claims, and to evaluate proposals received for benefit management services. (O 1394-16) 1871

Landmark Commission

Designating Henry Wadsworth Longfellow School as a Cleveland Landmark. (O 1356-16) 1861

Designating the Levi T. Scofield Residence as a Cleveland Landmark. (O 1309-16)..... 1860

Law Department

Authorizing the Director of Law to apply for and accept a grant from the Cuyahoga County Department of Public Safety and Justice Services for the FY 2016 Cleveland Domestic Violence Program; and to enter into one or more contracts with Cuyahoga County and other entities to implement the program. (O 1341-16) 1860

Leases

Authorizing the Director of Community Development to lease certain property, formerly known as the Memphis School site, located at 4103 Memphis Avenue to the Cuyahoga County Land Reutilization Corporation, or its designee, to sublease portions to other tenants for the purposes of urban farming, community gardening, and a vineyard, including processing and wine distribution, for a term of twenty five years, and four options to renew for five years each, exercisable by the Director of Community Development. (O 1391-16)..... 1861

Liquor Permits

#0335525. Transfer of Ownership Application, C1 C2. Aulakh Corporation, 4677 West 130th St. (Ward-16). (F 1478-16) 1818

#11643550011. Stock Application, C2 C2X D6 D8. C E A M Investment Corp., 1278 West 9th St. (Ward 3). (F 1477-16) 1818

#2705361. Transfer of License Application, C2. Fiar, Inc., 3153 West 73rd St. (Ward 3). (F 1466-16) 1817

#4236476. Transfer of Ownership Application, D1 D2 D3 D3A D6. Janet Jeffrey, 11121 Western Ave. (Ward 11). (F 1470-16)..... 1818

#5805794. Transfer of License Application, D5 D6. Medusa Restaurant & Lounge LLC, 1437 St. Clair Ave. (Ward 3). (F 1468-16) 1818

#5902350. Stock Application, D1 D2 D6. Michalis, Inc., 11473 Euclid Ave. (Ward 6). (F 1469-16)..... 1818

#6381797. New License Application, C1. Nijim Food Mart LLC, 3218 East 135th St. (Ward 4). (F 1467-16) 1818

#7146940. Stock Application, D2 D2X D3 D6. RG Max Enterprises LLC, 3670 West 130th St. (Ward-16). (F 1479-16) 1818

Objecting to a New D4 Liquor Permit at 3615 Euclid Avenue. (R 1476-16) 1859

Objecting to the TREX transfer of ownership of a D5 and D6 Liquor Permit to 1321 East 40th Street. (R 1475-16) 1859

Withdrawing objection to the renewal of a D5 Liquor Permit at 3578 Independence Road and repealing Resolution No. 946-16 objecting to said renewal. (R 1464-16)..... 1859

Withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 8802 Superior Avenue and repealing Resolution No. 275-16 objecting to said permit. (R 1462-16) 1858

Withdrawing objection to the transfer of ownership of a D1, D3, D3A and D6 Liquor Permit at 4002 Jennings Road and repealing Resolution No. 527-16 objecting to said permit. (R 1463-16) 1859

Mayor's Office

Supporting and encouraging Mayor Jackson and his Administration to continue and expand the development of smart city technology and collaborative partnerships with the private sector that will provide social and economic benefits to the City of Cleveland and the surrounding region. (R 1458-16) 1856

Memoranda of Understanding (M.O.U.)

Authorizing the Director of Workforce Development to apply for, accept and expend funds and resources from the Ohio Department of Job and Family Services, or other fiscal agents, for the 2016 Workforce Innovation and Opportunity Act and Workforce Development Program grants; to enter into contracts and memoranda of understanding with various entities necessary to administer and implement the Workforce Development programs; to enter into one or more agreements with Cuyahoga County, or other fiscal agents, to accept monies for implementation of the programs; and to sublease areas at OhioMeansJobs Cleveland Cuyahoga County One Stop Service Center, located at 1020 Bolivar Road. (O 1342-16) 1860

Northeast Ohio Regional Sewer District (NEORSD)

Authorizing the Director of Capital Projects to issue a permit to Northeast Ohio Regional Sewer District to encroach into the public right of way of Division Avenue by installing, using and maintaining an exterior access stairwell to the District's pump station. (O 1334-16) 1860

Authorizing the Director of Public Utilities to apply for NEORSD Community Cost Share Program Funds; to enter into an agreement with The Cleveland Metroparks to serve as a sub-grantee to design, construct and maintain up to four bioretention cells at Wildwood Park, for the Office of Sustainability, Department of Public Utilities, for a period of at least fifteen years. (O 1279-16) 1868

Ohio Department of Job and Family Services

Authorizing the Director of Workforce Development to apply for, accept and expend funds and resources from the Ohio Department of Job and Family Services, or other fiscal agents, for the 2016 Workforce Innovation and Opportunity Act and Workforce Development Program grants; to enter into contracts and memoranda of understanding with various entities necessary to administer and implement the Workforce Development programs; to enter into one or more agreements with Cuyahoga County, or other fiscal agents, to accept monies for implementation of the programs; and to sublease areas at OhioMeansJobs Cleveland Cuyahoga County One Stop Service Center, located at 1020 Bolivar Road. (O 1342-16) 1860

Permits

Authorizing the Director of Capital Projects to issue a permit to Northeast Ohio Regional Sewer District to encroach into the public right of way of Division Avenue by installing, using and maintaining an exterior access stairwell to the District's pump station. (O 1334-16) 1860

Authorizing the Director of Capital Projects to issue a permit to SAMCO Properties, Ltd. to encroach into the public right of way of Clifton Boulevard N.W. and West 117th Street by installing, using, and maintaining two entry way frost slabs. (O 1445-16) 1819

From Permits Section, Ohio Environmental Protection Agency. Public Notice of permit application under National Pollutant Discharge Elimination System Permit Program by First Energy Generation LLC for discharge into Lake Erie from Lake Shore Power Plant, 6800 South Marginal Drive, Cleveland, Ohio. (F 1453-16) 1817

Professional Services

An emergency ordinance Authorizing the Clerk of Council to enter into an agreement with Guy Gadomski, CPA to provide professional financial consulting and auditing services necessary for Cleveland City Council. (O 1451-16) 1820

Authorizing the Clerk of Council to enter into an agreement with Mita Marketing LLC for the professional services necessary to assist Cleveland City Council with communications and public relations. (O 1474-16) 1855

Authorizing the Clerk of Council to enter into an agreement with On Technology Partners for the professional services necessary to advise and assist in the maintenance and performance of computer technology projects and to provide specific computer technology services for Cleveland City Council. (O 1448-16) 1820

Authorizing the Clerk of Council to enter into an agreement with The Batchelder Company for professional lobbying services for Cleveland City Council. (O 1450-16) 1820

Authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council. (O 1449-16) 1820

Authorizing the Council President to enter into an agreement with Cobalt Group, Inc. to provide professional services regarding Cleveland City Council operations and staff development. (O 1473-16) 1854

Authorizing the Director of Community Relations to enter into a contract with Cleveland Peacemakers Alliance, Inc. for professional services necessary to develop and implement a hospital based violence intervention program, for a period of one year, with one option to renew for an additional year, exercisable by the Director of the Community Relations Board. (O 1428-16)..... 1862

Authorizing the Director of Human Resources to exercise the second option to renew Contract No. CT 0402 PS 2015-053 with The Fedeli Group to provide professional services necessary to analyze health care providers, benefits, and claims, and to evaluate proposals received for benefit management services. (O 1394-16) 1871

Authorizing the Director of Public Utilities to enter into one or more contracts with Cleveland Housing Network for professional services necessary to provide administration and other related services for the Division of Water's discount affordability program, for a period of one year, with two one-year options to renew, the first of which is exercisable by the Director of Public Utilities. (O 1349-16) 1869

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. RC 2015-35 with Vancuren Services, Inc. for tree trimming services. (O 1352-16) 1870

Authorizing the secretary of the Civil Service Commission to enter into one or more contracts with EB Jacobs, LLC for professional services necessary to provide and implement Division of Fire promotional examinations, for a period of one year. (O 1429-16) 1862

Determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, roofs; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement, for a period of two years for contracts executed by December 31, 2019. (O 1276-16) 1867

Public Improvements

Determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, roofs; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement, for a period of two years for contracts executed by December 31, 2019. (O 1276-16) 1867

Public Utilities Department

Authorizing the Director of Public Utilities to apply for NEORS D Community Cost Share Program Funds; to enter into an agreement with The Cleveland Metroparks to serve as a sub-grantee to design, construct and maintain up to four bioretention cells at Wildwood Park, for the Office of Sustainability, Department of Public Utilities, for a period of at least fifteen years. (O 1279-16) 1868

Authorizing the Director of Public Utilities to enter into one or more contracts with Cleveland Housing Network for professional services necessary to provide administration and other related services for the Division of Water's discount affordability program, for a period of one year, with two one-year options to renew, the first of which is exercisable by the Director of Public Utilities. (O 1349-16) 1869

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. RC 2015-35 with Vancuren Services, Inc. for tree trimming services. (O 1352-16) 1870

Authorizing the Director of Public Utilities to exercise the first options to renew Contract No. RC 2015-37 with Sargent Electric Company and Contract No. RC 2015-41 with Preventive Power and Maintenance, Inc. for the cleaning of insulators, bushings and lighting arrestors. (O 1353-16)..... 1870

Authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services necessary to repair and maintain the decorative and special lighting for City bridges and the Wyland Whale Mural Park on North Marginal Road, including labor and insurance, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years with two one-year options to renew, the first of which requires additional legislative authority. (O 1277-16) 1868

Determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, roofs; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement, for a period of two years for contracts executed by December 31, 2019. (O 1276-16) 1867

Public Works

Authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds. (O 1480-16) 1858

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| To amend Section 1 of Ordinance No. 417 15, passed April 20, 2015, relating to the purchase by one or more requirement contracts of various on road vehicles, apparatus, and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed. (O 1419-16)..... | 1862 |
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Purchases and Supplies Division

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| Authorizing the Commissioner of Purchases and Supplies to acquire and re convey properties presently owned by Euclid Avenue Garage, LLC and Samal Euclid LLC, or their designees, located at 515 Euclid Avenue 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; and authorizing an agreement with Euclid Avenue Garage, LLC and Samal Euclid LLC, or their designees. (O 1443-16) | 1818 |
| Authorizing the Director of Economic Development to enter into a development agreement with HEC Properties, LLC, or their designee, for the sale and redevelopment of property located at the corner of East 55th Street and Woodland Avenue; and authorizing the Commissioner of Purchases and Supplies to sell City owned property no longer needed for public use. (O 1411-16) | 1861 |

Recognition

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| Recognition Resolution for Container Homes (R 1488-16) | 1818 |
| Recognition Resolution for Council for Greater Opportunities in Greater Cleveland Head Start Program ("Bright Spot" Award) (R 1489-16) | 1818 |

Regional Transit Authority (RTA)

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| Allowing the Regional Transit Authority to place advertising on permitted bus shelters and transit stations. (O 1273-16)..... | 1860 |
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Reports

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| From City of Cleveland Tax Incentive Review Council (TIRC). Compliance Report Summary as of December 31, 2015. (F 1455-16) | 1817 |
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Resolution of Support

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| Supporting and encouraging Mayor Jackson and his Administration to continue and expand the development of smart city technology and collaborative partnerships with the private sector that will provide social and economic benefits to the City of Cleveland and the surrounding region. (R 1458-16) | 1856 |
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Safety Department

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| Authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice's Bureau of Justice Assistance for the FY 2016 Byrne Justice Assistance Grant (JAG) Local Solicitation; and authorizing one or more contracts with Cuyahoga County and the cities of East Cleveland and Cleveland Heights needed to implement the grant. (O 1345-16)..... | 1860 |
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Street Vacation

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| Declaring the intent to vacate a portion of the 1st un-named Alley East of West 65th Street and North of West Clinton Avenue. (R 1169-16) | 1867 |
| Declaring the intent to vacate a portion of West 29th Street and Vermont Avenue. (R 1442-16)..... | 1856 |

Streets - Name

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| Designating Lakeside Avenue between East 13th Street and East-16th Street with a secondary and honorary designation of "Tom Beres Way". (O 1471-16)..... | 1858 |
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Tax Abatement

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| Authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Global X Associate, LLC, or its designee, to provide for tax abatement for certain real property improvements at 2101 Superior Avenue in the Cleveland Area Enterprise Zone. (O 1337-16)..... | 1869 |
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Tax Budget

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| Approving the Tax Incentive Review Council's Year 2015 recommendations. (O 1336-16) | 1869 |
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Tax Increment Financing (TIF)

Authorizing the Commissioner of Purchases and Supplies to acquire and re convey properties presently owned by Euclid Avenue Garage, LLC and Samal Euclid LLC, or their designees, located at 515 Euclid Avenue 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; and authorizing an agreement with Euclid Avenue Garage, LLC and Samal Euclid LLC, or their designees. (O 1443-16) 1818

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Intesa Holdings, LLC and Intesa Garage, LLC, or their designees to provide financial assistance towards improvements related to the mixed use retail and residential apartment building and parking garage to be located on several permanent parcels at the vacant site at the intersection of Mayfield Road and the new extension of Circle Drive; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose. (O 1414-16)..... 1861

Taxes

Approving the Tax Incentive Review Council's Year 2015 recommendations. (O 1336-16) 1869

Authorizing the Director of Finance to enter into an allocation agreement with Cuyahoga County for the allocation of the proceeds of the continued levy of the County Excise Taxes for First Energy Stadium, Progressive Field, and Quicken Loans Arena. (O 1427-16) 1862

U.S. Constitution

To supplement the Codified Ordinances of the City of Cleveland, 1976, by enacting a new chapter relating to "Democracy Day" and providing that the people of the City of Cleveland support the movement to amend the U.S. Constitution to establish that corporations are not people and money is not speech and also providing for biennial public hearings on these topics. (O 1015-16)..... 1862

Vehicles

Authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on road vehicles and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government, for a period of one year. (O 1390-16) 1861

To amend Section 1 of Ordinance No. 417 15, passed April 20, 2015, relating to the purchase by one or more requirement contracts of various on road vehicles, apparatus, and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed. (O 1419-16)..... 1862

Ward 01

Condolence Resolution for Robert Curtis Wright, DDS (R 1486-16)..... 1818

Ward 02

Authorizing the Director of the Department of Community Development to enter into an agreement with the Mt. Pleasant NOW Development Corporation for the Holiday Food Gift Card Program through the use of Ward 2 Casino Revenue Funds. (O 1460-16) 1858

Authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds. (O 1480-16) 1858

Ward 03

#11643550011. Stock Application, C2 C2X D6 D8. C E A M Investment Corp., 1278 West 9th St. (Ward 3). (F 1477-16) 1818

#2705361. Transfer of License Application, C2. Fiar, Inc., 3153 West 73rd St. (Ward 3). (F 1466-16) 1817

#5805794. Transfer of License Application, D5 D6. Medusa Restaurant & Lounge LLC, 1437 St. Clair Ave. (Ward 3). (F 1468-16) 1818

Authorizing the Commissioner of Purchases and Supplies to acquire and re convey properties presently owned by Euclid Avenue Garage, LLC and Samal Euclid LLC, or their designees, located at 515 Euclid Avenue 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; and authorizing an agreement with Euclid Avenue Garage, LLC and Samal Euclid LLC, or their designees. (O 1443-16) 1818

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Worthington Yards Ltd, or its designee, for project debt associated with the Worthington Yards Project to be located at 725 Johnson Court; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose. (O 1415-16) 1861

Authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds. (O 1480-16) 1858
 Declaring the intent to vacate a portion of West 29th Street and Vermont Avenue. (R 1442-16)..... 1856
 Designating Lakeside Avenue between East 13th Street and East-16th Street with a secondary and honorary designation of "Tom Beres Way". (O 1471-16)..... 1858

Ward 04

#6381797. New License Application, C1. Nijim Food Mart LLC, 3218 East 135th St. (Ward 4). (F 1467-16) 1818
 Authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds. (O 1480-16) 1858

Ward 05

Authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with HEC Properties, LLC, or its designee, to provide for tax abatement for certain real property improvements at 2700 East 55th Street in the Cleveland Area Enterprise Zone. (O 1412-16) 1861
 Authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds. (O 1480-16) 1858
 Condolence Resolution for Mary Corine Bailey Ellis Booker (R 1484-16) 1818

Ward 06

#5902350. Stock Application, D1 D2 D6. Michalis, Inc., 11473 Euclid Ave. (Ward 6). (F 1469-16)..... 1818
 Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Intesa Holdings, LLC and Intesa Garage, LLC, or their designees to provide financial assistance towards improvements related to the mixed use retail and residential apartment building and parking garage to be located on several permanent parcels at the vacant site at the intersection of Mayfield Road and the new extension of Circle Drive; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose. (O 1414-16)..... 1861
 Condolence Resolution for Mary Corine Bailey Ellis Booker (R 1484-16) 1818
 Designating the Levi T. Scofield Residence as a Cleveland Landmark. (O 1309-16)..... 1860
 Establishing a Planned Unit Development (PUD) for the Legacy Pointe at St. Luke's housing development between E. 110th Street and E. 115th Street north of MLK Jr. Drive and south of Woodland Ave and designating Britt Oval as an Open Space Recreation district as shown on the attached map (Map Change No. 2552). (O 1446-16) 1855

Ward 07

Authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Global X Associate, LLC, or its designee, to provide for tax abatement for certain real property improvements at 2101 Superior Avenue in the Cleveland Area Enterprise Zone. (O 1337-16) 1869
 Condolence Resolution for Hazel McDade Dale (R 1483-16)..... 1818
 Objecting to a New D4 Liquor Permit at 3615 Euclid Avenue. (R 1476-16) 1859
 Recognition Resolution for Container Homes (R 1488-16) 1818
 Withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 8802 Superior Avenue and repealing Resolution No. 275-16 objecting to said permit. (R 1462-16)..... 1858

Ward 08

Authorizing the Director of the Department of Community Development with the St. Clair Superior Development Corporation for the Holiday Food Gift Card Program through the use of Wards 8 and 10 Casino Revenue Funds. (O 1461-16) 1858
 Authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds. (O 1480-16) 1858
 Condolence Resolution for Nolen J. Motley (R 1485-16) 1818
 Designating Henry Wadsworth Longfellow School as a Cleveland Landmark. (O 1356-16) 1861
 Objecting to the TRES transfer of ownership of a D5 and D6 Liquor Permit to 1321 East 40th Street. (R 1475-16) 1859

Ward 09

Authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds. (O 1480-16) 1858
 Changing the Use, Area and Height districts and establishing an Urban Core Overlay District Between Chester Avenue and Euclid Avenue west of Martin Luther King, Jr., Drive and east of East 105th Street (Map Change No. 2548). (O 1358-16) 1863

Ward 10

Authorizing the Director of the Department of Community Development with the St. Clair Superior Development Corporation for the Holiday Food Gift Card Program through the use of Wards 8 and 10 Casino Revenue Funds. (O 1461-16) 1858

Ward 11

#4236476. Transfer of Ownership Application, D1 D2 D3 D3A D6. Janet Jeffrey, 11121 Western Ave. (Ward 11). (F 1470-16)..... 1818

Ward 12

Changing the Use, Area and Height districts and establishing an Urban Form Overlay district along W. 25th Street and Denison Ave between Bradwell Ave and I 71 (Map Change No. 2546). (O 1255-16) 1862

Withdrawing objection to the renewal of a D5 Liquor Permit at 3578 Independence Road and repealing Resolution No. 946-16 objecting to said renewal. (R 1464-16)..... 1859

Withdrawing objection to the transfer of ownership of a D1, D3, D3A and D6 Liquor Permit at 4002 Jennings Road and repealing Resolution No. 527-16 objecting to said permit. (R 1463-16)..... 1859

Ward 13

Authorizing the Director of Community Development to lease certain property, formerly known as the Memphis School site, located at 4103 Memphis Avenue to the Cuyahoga County Land Reutilization Corporation, or its designee, to sublease portions to other tenants for the purposes of urban farming, community gardening, and a vineyard, including processing and wine distribution, for a term of twenty five years, and four options to renew for five years each, exercisable by the Director of Community Development. (O 1391-16)..... 1861

Condolence Resolution for Mary Corine Bailey Ellis Booker (R 1484-16) 1818

Congratulations Resolution for Tom Beres (R 1487-16) 1818

Recognition Resolution for Council for Greater Opportunities in Greater Cleveland Head Start Program ("Bright Spot" Award) (R 1489-16) 1818

Ward 14

Authorizing the Director of the Department of Community Development to enter into agreement with Detroit Shoreway Community Development Organization for the Brooklyn Centre and Jones Home Historic Districts Marketing and Signage Program through the use of Ward 14 Casino Revenue Funds. (O 1459-16) 1857

Authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds. (O 1480-16) 1858

Ward 15

Authorizing the Director from the Department of Community Development to enter into agreement with the Gordon Square Arts District for the Gordon Square Community Arts Program through the use of Ward 15 Casino Revenue Funds. (O 1422-16) 1871

Authorizing the Director of Capital Projects to issue a permit to SAMCO Properties, Ltd. to encroach into the public right of way of Clifton Boulevard N.W. and West 117th Street by installing, using, and maintaining two entry way frost slabs. (O 1445-16)..... 1819

Changing the Use and Area districts of the northeast and southeast parcels of Franklin Ave and W. 52nd Street to Local Retail and Townhouse and establishing an Urban Form Overlay district on the northeast corner of Franklin and W. 52nd Street (Map Change No. 2549). (O 1256-16)..... 1863

Declaring the intent to vacate a portion of the 1st un-named Alley East of West 65th Street and North of West Clinton Avenue. (R 1169-16) 1867

Ward 16

#0335525. Transfer of Ownership Application, C1 C2. Aulakh Corporation, 4677 West 130th St. (Ward-16). (F 1478-16) 1818

#7146940. Stock Application, D2 D2X D3 D6. RG Max Enterprises LLC, 3670 West 130th St. (Ward-16). (F 1479-16) 1818

Authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds. (O 1480-16) 1858

Ward 17

Authorizing the Director of the Department of Public Works to enter into agreement with Poise Entertainment Co. for the Youth Music Education Program through the use of Wards 2, 3, 4, 5, 8, 9, 14, 16 and 17 Casino Revenue Funds. (O 1480-16) 1858

Water Pollution Control Division (WPC)

Authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council. (O 1449-16) 1820

Zoning

Changing the Use and Area districts of the northeast and southeast parcels of Franklin Ave and W. 52nd Street to Local Retail and Townhouse and establishing an Urban Form Overlay district on the northeast corner of Franklin and W. 52nd Street (Map Change No. 2549). (O 1256-16) 1863

Changing the Use, Area and Height districts and establishing an Urban Core Overlay District Between Chester Avenue and Euclid Avenue west of Martin Luther King, Jr., Drive and east of East 105th Street (Map Change No. 2548). (O 1358-16) 1863

Changing the Use, Area and Height districts and establishing an Urban Form Overlay district along W. 25th Street and Denison Ave between Bradwell Ave and I 71 (Map Change No. 2546). (O 1255-16) 1862

Declaring the intent to vacate a portion of the 1st un-named Alley East of West 65th Street and North of West Clinton Avenue. (R 1169-16) **1867**

Declaring the intent to vacate a portion of West 29th Street and Vermont Avenue. (R 1442-16) 1856

Establishing a Planned Unit Development (PUD) for the Legacy Pointe at St. Luke's housing development between E. 110th Street and E. 115th Street north of MLK Jr. Drive and south of Woodland Ave and designating Britt Oval as an Open Space Recreation district as shown on the attached map (Map Change No. 2552). (O 1446-16) 1855