

# Ordinance No. 20-17

## AN EMERGENCY ORDINANCE

Repealing Ordinance No. 1011-16, passed September 12, 2016.

Council Member Kelley

**FOR PASSAGE**  
**January 9, 2017**

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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**Section 1.** That Ordinance No. 1011-16, passed September 12, 2016, is repealed.

**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.

KJK:rns  
1-9-17

**Ord. No. 20-17**

**REPORT  
after second Reading**

**Council Member Kelley**

**AN EMERGENCY ORDINANCE**  
Repealing Ordinance No. 1011-16, passed September 12, 2016.

**READ FIRST, SECOND AND THIRD TIME**

referred to **READ FIRST TIME** **REPORTS**

CITY CLERK

**READ SECOND TIME**

CITY CLERK

**READ THIRD TIME on JANUARY 9, 2017**

PRESIDENT

CITY CLERK

**APPROVED**

**MAYOR**

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# Resolution No. 30-17

Council Member Brancatelli

**FOR ADOPTION**  
**January 9, 2017**

## **AN EMERGENCY RESOLUTION**

Withdrawing objection to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit at 1104 Rowley Avenue, 1<sup>st</sup> floor and basement and repealing Resolution No. 1180-16 objecting to said permit.

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WHEREAS, this Council objected to a transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit to R Jay Enterprises, LLC, DBA Rowley Inn, 1104 Rowley Avenue, 1<sup>st</sup> floor and basement, Cleveland, Ohio 44109, Permanent Number 7148728 by Resolution No. 1180-16 adopted by the Council on October 3, 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 D2, D2X, D3, D3A and D6 Liquor Permit to R Jay Enterprises, LLC, DBA Rowley Inn, 1104 Rowley Avenue, 1<sup>st</sup> floor and basement, Cleveland, Ohio 44109, Permanent Number 7148728, be and the same is hereby withdrawn and Resolution No. 1180-16, 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.

/s/f  
For: Council Member Anthony Brancatelli, Ward 12  
January 9, 2017

**Res. No. 30-17**

**REPORT  
after second Reading**

**Council Member Brancatelli**

**AN EMERGENCY RESOLUTION**

Withdrawing objection to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit at 1104 Rowley Avenue, 1<sup>st</sup> floor and basement and repealing Resolution No. 1180-16 objecting to said permit.

**READ FIRST, SECOND AND THIRD TIME**

**READ FIRST TIME**

and referred

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**CITY CLERK**

**READ SECOND TIME**

\_\_\_\_\_  
**CITY CLERK**

**READ THIRD TIME on JANUARY 9, 2017**

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**PRESIDENT**

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**CITY CLERK**

**APPROVED**

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**MAYOR**

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# Resolution No. 31-17

## AN EMERGENCY RESOLUTION

Objecting to the transfer of location of a C2 Liquor Permit to 3153 West 73<sup>rd</sup> Street.

Council Member McCormack

**FOR ADOPTION**  
**January 9, 2017**

WHEREAS, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a C2 Liquor Permit from R & Bee, Inc., DBA Rons Mini Mart, 4382 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7148574 to Fiar, Inc., 3153 West 73<sup>rd</sup> Street, Cleveland, Ohio 44102, Permanent Number 2705361; and

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

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

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

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

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

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

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

### **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND**

**Section 1.** That Council does hereby record its objection to the transfer of location of a C2 and C2X Liquor Permit from R & Bee, Inc., DBA Rons Mini Mart, 4382 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7148574 to Fiar, Inc., 3153 West 73<sup>rd</sup> Street, Cleveland, Ohio 44102, Permanent Number 2705361; 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.

**Res. No. 31-17**

**REPORT  
after second Reading**

**Council Member McCormack**

**AN EMERGENCY RESOLUTION**

Objecting to the transfer of location of a C2 Liquor Permit to 3153 West 73<sup>rd</sup> Street.

**READ FIRST, SECOND AND THIRD TIME**

READ FIRST TIME

and referred

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on JANUARY 9, 2017

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **104.** Page \_\_\_\_\_

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# Resolution No. 32-17

## **AN EMERGENCY RESOLUTION**

Objecting to the transfer of stock of a D2, D2X, D3 and D6 Liquor Permit to 3670 West 130<sup>th</sup> Street, 1<sup>st</sup> floor only.

Council Member Kazy

**FOR ADOPTION**  
**January 9, 2017**

WHEREAS, Council has been notified by the Division of Liquor Control of an application for a transfer of stock of a D2, D2X, D3 and D6 Liquor Permit at RG Max Enterprises, LLC, 3670 West 130<sup>th</sup> Street, 1<sup>st</sup> floor only, Cleveland, Ohio 44111, Permanent Number 7146940; 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 transfer of stock of a D2, D2X, D3 and D6 Liquor Permit at RG Max Enterprises, LLC, 3670 West 130<sup>th</sup> Street, 1<sup>st</sup> floor only, Cleveland, Ohio 44111, Permanent Number 7146940, 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.

**Res. No. 32-17**

**REPORT  
after second Reading**

**Council Member Kazy**

**AN EMERGENCY RESOLUTION**

Objecting to the transfer of stock of a D2, D2X, D3 and D6 Liquor Permit to 3670 West 130<sup>th</sup> Street, 1<sup>st</sup> floor only.

and referred

**READ FIRST, SECOND AND THIRD TIME**

**READ FIRST TIME**

**CITY CLERK**

**READ SECOND TIME**

**CITY CLERK**

**READ THIRD TIME on JANUARY 9, 2017**

**PRESIDENT**

**CITY CLERK**

**APPROVED**

**MAYOR**

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# Resolution No. 33-17

## **AN EMERGENCY RESOLUTION**

Objecting to the transfer of stock of a D2, D2X, D3 and D6 Liquor Permit to 3670 West 130<sup>th</sup> Street, 1<sup>st</sup> floor only.

Council Member Kazy

**FOR ADOPTION**  
**January 9, 2017**

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WHEREAS, Council has been notified by the Division of Liquor Control of an application for a transfer of stock of a D2, D2X, D3 and D6 Liquor Permit at RG Max Enterprises, LLC, 3670 West 130<sup>th</sup> Street, 1<sup>st</sup> floor only, Cleveland, Ohio 44111, Permanent Number 7146940; 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 transfer of stock of a D2, D2X, D3 and D6 Liquor Permit at RG Max Enterprises, LLC, 3670 West 130<sup>th</sup> Street, 1<sup>st</sup> floor only, Cleveland, Ohio 44111, Permanent Number 7146940, 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.

/s/f  
For: Council Member Brian Kazy, Ward 16  
January 9, 2017

**Res. No. 33-17**

**REPORT  
after second Reading**

**Council Member Kazy**

**AN EMERGENCY RESOLUTION**

Objecting to the transfer of stock of a D2, D2X, D3 and D6 Liquor Permit to 3670 West 130<sup>th</sup> Street, 1<sup>st</sup> floor only.

**READ FIRST, SECOND AND THIRD TIME**

**READ FIRST TIME**

referred

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**CITY CLERK**

**READ SECOND TIME**

\_\_\_\_\_  
**CITY CLERK**

**READ THIRD TIME on JANUARY 9, 2017**

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**PRESIDENT**

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**CITY CLERK**

**APPROVED**

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**MAYOR**

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# Resolution No. 34-17

## **AN EMERGENCY RESOLUTION**

Objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 11121 Western Avenue, 1<sup>st</sup> floor & basement.

Council Member Brady

**FOR ADOPTION**  
**January 9, 2017**

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WHEREAS, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Kickstand Smittys Saloon, Inc., 11121 Western Avenue, 1<sup>st</sup> floor and basement, Cleveland, Ohio 44111, Permanent Number 4622081 to Janet Jeffrey, DBA Cruise Inn, 11121 Western Avenue, 1<sup>st</sup> floor and basement, Cleveland, Ohio 44111, Permanent Number 4236476; and

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

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

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

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

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

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

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

### **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND**

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Kickstand Smittys Saloon, Inc., 11121 Western Avenue, 1<sup>st</sup> floor and basement, Cleveland, Ohio 44111, Permanent Number 4622081 to Janet Jeffrey, DBA Cruise Inn, 11121 Western Avenue, 1<sup>st</sup> floor and basement, Cleveland, Ohio 44111, Permanent Number 4236476; 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.

**Res. No. 34-17**

**REPORT  
after second Reading**

**Council Member Brady**

**AN EMERGENCY RESOLUTION**

Objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 11121 Western Avenue, 1<sup>st</sup> floor & basement.

**READ FIRST, SECOND AND THIRD TIME**

and referred  
**READ FIRST TIME**

**CITY CLERK**

**READ SECOND TIME**

**CITY CLERK**

**READ THIRD TIME on JANUARY 9, 2017**

**PRESIDENT**

**CITY CLERK**

**APPROVED**

**MAYOR**

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# Resolution No. 38-17

## **AN EMERGENCY RESOLUTION**

Urging Giant Eagle not to close two local stores and a Get-Go gas station in Cleveland, and to work with the City of Cleveland to retain these stores in order to preserve access to fresh foods and pharmacy services for east and west side residents.

Council Member Kelley

**FOR PASSAGE**  
**January 9, 2017**

WHEREAS, the City of Cleveland has been a partner with Giant Eagle over the years, working towards the development of new grocery stores and Get-Go gas stations within the City limits; and

WHEREAS, the recently announced closing in February of two stores located at East 116<sup>th</sup> Street and Buckeye Road and 140<sup>th</sup> Street and Lorain Avenue, and a Get-Go gas station leaves only two Giant Eagle stores left in a community of nearly 400,000 people, and marks the end of Giant Eagle on the east side of Cleveland; and

WHEREAS, these stores provide access to fresh foods and pharmacy service for Cleveland residents, many of who are elderly and rely on public transportation; and

WHEREAS, the impending closing of three locations, puts 120 workers at risk of losing their jobs; and

WHEREAS, the closing of pharmacies in mid-January leaves little time for customers to transfer prescriptions, placing a hardship especially on our seniors and those with disabilities; and

WHEREAS, if these Giant Eagle stores close, the remaining lease terms may prevent other grocery stores from leasing at these locations, leaving vacant stores that negatively influence our community and affect other leases for nearby retail; and

WHEREAS, this Council urges Giant Eagle not to close these local stores, and to discuss ways the City of Cleveland may help retain them; and

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

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

**Section 1.** That this Council urges Giant Eagle not to close two local stores and a Get-Go gas station in Cleveland, and to work with the City of Cleveland to retain these stores in order to preserve access to fresh foods and pharmacy services for east and west side residents.

**Section 2.** That the Clerk of Council is directed to transmit copies of this resolution to Laura Karet, Chief Executive Officer, Giant Eagle and Mayor Frank G. 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.

**Res. No. 38-17**

**Council Member Kelley**

**AN EMERGENCY RESOLUTION**

Urging Giant Eagle not to close two local stores and a Get-Go gas station in Cleveland, and to work with the City of Cleveland to retain these stores in order to preserve access to fresh foods and pharmacy services for east and west side residents.

**READ FIRST TIME**

**REPORTS**

and referred to

CITY CLERK

**READ SECOND TIME**

CITY CLERK

**READ THIRD TIME on JANUARY 9, 2017**

PRESIDENT

CITY CLERK

**APPROVED**

MAYOR

**READ FIRST, SECOND AND THIRD TIME**