

# Ordinance No. 1194-16

## AN EMERGENCY ORDINANCE

Authorizing the Director of the City Planning Commission to enter into agreement with the Westown Community Development Corporation for the Variety Village Historic District Market Repositioning Study through the use of Ward 11 Casino Revenue Funds.

Council Member Brady

**FOR PASSAGE**  
**October 10, 2016**

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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 the Director of the City Planning Commission is hereby authorize to enter into agreement with the Westown Community Development Corporation for the Variety Village Historic District Market Repositioning Study for the public purpose of doing an economic, fiscal impact and planning market study on the Variety Village Historic District through the use of Ward 11 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$30,000 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.

For: Council Member Brady  
DB/jhj  
10/10/2016

**Ord. No. 1194-16**

**REPORT  
after second Reading**

**Council Member Brady**

**AN EMERGENCY ORDINANCE**

Authorizing the Director of the City Planning Commission to enter into agreement with the Westown Community Development Corporation for the Variety Village Historic District Market Repositioning Study through the use of Ward 11 Casino Revenue Funds.

**READ FIRST, SECOND AND THIRD TIME**

**READ FIRST TIME**

**REPORTS**

and referred to

**CITY CLERK**

**READ SECOND TIME**

**CITY CLERK**

**READ THIRD TIME on OCTOBER 10, 2016**

**PRESIDENT**

**CITY CLERK**

**APPROVED**

**MAYOR**

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# Ordinance No. 1201-16

## AN EMERGENCY ORDINANCE

Amending the Title and Section 1 of Ordinance No. 1143-16 passed September 26, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the SPACES for the SPACES Arts Education Project through the use of Ward 3 Neighborhood Capital Funds.

Council Member McCormack

FOR PASSAGE  
October 10, 2016

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1143-16, passed September 26, 2016, are hereby amended as follows:

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement effective March 3, 2018 with SPACES for the SPACES Arts Education Project through the use of Ward 3 Neighborhood Capital Funds.

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement effective March 3, 2018 with SPACES for the SPACES Arts Education Project for the public purpose of providing arts education programming for Cleveland residents through the use of Ward 3 Neighborhood Capital Funds.

Section 2. That the Title and Section 1 of Ordinance No. 1143-16, passed September 26, 2016, are hereby repealed.

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.

**Ord. No. 1201-16**

**REPORT  
after second Reading**

**Council Member McCormack**

**AN EMERGENCY ORDINANCE**

Amending the Title and Section 1 of Ordinance No. 1143-16, passed September 26, 2016, as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the SPACES for the SPACES Arts Education Project through the use of Ward 3 Neighborhood Capital Funds.

**READ FIRST, SECOND AND THIRD TIME**

**READ FIRST TIME**

**REPORTS**

and referred to

**CITY CLERK**

**READ SECOND TIME**

**CITY CLERK**

**READ THIRD TIME on OCTOBER 10, 2016**

**PRESIDENT**

**CITY CLERK**

**APPROVED**

**MAYOR**

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# Ordinance No. 1207-16

## AN EMERGENCY ORDINANCE

Authorizing and directing the Director of Office of Capital Projects to issue a permit to Lee Memorial AME Church to stretch banner(s) at the corner of East 105<sup>th</sup> Street and Bryant Avenue, for the period from October 12, 2016 to November 11, 2016, inclusive, publicizing the 135<sup>th</sup> Session of the North Ohio Annual Conference.

Council Member Conwell

**FOR PASSAGE**  
**October 10, 2016**

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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 notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Office of Capital Projects is hereby authorized and directed to issue a permit to Lee Memorial AME Church to install, maintain and remove a banner(s) at the corner of East 105<sup>th</sup> Street and Bryant Avenue for the period from October 12, 2016 to November 11, 2016, inclusive, publicizing the 135<sup>th</sup> Session of the North Ohio Annual Conference. Said banner(s) shall be approved by the Office of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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.

kbm 10-10-16

FOR: Council Member Conwell

**Ord. No. 1207-16**

**REPORT  
after second Reading**

**Council Member Conwell**

**AN EMERGENCY ORDINANCE**

Authorizing and directing the Director of Office of Capital Projects to issue a permit to Lee Memorial AME Church to stretch banner(s) at the corner of East 105<sup>th</sup> Street and Bryant Avenue, for the period from October 12, 2016 to November 11, 2016, inclusive, publicizing the 135<sup>th</sup> Session of the North Ohio Annual Conference.

**READ FIRST, SECOND AND THIRD TIME**

**READ FIRST TIME**

**REPORTS**

and referred to

CITY CLERK

**READ SECOND TIME**

CITY CLERK

**READ THIRD TIME on OCTOBER 10, 2016**

PRESIDENT

CITY CLERK

**APPROVED**

**MAYOR**

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# Resolution No. 1210-16

## AN EMERGENCY RESOLUTION

Objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 10301 and 10305 St. Clair Avenue.

Council Member Conwell

**FOR ADOPTION**  
**October 10, 2016**

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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 C2 and C2X Liquor Permit from Urban Connection of Cleveland, Inc., 10301 and 10305 St. Clair Avenue, Cleveland, Ohio 44108, Permit Number 9170796 to 10301 St. Clair Avenue, LLC, 10301 and 10305 St. Clair Avenue, Cleveland, Ohio 44108 Permit Number 9115186; 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 C2 and C2X Liquor Permit from Urban Connection of Cleveland, Inc., 10301 and 10305 St. Clair Avenue, Cleveland, Ohio 44108, Permit Number 9170796 to 10301 St. Clair Avenue, LLC, 10301 and 10305 St. Clair Avenue, Cleveland, Ohio 44108 Permit Number 9115186; 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 Kevin Conwell, Ward 9  
October 10, 2016

**Res. No. 1210-16**

**REPORT  
after second Reading**

<p><b>Council Member Conwell</b></p> <p><b><u>AN EMERGENCY RESOLUTION</u></b></p> <p>Objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 10301 and 10305 St. Clair Avenue.</p>
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**READ FIRST, SECOND AND THIRD TIME**

and referred

**READ FIRST TIME**

CITY CLERK

**READ SECOND TIME**

CITY CLERK

**READ THIRD TIME on OCTOBER 10, 2016**

PRESIDENT

CITY CLERK

**APPROVED**

MAYOR

Recorded Vol. **103.** Page \_\_\_\_\_

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# Resolution No. 1211-16

## AN EMERGENCY RESOLUTION

Council Member Dow

Withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 5300 Superior Avenue and repealing Resolution No. 747-16 objecting to said permit.

**FOR ADOPTION**  
**October 10, 2016**

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WHEREAS, this Council objected to a transfer of ownership of a C2 and C2X Liquor Permit to ERB Group, Inc., 5300 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 2533834 by Resolution No. 747-16 adopted by the Council on June 6, 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 C2 and C2X Liquor Permit to ERB Group, Inc., 5300 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 2533834, be and the same is hereby withdrawn and Resolution No. 747-16, 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 TJ Dow, Ward 7  
October 10, 2016

**Res. No. 1211-16**

**REPORT  
after second Reading**

**Council Member Dow**

**AN EMERGENCY RESOLUTION**

Withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 5300 Superior Avenue and repealing Resolution No. 747-16 objecting to said permit.

**READ FIRST, SECOND AND THIRD TIME**

**READ FIRST TIME**

referred

CITY CLERK

**READ SECOND TIME**

CITY CLERK

**READ THIRD TIME on OCTOBER 10, 2016**

PRESIDENT

CITY CLERK

**APPROVED**

MAYOR

Recorded Vol. **103.**

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**AN EMERGENCY RESOLUTION**

Objecting to a New C1 Liquor Permit at  
4126 Pearl Road.

**Councilmember Kelley**

WHEREAS, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Al Barakah Group, LLC, DBA Gas USA, 4126 Pearl Road, Cleveland, Ohio 44109, Permit Number 0436982; 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 C1 Liquor Permit at Al Barakah Group, LLC, DBA Gas USA, 4126 Pearl Road, Cleveland, Ohio 44109, Permit Number 0436982; 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.

For: Councilmember Kelley  
October 10, 2016