

Ordinance No. 1170-16

AN EMERGENCY ORDINANCE

To amend the title of Ordinance No. 827-12, passed June 4, 2012, relating to applying for and accepting a grant from the Ohio Department of Development for the East Side Market; to supplement the ordinance by adding new Section 3; and to renumber existing Section 3 to new Section 4.

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

FOR PASSAGE
October 3, 2016

WHEREAS, under Ordinance No. 827-12, passed June 4, 2012, this Council authorized the Director of Community Development to apply for and accept a grant from the Ohio Department of Development to rehabilitate, repair, and maintain the East Side Market and to construct site improvements; and

WHEREAS, under Ordinance No. 843-15, passed September 14, 2015, this Council authorized the Director of Public Works to lease the East Side Market to Northeast Ohio Neighborhood Health Services, Inc. ("NEON"); and

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

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

Section 1. That the title of Ordinance No. 827-12, passed June 4, 2012, is amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the Ohio Department of Development to rehabilitate, repair, and maintain the East Side Market and to construct site improvements; and to enter into an agreement with Northeast Ohio Neighborhood Health Services, Inc., to implement the improvement.

Section 2. That the existing title of Ordinance No. 827-12, passed June 4, 2012, is repealed.

Section 3. That Ordinance No. 827-12, passed June 4, 2012, is supplemented by adding new Section 3 to read as follows:

Section 3. That the Director of Community Development is authorized to enter into one or more agreements with NEON, for the redevelopment of the East Side Market. The costs of the agreement or agreements shall be paid from grant funds accepted under Ordinance No. 827-12, passed June 4, 2012.

Section 4. That existing Section 3 of Ordinance No. 827-12, passed June 4, 2012 is renumbered to new "Section 4".

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.

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**REPORT
after second Reading**

**Council Members Conwell, K. Johnson, Brancatelli and Kelley
(by departmental request)**

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To amend the title of Ordinance No. 827-12, passed June 4, 2012, relating to applying for and accepting a grant from the Ohio Department of Development for the East Side Market; to supplement the ordinance by adding new Section 3; and to renumber existing Section 3 to new Section 4.

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Ordinance No. 1171-16

Council Members Cummins and Kelley

FOR PASSAGE
October 3, 2016

AN EMERGENCY ORDINANCE

Authorizing Cleveland City Council, through the President of Council, to enter into a Memorandum of Understanding with DigitalC to partner with DigitalC in its technology access and inclusion project for which DigitalC is making a grant application to the MacArthur Foundation.

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

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

Section 1. That, notwithstanding any other ordinance or Codified Ordinance to the contrary, Cleveland City Council, through the President of Council, is authorized to enter into a Memorandum of Understanding with DigitalC to partner with DigitalC in its technology access and inclusion project for which DigitalC is making a grant application to the MacArthur Foundation. The Memorandum of Understanding authorized by this ordinance shall be substantially in the following form:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is effective on the date last signed below, by and between DigitalC and the Cleveland City Council.

WHEREAS, the John D. & Catherine T. MacArthur Foundation (“MacArthur Foundation”) is an independent foundation established in 1978 with the goal of building a more just, verdant and peaceful world;

WHEREAS, MacArthur Foundation is seeking, through its *100&Change* competition to solve a critical societal problem;

WHEREAS, DigitalC is a 501(c)(3) tax exempt civic tech organization that partners with the community to design technology-driven programs and services with a diverse team of experts with experience in technology, start-up’s, strategy, business and civic tech. DigitalC engages with the business, technology and civic communities to provide strategies and programs to enable communities to support 21st century opportunities for all. Founded in Cleveland, Ohio, DigitalC aspires to be a leading advocate for the digital transformation of communities across the nation.

WHEREAS, Cleveland City Council Cleveland City Council, the legislative branch of the City of Cleveland, serves citizens by monitoring city departments, approving budgets, and enacting legislation to improve the quality of life in an effective and financially responsible way.

WHEREAS, DigitalC, as the project lead, seeks to collaborate with Cleveland City Council and other community partners to create a scalable and replicable model for reducing inequality whereby those who have experienced structural barriers to participating in the economy of the 21st century will be able to digitally access public services, actively engage in their own health and wellness and drive their own education and career opportunities (“the Project”).

WHEREAS, the purpose of this MOU is to set forth the general terms surrounding the collaboration of the parties to advance the Project.

NOW, THEREFORE, the parties agree as follows:

1. **Compliance with MacArthur Foundation *100&Change* Grant Agreement.** The parties agree to comply with all terms of the MacArthur Foundation Grant Agreement.
2. **Supervision and Responsibility.** DigitalC will have supervision of the Project and control over the use of grant funds. In the event the Project is awarded funding by the MacArthur

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Foundation, Cleveland City Council will not be a sub-recipient of grant funds due to the eligibility criteria of the MacArthur Foundation, pursuant to this opportunity.

3. **Governance.** While DigitalC is the entity ultimately responsible for management of the Project and the proper administration of grant funds, success of this Project depends upon the engagement and support of the citizens of Cuyahoga County, and the valuable knowledge and perspective of all community partners. To this end, a Project Board of Advisors shall be established composed of a representative from the each of the communities impacted, DigitalC, and each community partner. The Project Board of Advisors shall provide overall guidance for the implementation of the Project, including on financing, financial or other governance issues. Termination of the MOU is addressed in paragraph 5 below. Termination of the Project shall be a decision of last resort and shall only be made by a vote of seventy-five percent (75%) of the voting representatives of the Project Board of Advisors following at least a six-month period of consideration, which shall include consultation with the MacArthur Foundation. Other decisions that affect multiple parties and that deal with the overall scope and direction of the Project shall be subject to approval by the voting representatives of the community residents, DigitalC and a majority of the voting representatives of the community partners.
4. **Compliance with Laws.** The parties will comply with all applicable federal, state and local laws in connection with the Project.
5. **Termination of MOU.** The parties are committed to supporting the Project through the duration of its conception and implementation. The parties are further committed to working in good faith toward resolution of any disputes arising under the Project. In the event of a material breach of the MOU by either party, the non-breaching party will provide the breaching party with written notice of the alleged breach and allow the allegedly breaching party ninety (90) days to cure the breach to the reasonable satisfaction of the non-breaching party. If the allegedly breaching party fails to cure, or fails to make substantial steps toward cure in the reasonable opinion of the non-breaching party within said ninety (90) day period, the non-breaching party may then terminate the MOU by providing the allegedly breaching party thirty (30) days written notice.
6. **Intellectual Property.** Ownership of intellectual property shall follow U.S. patent law. Ownership of intellectual property created solely by DigitalC will be owned by DigitalC; ownership of intellectual property created solely by the Cleveland City Council will be owned by Cleveland City Council. Intellectual property created jointly by DigitalC, Cleveland City Council, and any other community partner shall be jointly owned by the respective creators. The parties agree to enter into licensing agreements for the intellectual property with the specific intent of using such intellectual property to advance the Project. Any revenue generated from intellectual property used in the Project will not result in more than incidental benefit to any private interests.
7. **Responsible Parties.** The persons or their delegates authorized, on behalf of each party, to speak, act and execute agreements in connection with the Project are as follows:

DigitalC:

Name: Lev Gonick
Title: CEO
E-mail: lev.gonick@digitalc.org

Cleveland City Council:

Name: _____
Title: _____
E-mail: _____

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8. **Charitable Purpose.** The purpose of the Project is to create a scalable and replicable model that creates a measurable reduction in inequality through the use of technology for those in Cuyahoga County with structural barriers to participation in the 21st century economy. The parties agree that any revenue generated by the Project will be used to further advance the Project. No private interests will benefit from the revenue stream on a basis that is more than incidental to the primary charitable purpose to be served by the project.
9. **Term and Termination.** This MOU will be in effect for the duration of the Project.
10. **Amendments.** No amendment of any term of this MOU will be effective unless in writing and executed by either of the Parties.
11. **Assignment.** Neither party may assign this MOU within the written consent of the other party.

IN WITNESS WHEREOF, the parties have executed this MOU on the day and year set forth below by their respective signatures.

DIGITALC:

CLEVELAND CITY COUNCIL:

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

The legal form and correctness of this document is approved.

Barbara A. Langhenry
Director of Law

BY: _____

Assistant Director of Law

Date: _____

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.

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**REPORT
after second Reading**

Council Members Cummins and Kelley

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Ordinance No. 1172-16

AN EMERGENCY ORDINANCE

Authorizing the Director of the Department of Community Development to enter into agreement with Westown Community Development Corporation for the Code Enforcement & Nuisance Abatement Prevention Program through the use of Ward 11 Casino Revenue Funds.

Council Member Brady

FOR PASSAGE
October 3, 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 Director of the Department of Community Development is hereby authorized to enter into agreement effective July 1, 2016 with Westown Community Development Corporation for the Code Enforcement & Nuisance Abatement Prevention Program for the public purpose of eliminating slum and blight in City of Cleveland neighborhoods 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 \$102,000 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
DP/jhj
10/3/2016

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**REPORT
after second Reading**

Council Member Brady

AN EMERGENCY ORDINANCE

Authorizing the Director of the Department of Community Development to enter into agreement with Westown Community Development Corporation for the Code Enforcement & Nuisance Abatement Prevention Program through the use of Ward 11 Casino Revenue Funds.

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Resolution No. 1180-16

AN EMERGENCY RESOLUTION

Objecting to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit to 1104 Rowley Avenue, 1st floor and basement.

Council Member Brancatelli

FOR ADOPTION
October 3, 2016

WHEREAS, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from M EM Cle, LLC, DBA Rowley Inn, 1104 Rowley Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permit Number 5376715 to R Jay Enterprises, LLC, DBA Rowley Inn, 1104 Rowley Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permit Number 7148728; 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 D2, D2X, D3, D3A and D6 Liquor Permit from M EM Cle, LLC, DBA Rowley Inn, 1104 Rowley Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permit Number 5376715 to R Jay Enterprises, LLC, DBA Rowley Inn, 1104 Rowley Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permit Number 7148728; 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. 1180-16

**REPORT
after second Reading**

Council Member Brancatelli

AN EMERGENCY RESOLUTION

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AN EMERGENCY ORDINANCE

Council Member Kelley

FOR ADOPTION
October 3, 2016

To amend section 1 of Ordinance No. 1017-16 passed September 26, 2016 relating to authorization for the Clerk of Council to enter into an agreement with SoundCom Systems for the professional services necessary to provide audio and video system upgrades for the Mercedes Cotner Committee Room.

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

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

Section 1. That section 1 of Ordinance No. 1017-16 passed September 26, 2016 is amended to read as follows:

Section 1. That the Clerk of Council is authorized to enter into an agreement with SoundCom Systems for the professional services necessary to provide audio and video system upgrades for the Mercedes Cotner Committee Room, including equipment, design, engineering, installation, training, support and maintenance. The agreement shall be for a term of one year; the cost of all services under this agreement shall be paid for from fund 11-006, 21-006 and/or 20-573.

Section 2. That existing Section 1 of Ordinance No. 1017-16 passed September 26, 2016, is 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.

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