

Ordinance No. 621-16

Council Member Kelley
(by initiative petition)

AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new sections 174.01 through 174.06 relating to Cleveland Minimum Wage.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976 are hereby supplemented by enacting new sections 174.01, 174.02, 174.03, 174.04, 174.05, and 174.06 to read, respectively, as follows:

TITLE CLEVELAND MINIMUM WAGE

Section 174.01 Definitions

For purposes of this Chapter:

(a) "An individual employed in or about the property of an employer or individual's residence", "casual basis", and "family member" have the same meaning as those terms are defined in Ohio Rev. Code Section 4111.14(D).

(b) "City" means the City of Cleveland, including all City divisions, departments, and offices.

(c) "Covered employer" means any person or entity employing 25 or more employees in the United States during the previous calendar year and who otherwise meets the definition of "employer" under Section 34a of Article II of the Ohio Constitution.

(d) "Employee" has the same meaning as in Ohio Rev. Code Section 4111.14 (B)(1), but does not include: any individual employed by a solely family owned and operated business, who is a family member of one of the owners; or any individual employed on a casual basis in or about the property of the employer or at the individual's residence.

Section 174.02 Required Minimum Wage Rate

(a) Beginning January 1, 2017, every covered employer shall pay each of its employees working within the geographical boundaries of the City of Cleveland at a wage rate of not less than \$15.00 per hour. Beginning January 1, 2018, the minimum wage rate provided in this Chapter shall be increased by the rate of inflation for the twelve month period prior to the September preceding the required increase according to the consumer price index or its successor index for all urban wage earners and

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clerical workers for all items as calculated by the federal government rounded to the nearest five cents.

(b) A covered employer is not required to pay the minimum wage rate established in this Chapter with respect to an individual employee if:

(1) The employer has received a license issued by the State of Ohio authorizing payment of a wage rate below that required by Section 34a of Article II of the Ohio Constitution to employ the individual employee with mental or physical disabilities that may otherwise adversely affect their opportunity for employment; or

(2) The employer can demonstrate that an individual employee receives tips that combined with the wages paid by the employer are equal to or greater than the minimum wage rate for all hours worked. In such a case, an employer may pay an employee less than, but not less than half, the minimum wage rate required by this Chapter if the employee earns the minimum wage rate established in this Chapter for all hours worked inclusive of tips.

Section 174.03

Prohibited Acts

(a) No covered employer shall pay or agree to pay wages at a rate less than the rate required by this Chapter. Each week or portion thereof for which the covered employer pays any employee less than the rate required by this Chapter constitutes a separate offense.

(b) No covered employer shall reduce the wage rate of any employee as a consequence of this Chapter.

(c) No covered employer shall discharge or in any other manner discriminate against any employee because the employee made any complaint that the employee has not been paid wages in accordance with this Chapter, or because the employee has or will cause any proceeding to be instituted under or related to this Chapter, or because the employee has testified or is about to testify in any proceeding related to this Chapter.

(d) No covered employer shall otherwise violate any provision of this Chapter. Each day of violation constitutes a separate offense.

Section 174.04

Civil Actions

The City, an employee, or any person acting on behalf of an employee or all similarly-situated employees may bring a civil action in a court of competent jurisdiction for such legal or equitable relief as may be appropriate to remedy a violation of Chapter 174, within three (3) years of the violation or of when the violation ceased if it was of a continuing nature. There shall be no exhaustion requirement, no procedural, pleading or burden of proof requirements beyond those that apply generally to civil suits in order to maintain such action and no liability for costs or attorney's fees on an employee except upon a finding that such action was frivolous in accordance with the same standards that apply generally in civil suits. Where a covered employer is found to have violated any provision of this Chapter, the covered employer shall within thirty (30)

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days of the finding pay the employee back wages, damages, and the employee's costs and reasonable attorney's fees. Damages shall be calculated as an additional two times the amount of the back wages and in the case of a violation of an anti-retaliation provision an amount set by the court sufficient to compensate the employee and deter future violations, but not less than one hundred fifty dollars for each day that the violation continued. Payment under this paragraph shall not be stayed pending any appeal.

Section 174.05 Effect

(a) Nothing in this Chapter interferes with, impedes, or in any way diminishes the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum wage rate established in this Chapter.

(b) Nothing in chapter shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Ohio or federal constitutions.

Section 174.06 Severability

If any portion of Chapter 174 is held invalid, the remainder of the Chapter shall not be affected by such holding and shall continue in full force and effect.

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
5-16-16

BY: Initiative Petition

Ordinance No. 622-16

Council Members Kazy, Keane, K. Johnson and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to enter into one or more agreements regarding the public improvement of resurfacing Lakewood Heights Boulevard; and to cause payment to the City of Lakewood for the City's portion of the improvement.

WHEREAS, the City of Lakewood will be making the public improvement of resurfacing Lakewood Heights Boulevard from Alger Road to Chesterland Avenue in the Cities of Lakewood and Cleveland ("Lakewood Heights Boulevard Resurfacing Project"); and

WHEREAS, the approximate centerline of Lakewood Heights Boulevard between the termini constitutes a portion of the municipal boundary between the City of Lakewood and Cleveland; and

WHEREAS, in order to ensure a seamless border between Lakewood and Cleveland, to provide the most economical and efficient solution, and to eliminate potential hazards to pedestrian and vehicular traffic, the City of Cleveland desires to partner with the City of Lakewood to allow Lakewood to include the Cleveland portion in the Lakewood Resurfacing Project; 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 Capital Projects is authorized to enter into any agreement or agreements with the City of Lakewood regarding the Lakewood Resurfacing Project to, among other things, allow Lakewood to make the public improvement of resurfacing the portion of Lakewood Heights Boulevard which is located in the City of Cleveland; and to allow Lakewood to apply for and accept federal funds designated for this purpose.

Section 2. That this Council authorizes payment to the City of Lakewood of Cleveland's share of the Lakewood Resurfacing Project, for the portion that is located in the City of Cleveland, from Fund Nos. 20 FS 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, and from the fund or funds to which are credited the proceeds from the sale of bond funds authorized by Ordinance No. 366-16, passed March 21, 2016, and any future bonds if issued for this purpose.

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.

Ordinance No. 623-16

Council Members Polensek, Brancatelli and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with LaSalle AMC TCE, LLC, or its designee, to provide for tax abatement for certain real property improvements as an incentive to develop the LaSalle Arts & Media Center at 819-829 East 185th Street in the Cleveland Area Enterprise Zone.

WHEREAS, by letter dated April 15, 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, 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, LaSalle AMC TCE, LLC, or its designee (the "Enterprise") has proposed to develop the LaSalle Arts & Media Center at 819-829 East 185th Street 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,

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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 ten-year, sixty percent (60%) 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. 623-16-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.

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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.

RB:nl
5-16-16

FOR: Director Nichols

Ordinance No. 624-16

AN EMERGENCY ORDINANCE

To amend Section 4 of Ordinance No. 912-07, passed June 11, 2007, relating to the 2006 Bridge Maintenance Program to add additional funding sources.

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

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 4 of Ordinance No. 912-07, passed June 11, 2007, as amended by Ordinance Nos. 637-08, passed June, 9, 2008, Ordinance No. 455-09, passed June 8, 2009, Ordinance No. 678-11, passed June 6, 2011, Ordinance No. 609-12, passed June 4, 2012, Ordinance No. 730-13, passed May 20, 2013, and Ordinance No. 742-14, passed June 9, 2014, is amended to read as follows:

Section 4. That the cost of the contract authorized shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, and from the fund or funds to which are credited the proceeds from the sale of any future bond funds if issued for this purpose, and from the fund or funds to which are credited the proceeds of the sale of the bonds of the City of Cleveland authorized by Ordinance No. 497-14, passed April 21, 2014, if the City sells such bonds and any other funds approved by the Director of Finance, Requests No. 173280 and 175533.

Section 2. That existing Section 4 of Ordinance No. 912-07, passed June 11, 2007, as amended by Ordinance Nos. 637-08, passed June, 9, 2008, Ordinance No. 455-09, passed June 8, 2009, Ordinance No. 678-11, passed June 6, 2011, Ordinance No. 609-12, passed June 4, 2012, Ordinance No. 730-13, passed May 20, 2013, and Ordinance No. 742-14, passed June 9, 2014, is repealed.

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

RC:nl
5-16-16

FOR: Director Spronz

Ordinance No. 625-16

**Council Members Brancatelli and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

To amend Section 2 of Ordinance No. 986-14, passed September 29, 2014, relating to contracts with Cuyahoga County and various non-profit agencies for the implementation of homeless assistance activities.

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 2 of Ordinance No. 986-14, passed September 29, 2014, is amended to read as follows:

Section 2. That the aggregate cost of the contracts authorized shall not exceed \$2,534,617, and shall be paid from Fund Nos. 14 SF 039, 14 SF 040, 19 SF 661, and 19 SF 681, RQS 8006, RL 2014-94.

Section 2. That existing Section 2 of Ordinance No. 986-14, passed September 29, 2014, is repealed.

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

GEP:nl
5-16-16

FOR: Acting Director Cosgrove

Ordinance No. 626-16

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

AN EMERGENCY ORDINANCE

To amend Section 4 of Ordinance No. 1325-14, passed November 17, 2014, relating to the public improvement of repairing and constructing improvements to City right-of-ways, including but not limited to roadways, bus pads, sidewalks, driveway aprons, curbs, curb ramps, brick streets, and appurtenances, to add additional funding sources.

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 4 of Ordinance No. 1325-14, passed November 17, 2014, is amended to read as follows:

Section 4. That the costs of the contract or contracts shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574 and from the fund or funds to which are credited the proceeds from the sale of any future bond funds if issued for this purpose, and from the fund or funds to which are credited the proceeds of the sale of bonds for 2015 if authorized by this Council and sold by the City for a purpose which includes this improvement, and shall also 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. (RQN 0103, RL 2014-48)

Section 2. That existing Section 4 of Ordinance No. 1325-14, passed November 17, 2014, is repealed.

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

RC:nl
5-16-16

FOR: Director Spronz

Ordinance No. 627-16

**Council Members Keane and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Port Control to exercise the first option to renew Contract No. CT 3001 LS 2014-05 with Worldwide Flight Services, Inc. for the lease of space in the South Cargo Facility Building at Cleveland Hopkins International Airport for operation of an air cargo facility.

WHEREAS, under the authority of Ordinance No. 362-13, passed April 1, 2013, the Director of Port Control entered into Contract No. CT 3001 LS 2014-05 with Worldwide Flight Services, Inc. for the lease of space in the South Cargo Facility Building at Cleveland Hopkins International Airport for operation of an air cargo facility; and

WHEREAS, Ordinance No. 362-13 requires further legislation before exercising the first option to renew on this contract; and

WHEREAS, for the use of the Leased premises, Worldwide Flight Services, Inc. shall pay the City an annual fee as specified in the 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 Port Control is authorized to exercise the first option to renew Contract No. CT 3001 LS 2014-05 for an additional year with World Wide Flight Services for the lease of space in the South Cargo Facility Building at Cleveland Hopkins International Airport for operation of an air cargo facility. This ordinance constitutes the additional legislative authority required by Ordinance No. 362-13 to exercise this option.

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.

JMcG:nl
5-16-16

FOR: Interim Director Szabo

Ordinance No. 628-16

**Council Members Keane and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Port Control to enter into one or more contracts with Squire, Patton, Boggs (US) LLP for professional services necessary to negotiate and draft leases for airport properties, for the Department of Port Control, for a period not to exceed 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 Port Control is authorized to enter into one or more contracts with Squire, Patton, Boggs (US) LLP for professional services necessary to negotiate and draft leases for airport properties, on the basis of its proposal dated March 24, 2015, in the total sum not to exceed \$50,000, for the Department of Port Control. The contract or contracts shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 141, passenger facility charges if authorized for this purpose, and from the fund or funds to which are credited any grant proceeds received for this purpose, RQS 3001, RL 2016-55.

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.

JMcG:nl
5-16-16

FOR: Interim Director Szabo

Ordinance No. 629-16

Council Members McCormack, Brancatelli and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by 925 Euclid Ave LLC, or its designees, located at 925 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 925 Euclid Avenue LLC, or its 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, 925 Euclid Ave LLC, or its 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. 1:

SITUATED IN THE CITY OF CLEVELAND, COUNTY OF CUYAHOGA AND STATE OF OHIO:

AND KNOWN AS BEING PART OF ORIGINAL 2 ACRE LOT NOS. 154 AND 155, AND SUBLOTS NOS. 45, 46, 47, 48, 49 AND PART OF SUBLOT 50 IN J. M. WOOLSEY'S SUBDIVISION OF PART OF ORIGINAL TWO ACRE LOT NOS. 156 TO 167 BOTH INCLUSIVE, AS SHOWN BY THE RECORDED PLAT OF SAID SUBDIVISION IN VOLUME N OF DEEDS, PAGE 486 OF CUYAHOGA COUNTY RECORDS, TOGETHER FORMING A PARCEL OF LAND, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTHERLY LINE OF EUCLID AVENUE AT A POINT 145 FEET 9-1/8 INCHES EASTERLY, MEASURED ALONG SAID NORTHERLY LINE, FROM ITS POINT OF INTERSECTION WITH THE EASTERLY LINE OF EAST 9TH STREET (FORMERLY ERIE STREET);

THENCE WESTERLY ALONG SAID NORTHERLY LINE OF EUCLID AVENUE 145 FEET 9-1/8 INCHES TO ITS POINT OF INTERSECTION WITH THE EASTERLY LINE OF EAST 9TH STREET;

THENCE NORTHERLY ALONG SAID EASTERLY LINE OF EAST 9TH STREET 258 FEET 6-5/8 INCHES TO ITS POINT OF INTERSECTION WITH THE SOUTHERLY LINE OF CHESTER AVENUE N.E. (FORMERLY KNOWN AS CHESTNUT AVENUE);

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THENCE EASTERLY ALONG SAID SOUTHERLY LINE OF CHESTER AVENUE N.E. 385 FEET 1/4 INCH TO A POINT 12 FEET WESTERLY MEASURED ALONG SAID SOUTHERLY LINE, FROM THE NORTHEASTERLY CORNER OF SAID SUBLOT NO. 50, WHICH POINT IS ALSO AT THE INTERSECTION OF SAID SOUTHERLY LINE WITH THE WESTERLY LINE OF A 12 FOOT ALLEY;

THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF SAID ALLEY 133 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF SAID SUBLOT 50 WHICH IS ALSO THE NORTHERLY LINE OF HICKORY COURT N.E. (FORMERLY HICKORY LANE) 12 FEET WESTERLY MEASURED ALONG SAID SOUTHERLY LINE OF SUBLOT 50, FROM THE SOUTHEASTERLY CORNER OF SAID SUBLOT 50;

THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID SUBLOT NOS. 50, 49, 48, AND 47, 170 FEET 11-1/2 INCHES TO ITS POINT OF INTERSECTION WITH A LINE DRAWN NORTHERLY AT RIGHT ANGLES WITH SAID NORTHERLY LINE OF EUCLID AVENUE FROM THE PLACE OF BEGINNING;

THENCE SOUTHERLY 200 FEET 9-1/4 INCHES TO THE PLACE OF BEGINNING, ACCORDING TO THE SURVEY MADE BY THE F.A. PEASE ENGINEERING COMPANY, AUGUST, 1919.

PERMANENT PARCEL NO. 101-36-013

PARCEL NO. 2:

SITUATED IN THE CITY OF CLEVELAND, COUNTY OF CUYAHOGA AND STATE OF OHIO:

AND KNOWN AS BEING SUBLOT NO. 52 IN J.M. WOOLSEY'S SUBDIVISION OF PART OF ORIGINAL TWO ACRE LOT NOS. 156 TO 167 BOTH INCLUSIVE, AS SHOWN BY THE RECORDED PLAT OF SAID SUBDIVISION IN VOLUME N OF DEEDS, PAGE 486 OF CUYAHOGA COUNTY RECORDS, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF CHESTER AVENUE N.E. (FORMERLY CHESTNUT AVENUE) 463 FEET 1/4 INCH EASTERLY MEASURED ALONG SAID SOUTHERLY LINE FROM ITS POINT OF INTERSECTION WITH THE EASTERLY LINE OF EAST 9TH STREET (FORMERLY ERIE STREET), SAID POINT OF BEGINNING BEING ALSO THE NORTHEASTERLY CORNER OF LAND DESCRIBED IN A LEASE TO FRANK C. NEWCOMER DATED JULY 16, 1919 AND RECORDED IN LEASE VOLUME 92, PAGE 16 OF CUYAHOGA COUNTY RECORDS;

THENCE EASTERLY ALONG SAID SOUTHERLY LINE OF CHESTER AVENUE N.E. 66 FEET TO THE NORTHEASTERLY CORNER OF SAID SUBLOT 52;

THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SUBLOT 52, 133 FEET TO THE SOUTHEAST CORNER OF SAID SUBLOT 52;

THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SUBLOT 52, WHICH IS ALSO THE NORTHERLY LINE OF HICKORY COURT N.E. (FORMERLY HICKORY LANE), 66 FEET TO THE SOUTHWEST CORNER OF SAID SUBLOT 52;

THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID SUBLOT 52, 133 FEET TO THE PLACE OF BEGINNING, AS APPEARS BY SAID PLAT, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL LEGAL

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HIGHWAYS, AND THE RIGHTS OF THE PUBLIC, IF ANY, IN THE PORTION OF THE FOREGOING PARCEL WHICH IS USE AS AN ALLEY AND APPROACH TO LOADING DOCKS.

PERMANENT PARCEL NO. 101-36-002

PARCEL NO. 3:

SITUATED IN THE CITY OF CLEVELAND, COUNTY OF CUYAHOGA AND STATE OF OHIO AND KNOWN AS BEING THE NORTHERLY PART OF SUBLOT 51 IN J. M. WOOLSEY'S SUBDIVISION OF PART OF ORIGINAL TWO ACRE LOT NOS. 156 TO 167 BOTH INCLUSIVE, AS SHOWN BY THE RECORDED PLAT OF SAID SUBDIVISION IN VOLUME N OF DEEDS, PAGE 486 OF CUYAHOGA COUNTY RECORDS, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF CHESTER AVENUE N.E. (FORMERLY CHESTNUT AVENUE) 397 FEET 1/4 INCH EASTERLY MEASURED ALONG SAID SOUTHERLY LINE FROM ITS POINT OF INTERSECTION WITH THE EASTERLY LINE OF EAST 9TH STREET (FORMERLY ERIE STREET), SAID POINT OF BEGINNING BEING ALSO THE POINT OF INTERSECTION OF SAID SOUTHERLY LINE WITH THE EASTERLY LINE OF A 12 FOOT ALLEY;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID SUBLOT 51, WHICH IS ALSO THE EASTERLY LINE OF SAID 12 FOOT ALLEY, 100 FEET;

THENCE EASTERLY PARALLEL WITH THE SOUTHERLY LINE OF CHESTER AVENUE N.E. 66 FEET TO THE EASTERLY LINE OF SAID SUBLOT 51;

THENCE NORTHERLY ALONG SAID EASTERLY LINE OF SUBLOT 51, 100 FEET TO SAID SOUTHERLY LINE OF CHESTER AVENUE N.E.;

THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF CHESTER AVENUE N.E. 66 FEET TO THE PLACE OF BEGINNING, AS APPEARS BY SAID PLAT, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL LEGAL HIGHWAYS.

PERMANENT PARCEL NO. 101-36-001

PARCEL NO. 4:

TOGETHER WITH AN APPURTENANT EASEMENT ESTABLISHED BY ORDINANCE NO. 58,522 AS SHOWN IN CITY RECORD VOLUME 19, PAGE 767 GRANTING THE UNION LENNOX CO., ITS SUCCESSORS AND ASSIGNS THE AUTHORITY AND PERMISSION TO CONSTRUCT MAINTAIN AND USE A BRIDGE OVER EAST 11TH PLACE.

Together with Easement for Pedestrian Tunnel granted by the City of Cleveland to the Union Commerce Bank, dated December 15, 1967, filed for record December 15, 1967, and recorded in Volume 12183, Page 181, of Cuyahoga County Records

A.P.N. 101-36-002

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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 925 Euclid Ave LLC, or its 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.

RB:nl
5-16-16

FOR: Director Nichols

Ordinance No. 630-16

**Council Members Keane and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

To amend Section 1 of Ordinance No. 1360-15, passed December 7, 2015, relating to a Lease with Ultimate JetCharters LLC dba Ultimate Air Shuttle, LLC for the lease of space located in the passenger terminal building at Burke Lakefront Airport to increase the leased premises.

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. 1360-15, passed December 7, 2015, is amended to read as follows:

Section 1. That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Ultimate JetCharters, LLC dba Ultimate Air Shuttle, LLC ("Lessee") for use and occupancy of approximately 972 square feet of space located in the holding area next to Gate 2 in the passenger terminal building at Burke Lakefront Airport and approximately 142 square feet of office space in Room 127, which space is not needed for public use ("Leased Premises"). The term of the Lease shall be for a period of one year, with two one-year options to renew, the second of which requires additional legislative authority, and shall commence on the effective date of the Lease. For use of the Leased Premises, Lessee shall pay the City an annual rate of \$15,552.00 for the hold room space, payable in monthly installments of \$1,296.00, which is equal to \$16.00 per square foot, and an annual rate of \$1,846.00 for the office space, payable in monthly installments of \$153.83, which is equal to \$13.00 per square foot.

Section 2. That existing Section 1 of Ordinance No. 1360-15, passed December 7, 2015, is repealed.

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

JMcG:nl
5-16-16

FOR: Acting Director Szabo

Ordinance No. 631-16

AN EMERGENCY ORDINANCE

Designating Central High School (Carl and Louis Stokes Academy) as a Cleveland landmark.

Council Member Cleveland

WHEREAS, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Central High School (Carl and Louis Stokes Academy) as a landmark; and

WHEREAS, a public hearing under division (b)(2) of Section 161.04 was held on March 13, 2014 to discuss the proposed designation of Central High School (Carl and Louis Stokes Academy) as a landmark; and

WHEREAS, the Commission has recommended designation of Central High School (Carl and Louis Stokes Academy) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Central High School (Carl and Louis Stokes Academy) whose street address in the City of Cleveland is 2225 East 40th Street, Cuyahoga County Auditor's Permanent Parcel Number is 103-23-078, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Sub-lots 28 thru 41 both inclusive in the W. J. Gordon's Allotment of part of Original 10 Acre Lot No. 71 as shown by the recorded plat in Volume 11 of Maps, Page 17, and Sub-lots 116 and 117 and part of 115 in the William Williams Subdivision of part of Original 10 Acre Lot No. 71 as shown by the recorded plat in Volume 3 of Maps, Page 6 of the Cuyahoga County Records and bounded and described as follows:

Beginning on the west right of way of East 43rd Street (33.00 feet wide) at the northeast corner of said Sub-lot 41 in the W. J. Gordon's Allotment;
Thence southeasterly along said west right of way of East 43rd Street to the northeast corner of Sub-lot 27 in said W. J. Gordon's Allotment;

Ordinance No. 631-16

Thence southwesterly along the north line of said Sub-lot 27 in W. J. Gordon's Allotment to the northwest corner thereof;
Thence southeasterly along the west line of said Sub-lot 27 in W. J. Gordon's Allotment to the northeast corner of a parcel of land conveyed to St. John AME Church by deed dated February 7th 1991, recorded in volume 91-0669, page 11 of the Cuyahoga County Deed Records;
Thence southwesterly along the north line of said parcel of land conveyed to St. John AME Church to its intersection with the east line of East 40th Street (99.00 feet wide);
Thence northwesterly along the said east line of East 40th Street to a point being 25.00 feet southeast of the northwest corner of said Sub-lot 115 in the William Williams Subdivision;
Thence northeasterly along a line being parallel with and 25.00 feet south of the North line of said Sub-lot 115 in the William Williams Subdivision to its intersection with the West line of said Sub-lot 41 in W. J. Gordon's Allotment;
Thence northwesterly along said West line of Sub-lot 41 in W. J. Gordon's Allotment to the northwest corner thereof;
Thence northeasterly along the north line of said Sub-lot 41 in W. J. Gordon's Allotment to its intersection with the west line of said East 43rd Street also being the northeast corner of said Sub-lot 41 in W. J. Gordon's Allotment and the place of beginning, be the same, more or less but subject to all legal highways.

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

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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.

Council Member Phyllis E. Cleveland

DP/KB

5/16/2016

Ordinance No. 632-16

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to enter into one or more contracts with Case Western Reserve University to provide a youth summer sports, nutrition, health, and life skills development program for 2016 under the National Youth Sports Program.

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

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

Section 1. That the Director of Public Works is authorized to enter into one or more contracts with the Case Western Reserve University for the public purpose of providing Cleveland youths with a summer sports, nutrition, health, and life skills development program for 2016 under the National Youth Sports Program.

Section 2. That the cost of the contract or contracts shall not exceed \$150,000 and shall be paid from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2016-9.

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.

LW:nl
5-16-16

FOR: Director Cox

Ordinance No. 633-16

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to employ one or more professional consultants to provide security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed one year.

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

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

Section 1. That the Director of Public Works 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 provide security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed one year.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works 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 Works, and certified by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2016-8.

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.

JM:nl
5-16-16

FOR: Director Cox

Resolution No. 636-16

AN EMERGENCY RESOLUTION

Withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 2184 West 85th Street and repealing Resolution No. 343-16 objecting to said permit.

Council Member Zone

FOR ADOPTION

May 16, 2016

WHEREAS, this Council objected to a transfer of ownership of a C2 and C2X Liquor Permit to Najada Town Foods, Inc., 2184 West 85th Street, Cleveland, Ohio 44102, Permanent Number 6286885 by Resolution No. 343-16 adopted by the Council on March 14, 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 Najada Town Foods, Inc., 2184 West 85th Street, Cleveland, Ohio 44102, Permanent Number 6286885, be and the same is hereby withdrawn and Resolution No. 343-16, 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 Matthew Zone, Ward 15
May 16, 2016