

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

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adoption. Yeas 18. Nays 0.

Res. No. 568-11.

By Council Member Sweeney.

An emergency resolution objecting to a New C1 Liquor Permit at 4798 West 130th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Belaell Seder, 4798 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7951783; 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 Department 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 Director 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 Belaell Seder, 4798 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7951783, and requests the Director 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 resolu-

tion, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adoption. Yeas 18. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 92-11.

By Council Members Pruitt, Mitchell and Sweeney (by departmental request).

An emergency ordinance to amend Sections 143.01, 143.02, 143.03, 171.03, 171.241, 171.242, and 171.37 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, to effectuate changing the name of the Department of Personnel and Human Resources to the Department of Human Resources.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action, and Training, Legislation, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 143-11.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into a contract with EnerNOC Inc. for participation in EnerNOC's demand response program by the Division of Water for a period of two years with one two-year option to renew exercisable by the Director of Public Utilities.

Approved by Directors of Public Utilities, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Utilities, Finance, when amended, as follows:

1. In the title, strike line 7 in its entirety and insert "**exercisable through additional legislative authority.**".

2. In Section 1, line 4, strike "by the Director of Public Utilities" and insert "**through additional legislative authority.**".

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 210-11.

By Council Members Cimperman, J. Johnson and Mitchell.

An emergency ordinance to amend various sections of Chapters 241, 508,

and 675 of the codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances relating to vendors; to supplement the codified ordinances by enacting new Sections 241.051, 241.36, 241.37, and 241.38, relating to mobile food shops; and to rename Chapter 675 to "Street Vendors."

Approved by Directors of Public Health, Capital Projects, Public Safety, Economic Development, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Health and Human Services, Public Service, Public Safety, Community and Economic Development, Legislation, Finance, when amended, as follows:

1. In Section 1, at amended Section 241.02, first paragraph, line 1, strike "Commissioner of Environment" and insert "**Director of Public Health**"; in lines 7 and 11, strike "Commissioner" and insert "**Director of Public Health**" in both places; and in line 18, strike "or Commissioner of Environment".

2. In Section 1, at amended Section 241.03(e), line 1, strike "mean" and insert "**means**".

3. In Section 1, at amended Section 241.05, insert new division (j) to read as follows: "**(j) On receipt of an application for a mobile food shop license, the Commissioner of Assessments and Licenses shall notify the Council member or members in whose ward or wards the mobile food shop will be located that the application has been received. A completed application shall contain the signature of the Council member or members in whose ward or wards the mobile food shop will be located.**"; and reletter existing division (j), (k), and (l), to new divisions "**(k)**", "**(l)**", and "**(m)**".

4. In Section 1, at amended Section 241.06(d), line 1, after "revocation of" insert "**a**"; and in line 2, after "revocation of" insert "**a**"; insert new division 241.06(e) to read as follows: "**(e) A mobile food shop permit may be suspended or revoked for violations of Section 241.38. The permittee or applicant may appeal a suspension, revocation, or disapproval of a permit to the Commissioner of Assessments and Licenses within 20 days of the date of notice of suspension, revocation, or disapproval. The permittee or applicant may appeal the Commissioner's decision to the Board of Zoning Appeals established pursuant to Charter Section 76-6. Notice of such appeal shall be in writing and shall be filed with the Board within ten days from the date of the written decision of the Commissioner.**"; and reletter existing division (e) to "**(f)**".

5. In Section 1, at amended Section 241.99(b), line 2, strike "one hundred dollars (\$100.00) and insert "**one hundred fifty dollars (\$150.00)**".

6. In Section 1, at amended Section 508.03(h), strike lines 12, 13, 14, and 15 in their entirety and insert "**be without prejudice to coverage otherwise existing therein, and shall include the City of Cleveland, its officers and employees, as additional insured. Before conducting**"; and in line 16, strike "name" and insert "**include**".

7. In Section 1, at amended Section 508.07(a), line 1, underline the word "occupy".

8. In Section 1, at amended Section 675.03(a), line 2, after "675.02", strike the hyphen.

9. In Section 1, at amended Section 675.04, insert a new division (f) to read as follows: "**(f) No person shall engage in vending in more than five wards plus zones established under Section 241.37.**"

10. In Section 1, at amended Section 675.99(a), line 2, strike "one hundred dollars (\$100.00) and insert "**one hundred fifty dollars (\$150.00)**".

11. In Section 3, at new Section 241.36(a), line 1, and in (b), line 1, strike "may" and insert "**shall**" in both places.

12. In Section 3, at new Section 241.38(a), strike division (2) in its entirety and insert: "**(2) from any trailer, including a trailer hitched to a motor vehicle, structure or other device, that is situated in any portion of a street which is designed or ordinarily used for vehicular travel, except a motorized vehicle on the portion of a street where and during the hours that parking is permitted;**" in division (a)(4), line 2, strike "or"; in division (a)(5), line 3, after "Association", strike the period and insert "; **or**"; and insert a new division (a)(6) to read as follows: "**(6) from a vehicle, structure or device that is more than 40 feet in length.**"

13. In Section 3, at new Section 241.38(b)(6), line 3, after "renewal" insert "**and during its hours of operation**".

14. In Section 3, at new Section 241.38(d)(3), line 1, after "offering" insert "**pre-packaged**"; and in line 2, strike "by this Code" and insert "**under Chapter 675**".

15. In Section 3, at new Section 241.38(d)(4), line 3, strike "and"; in division (d)(5), line 3, strike the period and insert "; and"; and add new division (d)(6) to read as follows: "**(6) Directly handling food must be free of communicable disease to reduce the risk of food borne disease transmission and adhere to all provisions of OAC 3717-1-02.1 pertaining to management and employee health.**"

16. In Section 3, at new Section 241.38(e)(1), line 5, after "must" insert "**be**"; and in division (e)(5), line 1, after "food" insert "**shop**"; and in lines 2 and 3, strike "Parks, Recreation and Properties" and insert "**Public Works**".

17. Insert new Sections 5 and 6, to read as follows:

"Section 5. That the Director of Public Health shall report to the members of Council on the effectiveness of this ordinance no later than September 28, 2011.

Section 6. That Sections 241.05, 241.051, 241.36, 241.37 and 241.38, as amended and enacted by this ordinance, shall expire and be of no further force and effect on November 28, 2011."

18. Renumber existing Section 5 to new "**Section 7**".

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 218-11.

By Council Members Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept one or more grants from Northeast Ohio Area Coordinating Agency for the Transportation for Livable Communities Grant Program; authorizing the Director to enter into one or more contracts with various entities to implement the grant.

Approved by Directors of City Planning Commission, Finance, Law; Passage recommended by Committees on City Planning, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 329-11.

By Council Members Conwell, Mitchell, Sweeney, Brady, Dow, Polensek and Cummins (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 676.06, 676.061, 676.062, 676.063, 676.064, 676.08 and 676.09 relating to the regulation of scrap metal dealers, recordkeeping requirements, electronic reporting to the Division of Police, electronic recording of identification, special purchase items, exempt transactions, recordkeeping by secondhand dealers, and the sale of plastic crates or trays; to repeal existing section 676.06, as amended by Ordinance No. 66-08, passed June 2, 2008; to repeal Sections 676.08, 676.09, 676.10 and 676.11, as enacted by Ordinance No. 104769, passed November 9, 1936; and to amend Section 676.01, relating to definitions, as amended by Ordinance No. 66-08, passed June 2, 2008; and to amend Section 676.99, as amended by Ordinance No. 1304-97, passed December 14, 1998, relating to penalties.

Approved by Directors of Public Safety, Finance, Law; Relieved of Committee on Legislation; Passage recommended by Committees on Public Safety, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 332-11.

By Council Members K. Johnson, Mitchell and Sweeney (by departmental request)

An emergency ordinance to enact Section 131.081 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to rates for rental of the City Hall Rotunda; and to amend Section 131.78 of the codified ordinances, relating to parking.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Parks, Properties, and Recreation, Legislation, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 357-11.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementa-

tion, and management of the 2011 Cleveland Youth Summer Employment Program.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 358-11.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide general environmental, health, safety, sustainability, engineering, and other services needed for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities, on an as-needed basis, for a period up to two years.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 364-11.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Homeland Security for the 2010 SAFER Grant.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 459-11.

By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to consent to assignment of Enterprise Zone Agreement No. 65521 from the Cleveland-Cuyahoga County Port Authority to 4500 Division LLC.

Approved by Directors Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 460-11.

By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance to amend Section 4 of Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010, and to amend Sections 2, 4, and 6 of Ordinance No. 646-08, passed June 2, 2008, relating to funding for the Job Creation Incentive Grant Program, the Green Technology Business Grant Program, the Technology Business Grant Program, and the Downtown and City-wide Business Grant Program.