

# Ordinance No. 1067-17

## AN EMERGENCY ORDINANCE

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

Authorizing the Director of City Planning to apply for and accept one or more grants from the Northeast Ohio Area Coordinating Agency and the Ohio Department of Transportation for the 2017 Transportation for Livable Communities Initiative; authorizing a tri-party agreement with NOACA and the Ohio Department of Transportation; authorizing agreements with various entities; accepting cash donations; and authorizing the Director to employ one or more professional consultants to implement the grant.

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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 City Planning is authorized to apply for and accept one or more grants up to \$100,000 from the Northeast Ohio Area Coordinating Agency ("NOACA") to conduct the 2017 Transportation for Livable Communities Initiative ("TLCI").

That the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter and application for the grant contained in the file described below.

Section 2. That the award letter and application, File No. 000-17-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$25,000, or in the alternative, to accept the donation of the cash match from Midtown, Inc. ("Midtown") to be either remitted to directly to NOACA from Midtown or pass through the City, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of City Planning is authorized to accept a cash donation from Midtown in an amount up to \$25,000 to be used towards the cash match required to implement the grant authorized in this ordinance. The donated funds shall be deposited into a fund or fund designated by the Director of Finance and are appropriated for this purpose.

Section 4. That the Director of City Planning is authorized to enter into a tri-party agreement with NOACA and the Ohio State Department of Transportation ("ODOT") including but not limited to, the process for approving deliverables, authorizing the direct payment by ODOT to third parties, or entering into interagency agreements if necessary.

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Section 5. That the Director of City Planning is authorized to enter into one or more contracts with various entities, including but not limited to, Midtown, Inc. to implement the grant as described in the file.

Section 6. That the Director of City Planning 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 conduct related services necessary to implement the grant as described in the file, including but not limited to, transportation corridor study services.

As required by ODOT, the selection of the consultants for the services must comply with Sections 153.65 through 153.71 of the Ohio Revised Code and Federal Regulations 23 CFR 172. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of City Planning, and certified by the Director of Finance.

Section 7. That the cost of contract or contracts authorized shall be paid directly by ODOT to the parties, from the fund or funds that are credited the proceeds from the grant accepted under this ordinance, from the cash match, or from other fund or funds approved by the Director of Finance.

Section 8. 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.

SM:nl  
9-18-17

FOR: Director Collier

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

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**READ FIRST TIME on SEPTEMBER 18, 2017** **REPORTS**  
**and referred to DIRECTORS of City Planning Commission, Finance, Law;**  
**COMMITTEES on Development Planning and Sustainability, Finance**

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CITY CLERK

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READ SECOND TIME

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CITY CLERK

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READ THIRD TIME

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

FILED WITH COMMITTEE

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE**

FILED WITH COMMITTEE

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