

Ordinance No. 938-2020

By Council Members: Cleveland, Brancatelli and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Port Control to enter into an agreement with the Greater Cleveland Sports Commission to implement and manage the demolition and removal of Docks 30 and 32 warehouses and demolition-related remediation to the site which is needed to stage the 2021 NFL Draft at North Coast Harbor; and to amend Section 2 of Ordinance No. 1028-18, passed January 11, 2019, relating to major events to add the Department of Port Control to the list of departments that may apply for and accept gifts and grants and enter into agreements relative to an event being held on their property.

WHEREAS, the City owns Docks 30 and 32 warehouses located at 101 and 103 Erieside Avenue (“Warehouses”) located north of FirstEnergy Stadium which are currently used to store material and equipment used by the City and the Cleveland Browns; and

WHEREAS, combined, the Warehouses total square footage is approximately 118,000 square feet; and

WHEREAS, demolishing and removing the Warehouses and conducting demolition-related remediation of the site is necessary to stage the 2021 NFL Draft in April and will create additional parking spaces, which in the interim will generate additional revenue for the Harbors Division to fund the implementation of the North Coast Harbor improvement plan; and

WHEREAS, selection of the NFL Draft sponsor, the Greater Cleveland Sports Commission, to implement and manage the demolition, removal, and conducting demolition-related remediation is advisable due to their familiarity with the site plans, the NFL’s needs to conduct the draft, and the ability to deliver the demolition, removal, and demolition-related site remediation under an expedited timeframe; 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 enter into an agreement with the Greater Cleveland Sports Commission to implement and manage the demolition and removal of Docks 30 and 32 warehouses and demolition-related remediation to the site, including but not limited to, ensuring proper drainage, maintaining existing utility infrastructure, and repairing/regrading of pavement which is needed to stage the 2021 NFL Draft at North Coast Harbor. The agreement shall be

prepared by the Director of Law and shall contain such additional provisions that are necessary to protect and benefit the City of Cleveland.

Section 2. That the cost of the agreement shall not exceed \$1,000,000 and shall be paid from Fund No. 01-9997-6985, RQS 3001, RL 2020-116.

Section 3. That Section 2 of Ordinance No. 1028-18, passed January 14, 2019, is amended to read as follows:

Section 2. (a) That the agreement or agreements shall include one or more of the following provisions notwithstanding any ordinance provision to the contrary:

- (1) That City-owned facilities, including Public Hall, the public areas of City Hall, Malls A, B and C, the City-owned lakefront parking lots, Public Square, and the North Coast Marina, may be made available as needed as a venue for official activities associated with the event, as an in-kind contribution on terms acceptable to the Director of Public Works or such other director having management responsibility for the facility;
- (2) That the City will expedite the review and approval process for all licenses, permits, approvals, reviews, variances and inspections required by the laws of the City as needed for the event and related activities;
- (3) That the City will provide security, traffic control and related protective services as required by the event security and traffic plan;
- (4) That the City will cooperate with the implementation of a comprehensive technology and telecommunications services plan for the event and provide access as determined appropriate by the directors of the affected departments;
- (5) That the City may issue the necessary permits required for the hanging or display of banners and other signage related to event on City rights-of-way and City-owned property and expedite the review and permit approval process for a comprehensive general signage plan for the temporary display of signage in support of the event within the Central Business District, Hopkins Airport and the major routes into the City, in accordance with a plan proposed by the local organizing committee and/or sponsor of the event and approved by the directors of the affected departments;
- (6) That the local organizing committee and/or the sponsor of the event agrees to secure all necessary permits and consents and pay the City's standard permitting fees as required for the event and related activities;
- (7) That the local organizing committee and/or the sponsor of the event agrees to reimburse the City for reasonable, anticipated costs unrelated to the provision of the City's standard municipal services and not covered by grants, gifts or other sources of funds accepted in support of the City's hosting the event;

- (8) That the local organizing committee and/or the sponsor of the event shall comply with all applicable laws governing the reporting and remitting of taxes to the City; and
- (9) That the City will work in partnership with the local organizing committee and/or the sponsor of the event in all of its activities related to the event and related activities.
- (b) Notwithstanding any Code provisions or ordinances to the contrary, the Director of Port Control is authorized to enter into one or more agreements with the local organizing committee and/or sponsor for the use of airport and lakefront property under the Director's management, including the Burke Lakefront Airport parking areas, as needed for the event related activities on terms acceptable to the director.
- (c) The Director of Public Utilities is authorized to enter into one or more agreements with the local organizing committee and/or sponsor to provide utility services during the event and related activities in accordance with the standard terms and conditions of the City's utilities.
- (d) The Directors of Public Works, Port Control, Public Safety, Building and Housing, Capital Projects, and Finance as applicable to the duties of their respective departments, are authorized to apply for and accept any gifts or grants from public or private entities for the purpose of effectuating the City's responsibilities related to the hosting of the event. The appropriate director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance, and upon acceptance of the funds by the appropriate director, they shall be appropriated for the purposes set forth in this ordinance.
- (e) The Directors of Public Works, Port Control, Public Safety, Building and Housing, and Capital Projects, as applicable to the duties of their respective departments, are authorized to enter into one or more agreements with the State of Ohio, the Greater Cleveland Regional Transit Authority, Cuyahoga County, the Gateway Development Corporation, the Cleveland-Cuyahoga County Port Authority, and any other entity involved in the event as needed to effectuate the purposes of this ordinance.
- (f) Any agreements authorized by this ordinance shall be approved by the Director of Law and contain such terms and conditions as necessary to protect the public interest consistent with the purposes of this ordinance.
- (g) The cost of any expenditures incurred under this ordinance, including the cost of all contracts, shall be paid from the fund or funds to which are credited any grant funds or gifts received under this ordinance, and from any other funds that are appropriated for this purpose as determined by the Director of Finance.

Section 4. That existing Section 2 of Ordinance No. 1028-18, passed January 14, 2019, is repealed.

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.

Referred to the Directors of Port Control; City Planning Commission; Finance; and Law; Committees on Transportation; Development, Planning and Sustainability; and Finance.