

Ordinance No. 1061-2024

By Council Members McCormack,
Hairston and Griffin (by departmental
request)

AN EMERGENCY ORDINANCE

Determining that the establishment of the North Coast Waterfront New Community Authority will be conducive to the public safety, convenience, and welfare and is intended to result in the development of a new community and declaring the North Coast Waterfront New Community Authority to be organized and a body politic and corporate, and defining the boundary of the new community district; appointing members to the Board of Trustees to such authority and establishing related requirements; authorizing Intergovernmental Agreements; amending Sections 131.78, 455.09 and 455.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, relating to parking fees; and declaring an emergency.

WHEREAS, the City of Cleveland, in its capacity as a “developer” within the meaning of Section 349.01(E) of the Ohio Revised Code (the “City”), plans to establish a new community development program for the purposes of encouraging and supporting well-balanced and diversified land use patterns within the territory of the City, including facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, all as described in Revised Code Chapter 349; and

WHEREAS, on September 30, 2024, the City submitted to the Council of the City (“Council”), pursuant to Revised Code Section 349.03, a Petition for Establishment of the North Coast Waterfront New Community Authority as a New Community Authority under Chapter 349 of the Ohio Revised Code (the “Petition”), a copy of which Petition is on file with the Clerk of Council (File No. 1060-2024-A); and

WHEREAS, the initial territory of the North Coast Waterfront New Community District (the “District”) proposed in the Petition is located entirely within the municipal corporate boundaries of the City, a municipal corporation, and this Council, as the legislative authority of the City, is therefore the organizational board of commissioners for the Petition under Revised Code Section 349.01(F); and

WHEREAS, the City is the only “proximate community” within the meaning of Revised Code Section 349.01(M) for the Petition; and

WHEREAS, on September 30, 2024, pursuant to Revised Code Section 349.03, this Council adopted its Resolution No. 1060-2024, which resolution determined that

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the Petition is sufficient and complies with the requirements of Revised Code Section 349.03 in form and substance; and

WHEREAS, pursuant to Revised Code Section 349.03, this Council held a public hearing on the Petition on November 12, 2024, notice of which was published as required in Revised Code Section 349.03, and the date of which hearing is not less than thirty (30) nor more than forty-five (45) days after the filing date of the Petition with the Clerk of Council; and

WHEREAS, this Council has determined that the Petition will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community; and

WHEREAS, this ordinance 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. Approval of Petition. The Petition is hereby accepted and shall be recorded, along with this Ordinance, in the journal of this Council as the organizational board of commissioners for the purpose of Revised Code Chapter 349. This Council hereby determines that establishment of the District and the organization of the North Coast Waterfront New Community Authority (the “Authority”) will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a “new community” as defined in Revised Code Section 349.01(A).

Pursuant to the Petition, the Authority is hereby organized as a body politic and corporate with the corporate name designated in the Petition (such name being the “North Coast Waterfront New Community Authority”), and the initial boundaries of the District shall be the initial boundaries described in the Petition.

Section 2. Board of Trustees of North Coast Waterfront New Community Authority. The Board of Trustees of the North Coast Waterfront New Community Authority (the “Board”) shall be comprised of nine (9) members selected and appointed as provided in the Petition. Initially, the City, acting through this Council and the Mayor, will appoint members of the Board as follows:

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a. This Council, as the organizational board of commissioners for the Petition under Ohio Revised Code Section 349.01(F), shall appoint four (4) citizen members of the Board to represent the interests of present and future residents and employers within the District.

Citizen Member 1 shall be [_____].

Citizen Member 2 shall be [_____].

Citizen Member 3 shall be [_____].

Citizen Member 4 shall be [_____].

b. In addition, this Council, as the organizational board of commissioners for this Petition under Ohio Revised Code Section 349.01(F), shall appoint one (1) member of the Board to serve as a representative of local government.

The Local Government Representative shall be [_____].

c. The Mayor, in his/her capacity as executive representative of the City as Developer within the meaning of Ohio Revised Code Section 349.01(E), shall appoint four (4) members to serve on the Board to represent the real estate development interests of the City within the District. The Mayor's appointments shall be made with the advice and consent of the entity then serving as manager of the Authority, which initially shall be the North Coast Waterfront Development Corporation ("NCWDC"); provided, that if no entity is managing the Authority under a written management agreement with the Authority, then the Mayor's appointments shall be made in such person's sole discretion. The Development Program (as defined in the Petition) will initially be managed by NCWDC pursuant to one or more agreements between the Authority and NCWDC.

Developer Representative 1 shall be [_____].

Developer Representative 2 shall be [_____].

Developer Representative 3 shall be [_____].

Developer Representative 4 shall be [_____].

The members of the Board shall serve two-year (2) overlapping terms, with Citizen Member 1, Citizen Member 2, Developer Representative 1, and Developer

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Representative 2 serving initial one-year (1) terms. Citizen Member 3, the Local Government Representative, and Developer Representative 3 shall serve initial two-year (2) year terms.

d. The meetings of the Board are open public meetings subject to Revised Code Section 121.22.

Section 3. Board Replacement. Pursuant to Revised Code Section 349.04, this Council adopts an alternative Board selection process. Until such time as this Council shall determine that the development of the District, including any Additional Properties (as defined in the Petition), is substantially complete, this Council shall continue the selection of Board members by appointment in the same manner as described in the Petition, and the Mayor shall continue the selection of Board members by appointment in the same manner as described in the Petition. Upon substantial completion of the development of the District, including any Additional Properties, this Council shall establish an alternative process for selecting Board members to be determined by City Council at that time. No elections shall be held for the selection of successor Board members.

Section 4. Board Bonds. Pursuant to Revised Code Section 349.04, there shall be posted for each member of the Board a bond in the amount of \$10,000.00 for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety.

Section 5. Intergovernmental Contracts. Pursuant to Ohio Revised Code Chapter 349 and subject to obtaining any additional legislative authority and the appropriation of funds, the Director of Economic Development and any other appropriate director are authorized to enter into one or more contracts with the Authority to carry out the Development Program (as defined in the Petition), including, without limitation, contracts authorized pursuant to Ohio Revised Code Section 349.06(I), 349.06(N), 349.06(S), and 349.13.

Section 6. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

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Section 131.78, as amended by Ordinance No. 1093-2023, passed November 13, 2023, and

Sections 455.09 and Section 455.10, as amended by Ordinance No. 817-2023, passed September 18, 2023,

are amended to read as follows:

Section 131.78 Parking Fees and Charges

(a) The Commissioner of Parking Facilities shall cause to be collected fees and charges, which include tax and exclude charges assessed by a New Community Authority, at the following parking facilities under the following schedule:

(1)	Willard Park Garage:	
	A. First hour or portion thereof	Up to \$5.00
	B. Each additional half hour or portion	Up to \$2.00
	C. Daily maximum rate from 5:00 a.m. to 11:00 p.m.	Up to \$20.00
	D. Additional overnight charge from 11:00 p.m. to 5:00 a.m.	Up to \$20.00
	E. General monthly rate	Up to \$175.00
	F. 1. Special monthly rate for City employees	\$55.00
	2. Special monthly rate for federal, state and county employees	Up to \$200.00
	G. Special events (flat rate)	Up to \$60.00
	H. Charge for lost or stolen key card	\$50.00
	I. Late payment charge	\$5.00
	J. Early Bird Rate (time to be determined by the Director of Public Works)	Up to \$15.00
	K. Special Event flat rate in conjunction with City Hall Rotunda rental (for weekend wedding events only)	Up to \$600.00
(2)	Canal Basin Lot:	
	A. Daily rate from 6:00 a.m. to 6:00 p.m. (flat rate)	Up to \$10.00
	B. Special events, weekdays between 6:00 p.m. and 6:00 a.m., weekends and holidays (flat rate)	Up to \$50.00
(3)	North Coast Municipal Parking Lot:	
	A. Daily rate (flat rate) (cars, SUVs, small trucks)	Up to \$10.00
	B. Daily rate (flat rate) (RVs, buses, oversize trucks, trailers)	Up to \$50.00
	C. City of Cleveland employees	No charge
	D. General monthly rate – non-City of Cleveland employees	Up to \$100.00
	E. Special events (flat rate)	Up to \$50.00
	F. Charge for lost or stolen key card	\$50.00
	G. Late payment fee	\$5.00
	H. Overnight Rate (RVs, buses, oversize trucks, trailers)	\$80.00
	I. Overnight Rate (cars, SUVs, small trucks)	\$30.00
(4)	If the West Side Market is leased or managed by a third-party operator, then that operator shall assess and collect fees for the West Side Market Parking Lot, including the Hicks Lot. If the West Side Market is operated exclusively by the City of Cleveland, then the following rates for the West Side Market Parking Lot, including the Hicks Lot, shall apply:	

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A. First sixty (60) minutes or portion thereof between 6:00 a.m. to 6:00 p.m.	Free
B. Each additional hour or portion thereof	Up to \$3.00
C. Daily maximum rate. Day concludes at 3:00 a.m.	Up to \$20.00
D. General monthly rate	Up to \$150.00
E. Charge for lost or stolen key card	\$50.00
F. Late payment fee	\$5.00

(b) Wherever the schedule contained in division (a) of this section specifies a maximum fee, the fee to be charged shall be fixed by the Commissioner of Parking Facilities with the consent of the Director of Public Works up to the maximum specified.

(c) Monthly rate customer parking privileges at Willard Park Garage, Canal Basin Lot, and North Coast Municipal Parking Lot do not include entry to these garages and lots for special events held on weekends, holidays or after 5:00 p.m. on weekdays.

(d) Fees and charges collected from the Willard Park Garage, Canal Basin Lot, West Side Market Parking Lot, and North Coast Municipal Parking Lot shall be credited to the Division of Parking Facilities Enterprise Fund for general operations, except for any charges assessed by a New Community Authority.

(e) If the West Side Market is leased or managed by a third-party operator, then this division shall not apply: After expenses are paid for both the West Side Market Parking Lot and the Hicks Lot, net fees collected from the Hicks Lot shall be credited to the Division of Parking Facilities Enterprise Fund for capital expenses at the West Side Market Parking Lot, market house and arcade.

(f) The Commissioner of Parking Facilities shall fix and collect the fees and charges as the Commissioner shall determine at parking facilities not identified in division (a) of this section but under the Commissioner's control until the Council and the Board of Control fix fee schedules for the parking facilities.

(g) Notwithstanding any provision in this section to the contrary, the Commissioner of Parking Facilities shall:

(1) Designate ten (10) parking spaces in Willard Garage located as close as practical to the entrance to City Hall to be assigned by the Director of Public Works to City employees with the greatest number of years seniority as a City employee; and

(2) Designate a sufficient number of parking spaces located either in the North Mall Lot or in Willard Garage for City employees who are employed to clean City Hall and who begin work at 3:00 p.m. or later and work later than the closing of Willard Garage.

(h) In addition to the schedule contained in division (a) of this section, the Commissioner of Parking Facilities may enter into agreements with the sponsors of events that wish to reserve specific parking spaces in the Willard Park Garage, or the North Coast Municipal Parking Lot that provide for the payment by the sponsor of up to sixty dollars (\$60.00) per parking space.

(i) Notwithstanding any provision in this chapter to the contrary and to the extent a New Community Authority operating within the City includes the territory of a New Community District any parking facilities, the Commissioner of Parking Facilities may collect and remit to said New Community Authority all charges assessed by the New Community Authority under its authority granted by Chapter 349 of the Revised

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Code and any agreements between the City and the New Community Authority. These Community Authority charges are in addition to and separate from any fees assessed by the City under this section.

Section 455.09 Collection of Parking Fees

The Commissioner of Parking Facilities shall have charge of the collection of the parking fees and charges remitted in parking meters, mobile payment options or in automatically operated gates on Municipal parking facilities.

Section 455.10 Application of Funds Collected

The parking fees and charges remitted in parking meters or by way of a mobile pay option or automatically operated gates and the fees and charges collected for the issuance of parking tokens, parking keys or parking cards in Municipal off-street parking facilities are required and, except for any charges assessed by a New Community Authority, shall be used to defray the expense of proper regulation of parking and traffic upon Municipal off-street parking facilities in the City; to provide the cost of supervision, regulation and control of the parking of vehicles in Municipal off-street parking facilities; the payment of the interest on and the retirement at maturity of bonds issued for the purchase of land, the improvement thereof and the equipping of such premises for off-street parking operation; and to cover the cost of purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of parking meters, automatically operated gates on Municipal off-street parking facilities; all of which serve to regulate traffic and reduce the congestion caused by vehicles upon the streets of the City.

Separate accounts shall be maintained for each Municipal off-street parking facility so as to show the financial results of City ownership and operation, including all assets, liabilities, revenues and expenses, the cost of all improvements, expense of maintenance and the amount set aside for interest and debt retirement.

Section 7. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 131.78, as amended by Ordinance No. 1093-2023, passed November 13, 2023, and

Sections 455.09 and Section 455.10, as amended by Ordinance No. 817-2023, passed September 18, 2023

are repealed.

Section 8. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

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Section 9. That the City's payment of any assessed Community Development Charges (as defined in the Petition) shall be subject to the annual appropriation of funds.

Section 10. 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:RB:nl
9-30-2024
FOR: Director McNair

