

The City Record

Official Publication of the Council of the City of Cleveland



January the Third, Two Thousand and Eighteen

Frank G. Jackson
Mayor

Kevin J. Kelley
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

- 1 Joseph T. Jones
- 2 Kevin L. Bishop
- 3 Kerry McCormack
- 4 Kenneth L. Johnson, Sr.
- 5 Phyllis E. Cleveland
- 6 Blaine A. Griffin
- 7 Basheer S. Jones
- 8 Michael D. Polensek
- 9 Kevin Conwell
- 10 Anthony T. Hairston
- 11 Dona Brady
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Jasmin Santana
- 15 Matthew Zone
- 16 Brian Kazy
- 17 Martin J. Keane

The City Record is available online at
www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

| Ward | Name | Residence | |
|------|-------------------------|--------------------------|-------|
| 1 | Joseph T. Jones | 4691 East 177th Street | 44128 |
| 2 | Kevin L. Bishop | 11729 Miles Avenue, #5 | 44105 |
| 3 | Kerry McCormack | 1429 West 38th Street | 44113 |
| 4 | Kenneth L. Johnson, Sr. | 2948 Hampton Road | 44120 |
| 5 | Phyllis E. Cleveland | 2369 East 36th Street | 44115 |
| 6 | Blaine A. Griffin | 1810 Larchmere Boulevard | 44120 |
| 7 | Basheer S. Jones | 1383 East 94th Street | 44106 |
| 8 | Michael D. Polensek | 17855 Brian Avenue | 44119 |
| 9 | Kevin Conwell | 10647 Ashbury Avenue | 44106 |
| 10 | Anthony T. Hairston | 423 Arbor Road | 44108 |
| 11 | Dona Brady | 1272 West Boulevard | 44102 |
| 12 | Anthony Brancatelli | 6924 Ottawa Road | 44105 |
| 13 | Kevin J. Kelley | 5904 Parkridge Avenue | 44144 |
| 14 | Jasmin Santana | 3535 Marvin Avenue | 44109 |
| 15 | Matt Zone | 1228 West 69th Street | 44102 |
| 16 | Brian Kazy | 4300 West 143rd Street | 44135 |
| 17 | Martin J. Keane | 15907 Colletta Lane | 44111 |

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
 Martin J. Flask, Executive Assistant to the Mayor of Special Projects
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education
 Matt Gray, Executive Assistant to the Mayor, Chief of Sustainability
 Natoya J. Walker Minor, Executive Assistant to the Mayor, Chief of Public Affairs
 Edward W. Rybka, Executive Assistant to the Mayor, Chief of Regional Development
 Duane Deskins, Executive Assistant to the Mayor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults
 Dan Williams, Media Relations Director

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

DIVISIONS:
 Architecture and Site Development – _____ Manager
 Engineering and Construction – Richard J. Switalski, Manager
 Real Estate – James DeRosa, Commissioner

OFFICE OF EQUAL OPPORTUNITY – Melissa K. Burrows, Ph.D., Director

OFFICE OF QUALITY CONTROL AND PERFORMANCE MANAGEMENT – Sabra T. Pierce-Scott, Director

DEPT. OF LAW – Barbara A. Langhenry, Director, Gary D. Singletary, Chief Counsel,

Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,
 Victor R. Perez, Chief Assistant Prosecutor, Room 106; Robin Wood, Law Librarian,
 Room 100

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;

Natasha Brandt, Manager, Internal Audit
DIVISIONS:
 Accounts – Lonya Moss Walker, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – James Hartley, Interim Treasurer, Room 115
 Financial Reporting and Control – James Gentile, Controller, Room 18
 Information Technology and Services – Kimberly Roy-Wilson,
 Commissioner, 205 W. St. Clair Avenue
 Purchases and Supplies – Tiffany White, Commissioner, Room 128
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

DEPT. OF PUBLIC UTILITIES – Robert L. Davis, Director, 1201 Lakeside Avenue

DIVISIONS:
 Cleveland Public Power – Ivan Henderson, Commissioner
 Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer
 Water – Alex Margevicius, Commissioner
 Water Pollution Control – Rachid Zoghaib, Commissioner

DEPT. OF PORT CONTROL – Robert Kennedy, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive

DIVISIONS:
 Burke Lakefront Airport – Khalid Bahhur, Commissioner
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:
 Administration – John Laird, Manager
 Special Events and Marketing – Tangee Johnson, Manager
DIVISIONS:
 Motor Vehicle Maintenance – Jeffrey Brown, Commissioner
 Park Maintenance and Properties – Richard L. Silva, Commissioner
 Parking Facilities – Kim Johnson, Interim Commissioner
 Property Management – Tom Nagle, Commissioner
 Recreation – Samuel Gissentaner, Interim Commissioner
 Streets – Frank D. Williams, Interim Commissioner
 Traffic Engineering – Robert Mavec, Commissioner
 Waste Collection and Disposal – Randall T. Scott, Interim Commissioner

DEPT. OF PUBLIC HEALTH – Merle Gordon, Director, 75 Erieview Plaza

DIVISIONS:
 Air Quality – David Hearn, Interim Commissioner
 Environment – Brian Kimball, Commissioner, 75 Erieview Plaza
 Health – Persis Sosiak, Commissioner, 75 Erieview Plaza

DEPT. OF PUBLIC SAFETY – Michael C. McGrath, Director, Room 230

DIVISIONS:
 Animal Control Services – Edward Jamison, Chief Animal Control Officer, 2690 West 7th Street
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive
 Fire – Patrick Kelly, Chief, 1645 Superior Avenue
 Police – Calvin D. Williams, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Michael Cosgrove, Director

DIVISIONS:
 Administrative Services – Joy Anderson, Commissioner
 Fair Housing and Consumer Affairs Office – John Mahoney, Manager
 Neighborhood Development – James Greene, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner

DEPT. OF BUILDING AND HOUSING – Ayonna Blue Donald, Interim Director, Room 500

DIVISIONS:
 Code Enforcement – Thomas E. Vanover, Commissioner
 Construction Permitting – Narid Hussain, Commissioner

DEPT. OF HUMAN RESOURCES – Nycole West, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – David Ebersole, Interim Director, Room 210

DEPT. OF AGING – Mary McNamara, Director, Room 122

COMMUNITY RELATIONS BOARD – Room 11, Grady Stevenson, Interim Director,
 Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-
 Chairman, Council Member Brian Cummins, Eugene R. Miller (Board Lawyer), Roosevelt
 E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John
 O. Horton, Gary Johnson, Sr., Daniel McNea, Stephanie Morrison-Hrbek, Roland
 Muhammad, Gia Hoa Ryan, Peter Whitt.

CIVIL SERVICE COMMISSION – Room 119, Rev. Gregory E. Jordan, President; Michael
 Flickinger, Vice-President; Barry A. Withers, Interim Secretary; Members: Daniel J.
 Brennan, India Pierce Lee.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Kevin
 J. Kelley; Betsy Hruby, Asst. Sec’y.; Sharon Dumas, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members;
 Henry Bailey, Kelley Britt, Joan Shaver Washington, Tim Donovan, Elizabeth Kukla,
 Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516,
 Joseph F. Denk, Chairman; Howard Bradley, Patrick M. Gallagher, Robert Maschke, Halim
 M. Saab, P.E., Alternate Members – D. Cox, P. Frank, E. P. O’Brien, Richard Pace, J.F.
 Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Barbara A. Langhenry,
 President; Finance Director Sharon Dumas, Secretary; Council President Kevin J. Kelley.

BOARD OF SIDEWALK APPEALS – Capital Projects Director Matthew Spronz, Law
 Director Barbara A. Langhenry; Council Member Kenneth L. Johnson.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Barbara A. Langhenry;
 Public Utilities Director Robert L. Davis; Council President Kevin J. Kelley.

CITY PLANNING COMMISSION – Room 501 – Freddy L. Collier, Jr., Director; Anthony
 J. Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean
 Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

FAIR HOUSING BOARD – _____, Chair; Daniel Conway, Robert L. Render,
 Genesis O. Brown.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie
 Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan,
 David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;
 Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Barbara A. Langhenry; Chairman;
 Finance Director Sharon Dumas; Council President Kevin J. Kelley; Councilman
 Kevin Kelley.

CLEVELAND LANDMARKS COMMISSION – Room 519 – Julie Trott, Chair; Giancarlo
 Calicchia, Vice Chair; Laura M. Bala, Freddy L. Collier, Jr., Allan Dreyer, Council
 Member Terrell H. Pruitt, Robert Strickland, Donald Petit, Secretary.

AUDIT COMMITTEE – Yvette M. Itu, Chairman; Debra Janik, Bracy Lewis, Diane
 Downing, Donna Sciarappa, Council President Kevin J. Kelley; Law Director Barbara A.
 Langhenry.

CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom
 Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A
 Judge Pinkey S. Carr – Courtroom 15C
 Judge Marilyn B. Cassidy – Courtroom 13A
 Judge Janet Rath Colaluca – Courtroom 12B
 Judge Michelle Denise Earley – Courtroom 14C
 Judge Emanuella Groves – Courtroom 14B
 Judge Jimmy L. Jackson, Jr. – Courtroom 12A
 Judge Lauren C. Moore – Courtroom 14A
 Judge Charles L. Patton, Jr. – Courtroom 13D
 Judge Ronald J.H. O’Leary (Housing Court Judge) – Courtroom 13B
 Judge Michael R. Sliwinski – Courtroom 13C
 Judge Suzan Marie Sweeney – Courtroom 12C
 Judge Joseph J. Zone – Courtroom 14D
 Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Robert J. Furda
 – Chief Bailiff; Dean Jenkins – Chief Probation Officer, Gregory F. Clifford – Chief
 Magistrate.

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 105

WEDNESDAY, JANUARY 3, 2018

No. 5430

CITY COUNCIL

MONDAY, JANUARY 1, 2018

The City Record
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Address all communications to
PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

The following Committees meet at the Call of the Chair:

Mayor's Appointments Committee:
Kazy (CHAIR), Brady, Brancatelli,
Cleveland, Kelley.

Operations Committee: McCormack
(CHAIR), Griffin, Keane, Kelley,
Zone.

Rules Committee: Kelley
(CHAIR), Cleveland, Hairston,
Keane, Polensek.

ELECTION OF TEMPORARY CHAIR

Council Member Dona Brady moved that Council Member Phyllis E. Cleveland serve as Temporary Chair for the purpose of organizing the Council. Council Member Blaine A. Griffin seconded the motion. Council Member Kerry McCormack moved that nominations for Temporary Chair be closed.

The City Clerk, Clerk of Council called the roll. Council Member Phyllis E. Cleveland received 17 votes. Those who voted for Council Member Cleveland: Council Members Bishop, Brady, Brancatelli, Cleveland, Conwell, Griffin, Hairston, Basheer Jones, Joseph Jones, Johnson, Kazy, Keane, Kelley, McCormack, Polensek, Santana, Zone. Council Member Cleveland assumed the Chair.

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2018-2021

MONDAY — Alternating

9:30 A.M. — **Health and Human Services Committee:** Griffin (CHAIR), McCormack (VICE-CHAIR), Conwell, B. Jones, Hairston, Santana, Zone.

9:30 A.M. — **Municipal Services and Properties Committee:** K. Johnson (CHAIR), Brady (VICE-CHAIR), Bishop, Brancatelli, Hairston, J. Jones, Kazy.

MONDAY

2:00 P.M. — **Finance Committee:** Kelley (CHAIR), Zone (VICE-CHAIR), Brady, Brancatelli, Cleveland, Conwell, Griffin, Keane, McCormack.

TUESDAY

9:30 A.M. — **Development, Planning and Sustainability Committee:** Brancatelli (CHAIR), Cleveland (VICE-CHAIR), Bishop, Hairston, B. Jones, Keane, McCormack.

TUESDAY — Alternating

1:30 P.M. — **Utilities Committee:** Keane (CHAIR), Kazy (VICE-CHAIR), Bishop, Hairston, McCormack, Polensek, Santana.

1:30 P.M. — **Workforce and Community Benefits Committee:** Conwell (CHAIR), Cleveland (VICE-CHAIR), Brady, Griffin, B. Jones, J. Jones, Kazy.

WEDNESDAY — Alternating

10:00 A.M. — **Safety Committee:** Zone (CHAIR), Polensek (VICE-CHAIR), Griffin, Kazy, B. Jones, J. Jones, Santana.

10:00 A.M. — **Transportation Committee:** Cleveland (CHAIR), Keane (VICE-CHAIR), Bishop, Conwell, Johnson, J. Jones, Santana.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 1, 2018

The meeting of the Council was called to order at 7:04 p.m. by City Clerk, Clerk of Council Patricia J. Britt.

Council Members-Elect present: Kevin L. Bishop, Dona Brady, Anthony Brancatelli, Phyllis E. Cleveland, Kevin Conwell, Blaine A. Griffin, Anthony T. Hairston, Basheer S. Jones, Joseph T. Jones, Kenneth L. Johnson, Sr., Brian Kazy, Martin J. Keane, Kevin J. Kelley, Kerry McCormack, Michael D. Polensek, Jasmin Santana, and Matthew Zone.

Also present were: Mayor Frank G. Jackson, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valarie J. McCall, Chief of Regional Development Edward W. Rybka, Chief of Education Monyka S. Price, Media Relations Director Dan Williams, Chief of Sustainability Matt Gray, Chief of Public Affairs Natoya Walker-Minor, and Directors Langhenry, Davis, Kennedy, Spronz, Cox, Donald, Ebersole, Stevenson, Burrows and Pierce Scott.

MOTION

Pursuant to Ordinance No. 2926-76, invocations were offered by Rev. Dr. R.E. Hedgeman, of Bethany Christian Church (Disciples of Christ); Imam Abbas Ahmad of the First Cleveland Mosque; and Rabbi Lauren Werber of Temple B'nai Abraham. The National Anthem was sung by Cleveland Police Sergeant Kennedy Jones.

SWEARING-IN OF COUNCIL MEMBERS

The Honorable Judge Ronald B. Adrine, Presiding and Administrative Judge of the Cleveland Municipal Court, administered the oath of office to the Council Members.

ELECTION OF COUNCIL PRESIDENT

Council Member Kevin L. Bishop made a motion to nominate Council Member Kevin J. Kelley as President of Council. Council Member Kenneth L. Johnson, Sr. seconded the motion. Council Member Martin J. Keane moved that the nominations for Council President be closed. The Temporary Chair instructed Members of Council to state the name of their candidate for President of Council when responding to the roll call.

The City Clerk, Clerk of Council called the roll. Council Member Kevin J. Kelley received 17 votes. Those who voted for Council Member Kelley were: Council Members Bishop, Brady, Brancatelli, Cleveland, Conwell, Griffin, Hairston, Basheer Jones, Joseph Jones, Johnson, Kazy, Keane, Kelley, McCormack, Polensek, Santana, and Zone.

Cuyahoga County Prosecutor Michael C. O'Malley administered the oath of office to Council Member Kevin J. Kelley, the newly elected President of Council. Council President Kelley assumed the Chair, thanked the Council Members for giving him the opportunity to serve as President of Council, and made remarks.

ELECTION OF CITY CLERK, CLERK OF COUNCIL

Council Member Brian Kazy made a motion to nominate Patricia J. Britt as City Clerk, Clerk of Council. Council Member Joseph T. Jones

seconded the motion. Council Member Matt Zone moved that the nominations for City Clerk, Clerk of Council be closed. Council President Kelley instructed the Members of Council to state the name of their candidate for City Clerk, Clerk of Council when responding to the roll call.

The Deputy Clerk/Clerk of Council Pro Tempore Allan Dreyer called the roll. Patricia J. Britt received 17 votes. Those voting for Patricia J. Britt were: Council Members Bishop, Brady, Brancatelli, Cleveland, Conwell, Griffin, Hairston, Basheer Jones, Joseph Jones, Johnson, Kazy, Keane, Kelley, McCormack, Polensek, Santana, and Zone.

The Honorable Judge Ronald B. Adrine, Presiding and Administrative Judge of the Cleveland Municipal Court, administered the oath of office to Patricia J. Britt, the newly elected City Clerk, Clerk of Council. Council Clerk Britt thanked the Council Members for giving her the opportunity to continue to serve as City Clerk, Clerk of Council.

MOTION

Council Member Martin J. Keane moved that the Rules of Order Governing the Council of the City of Cleveland for 2018-2021 (File No. 4-18) be adopted. Council Member Anthony Brancatelli seconded the motion. Council President Kelley asked the Clerk to call the roll. The City Clerk, Clerk of Council called the roll. The Rules of Order Governing the Council of the City of Cleveland for 2018-2021 were approved with 17 votes. Those who voted to approve the Rules: Council Members Bishop, Brady, Brancatelli, Cleveland, Conwell, Griffin, Hairston, Basheer Jones, Joseph Jones, Johnson, Kazy, Keane, Kelley, McCormack, Polensek, Santana, Zone. The Rules of Council for the 2014-2017 Council term were adopted. Council President Kelley declares that the Council is hereby organized.

Council President Kelley called on each newly-elected Council Member for individual remarks.

OATHS OF OFFICE

File No. 1-18.

Members of Cleveland City Council, for 2018-2021 term. Received.

Ward 1 — Joseph T. Jones
Ward 2 — Kevin L. Bishop
Ward 3 — Kerry McCormack
Ward 4 — Kenneth L. Johnson, Sr.
Ward 5 — Phyllis E. Cleveland
Ward 6 — Blaine A. Griffin
Ward 7 — Basheer S. Jones
Ward 8 — Michael D. Polensek
Ward 9 — Kevin Conwell
Ward 10 — Anthony T. Hairston
Ward 11 — Dona Brady
Ward 12 — Anthony Brancatelli
Ward 13 — Kevin J. Kelley
Ward 14 — Jasmin Santana
Ward 15 — Matt Zone
Ward 16 — Brian Kazy
Ward 17 — Martin J. Keane

File No. 2-18.

Kevin J. Kelley, President of Cleveland City Council. Received.

File No. 3-18.

Patricia J. Britt, City Clerk, Clerk of Council. Received.

RULES OF COUNCIL

File No. 4-18.

Rules of Order Governing the Council of the City of Cleveland for 2018-2021. These rules of order shall govern the procedures of the City Council and the conduct of its members. Recommended by the Rules Committee of Cleveland City Council. Received.

MOTION

The Council Meeting adjourned at 8:54 p.m. to meet on Monday, January 8, 2018, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

The following measures will be on their final passage at the next meeting:

NONE

RULES OF COUNCIL

Rules of Order Governing the Council of the City of Cleveland 2018-2021 [approved by City Council on January 1, 2018] (Revised)

The following rules of order shall govern the procedures of the City Council and the conduct of its members.

I. MEETINGS: PLACE, TIME OF CONVENING, QUORUM, ORDER OF BUSINESS

Rule 1. Meetings — Place. All meetings of the Council shall be held in the Council Chamber in the City Hall, unless otherwise ordered by the Council.

Rule 2. Meetings — Public. All meetings of the Council or its committees shall be public, and upon request of any citizen desiring to be heard on any matter then under consideration by the Council, the Council may, on motion, resolve itself into a Committee of the Whole and hear that citizen at the date, time and for the length of time as Council may determine. Persons desiring to be heard by any committee of Council on any matter then under consideration may, by consent of such committee, be given an opportunity to be heard. All Rules of Council minutes and records of the Council shall be open to the public at all reasonable times, upon request.

Rule 3. Regular Meetings. After the Council has been organized pursuant to Section 28 of the Charter,

regular meetings of the Council shall be held in the Council Chamber every Monday evening at 7:00 o'clock P.M., unless otherwise ordered by motion, resolution or ordinance. Whenever the regular meeting falls on a legal holiday or a special election day — or the day preceding a legal holiday or primary or other election day, the meeting shall be held on a day to be fixed by the Council.

Rule 4. Summer Schedule. During the months of July and August, the Council shall be on summer schedule and shall meet at times and dates set forth in the resolution of Council establishing the summer schedule.

Rule 5. Special Meetings. Special meetings may be called at any time by the Mayor, the President of Council, or any five members upon at least twelve (12) hours written notice to each member of the Council served personally on each member or left at his usual place of residence; provided, however, that no notice need be served on any Councilmember present at a meeting of Council at which the President of Council gives oral notice of the time and purpose of a special meeting. Any special meeting notice shall state the subjects to be considered at the meeting, and no other subjects shall be considered at the special meeting.

Rule 6. Quorum; Professionalism. A majority of all the members elected to Council shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in the manner and under the penalties that are prescribed by these rules.

All members shall conduct themselves professionally and with civility, and shall attend all official meetings of Council in appropriate professional attire. Appropriate professional attire means: for men: suit and tie; for women: dresses or skirts no more than 4 inches above the knee; dress slacks or pants; blouses or dress shirts; for men and women: hose or socks, dress shoes, dress boots or loafers. All clothing must appear neat, pressed and clean.

Inappropriate attire includes: denims or jeans of any color or style; sweat pants; jogging suits; shorts; sweatshirts; spandex; tank tops; halters or other bare midriff or bare-back apparel; any shirt with company logo; T-shirts; sheer or see-through blouses or dresses; beach-type or workout clothing; cut-offs; running or athletic wear; baseball caps; fashion hats; frayed, patched, torn (holes) or stained clothing or shoes; tennis shoes; and clothes that appear too tight or too short.

Rule 7. Order of Business. The business of all regular meetings of the Council shall be transacted in the following order, unless the Council by a two-thirds vote, suspends the rules and changes the order.

1. Roll call of members.
2. Prayer.
3. Pledge of Allegiance.
4. Disposal of the journal of the preceding meeting.
5. Reports and communications from the Mayor.

6. Reports and communications from departments, commissions and other public officers.

7. Other communications, petitions and memorials.

8. Reading and passage of emergency ordinances and resolutions

9. Introduction of ordinances and resolutions.

10. Second reading of ordinances and resolutions.

11. Third reading of ordinances and resolutions.

12. Miscellaneous business shall be permitted at the direction of the chair.

13. Report of the clerk of absent members.

14. Adjournment.

The presiding officer may, at any time without objection of the members of Council, permit a member to introduce an ordinance, resolution or motion out of the regular order; provided, however, if an objection is made, a two-thirds vote of all members elected to Council shall be required to permit such introduction out of the regular order.

II. OFFICERS AND EMPLOYEES OF COUNCIL

Rule 8. Presiding Officer. The President of Council and in the President's absence the President of Council pro tempore, shall preside over the meetings of the Council. In the absence of the President of Council, the Majority Leader shall serve as the President of Council pro tempore; in the absence of both the President of Council and the Majority Leader, the Majority Whip shall serve as the President of Council pro tempore. In the absence of the President of Council, the Majority Leader and the Majority Whip, the Clerk of Council shall call the Council to order; and if, after the roll call is called a quorum is present, the Council shall choose one of its members President of Council pro tempore. The President of Council pro tempore shall preside until the President of Council appears, but in no event beyond the meeting, and shall discharge all the duties and be clothed with all the powers of the President of Council as the presiding officer during the President of Council's absence.

The Presiding Officer shall call all meetings of the Council to order at the hour appointed and shall proceed with the order of business. If a quorum is present, the Presiding Officer shall give the members an opportunity for correcting the journal of the previous meeting, a copy of which shall be placed on the desk of each member of the Council. In the absence of any objections or corrections, the minutes shall stand approved.

The Presiding Officer shall preserve order and decorum, and prevent impolite, discourteous or disrespectful behavior toward any member of the body, the administration or the public. He or she shall confine members in debate to the question under discussion and shall prevent a member from questioning or criticizing the motives of another member, of the administration, or of a member of the public. The Presiding Officer shall enforce the time

limitation of speaking set forth in Rule 23, shall decide all points of order subject to an appeal to the Council, and shall appoint all standing committees and such select committees as may be authorized by Council from time to time, except in those cases where the resolution authorizing such select committees specifically names the membership.

Rule 9. Members Presiding. The President of the Council during any meeting of Council may name any member to perform the duties of the chair; but such substitution shall not extend beyond that meeting.

Rule 10. The Vote Necessary for Election of President and Clerk. No candidate for President or Clerk of Council shall be declared elected unless the candidate shall have received a majority vote of all members elected to Council.

Rule 10-1. Roll Call upon Election of President, and Filling Vacancies in the Membership of Council. Upon the roll call for the election of President of Council, City Clerk, Clerk of Council, or for filling any vacancy in the membership of Council, each member shall respond by stating the name of the candidate of his or her choice eligible for such office or appointment, which candidate shall not be required to be a person duly nominated and whose nomination has been duly seconded, provided, however, that no member shall be excused from voting except by unanimous consent.

Rule 10-2. Council Member Office Space and Parking When Seat is Vacated Before End of Term. If a council member vacates his or her seat any time before the end of a four year term, the person that fills the vacancy shall be appointed the same office space and the same parking space as the vacating member for use until the expiration of the term. Upon the start of any new four year term, office spaces and parking spaces are re-assigned by seniority. Seniority is lost for a member that retires or resigns and returns to office.

Rule 10-3. Extended Absence of a Member of Council. Any member of Council who is unable to attend regular meetings of Council and scheduled committee hearings by reason of prolonged illness or military leave, may be excused from such duties by a two-thirds vote of the Council authorizing the extended absence. The Clerk may, through a professional services agreement(s), hire a person or persons to supplement the role of the absent member's Executive Assistant in order to aid the Executive Assistant in carrying out ward-specific services. Any professional services agreement entered into by the Clerk shall have prior legislative authority of the Council.

Rule 11. The City Clerk, Clerk of Council. The Council shall choose a Clerk and such other officers and employees as may be deemed necessary and fix their compensation. The Clerk shall keep the record of the Council, and the Clerk shall be the editor of *The City Record*. The Clerk shall keep a proper file of all

papers and documents which are a part of the transactions of the Council, of meetings of committees and all orders of the Council, and shall make such records available to the public. The Clerk shall be secretary to all committees, but may assign an assistant as secretary to any committee. The Clerk shall keep minutes of each committee meeting which minutes shall be made available for public inspection upon request. The Clerk shall cause to be published in *The City Record* attendance roll calls of committee meetings. In addition, the Clerk shall report to Council the absence of members from Council meetings and shall perform such other and further duties as may from time to time by Charter, statute or ordinance be required of the Clerk.

Rule 11-1. Committee on Council Operations.

Not later than the fourth meeting of the Council after its organization, the President of Council shall appoint four (4) members to a Committee on Council Operations. In addition to the appointed members, the President of Council shall also be member of the committee. The committee shall work in conjunction with the Clerk to oversee the personnel and operations of Council, as well as any policies and procedures that impact the operations of Council.

Rule 11-2. The City Record. The Clerk of Council, as editor of *The City Record*, shall see that the following rules are observed in the preparation and introduction of ordinances and resolutions and in the editing and publishing of *The City Record*.

(a) The title of all ordinances and resolutions shall be confined to a brief statement of the subject matter of the bill and shall be printed in bold face type.

(b) Preambles or "whereas" clauses in ordinances and resolutions shall be restricted to one emergency preamble required by the Charter, except where a "whereas" clause is an essential part of the ordinance or resolution.

(c) When drafted, ordinances shall be divided into short sections, wherever practicable, in order to allow amendments without printing so much of the original ordinance.

(d) Ceremonial resolutions shall be numbered and recorded in cases of death of an outstanding citizen or occasions of great civic importance.

(e) The minutes and proceedings of administrative boards shall be published in *The City Record*.

Rule 12. Sergeant-at-Arms. The Council may appoint a Sergeant-at-Arms to be in attendance at meetings of Council. The Sergeant-at-Arms, under the direction of the presiding officer, shall preserve order in the Council Chamber and adjoining rooms, and in the manner to be prescribed by ordinance shall compel the attendance of absent members.

III. COMMITTEES OF COUNCIL

Rule 13. Standing Committees. Not later than the fourth meeting of the Council after its organization, the

President of Council shall appoint one (1) standing committee of nine (9) members and seven (7) standing committees of seven (7) members each. The first named member shall be chair and the second named shall be vice-chair. All committee appointments shall be made under this Rule, including that of chair and vice-chair. The vice-chair shall preside until the chair appears and shall discharge all the duties and be clothed with all the powers of the chair during the chair's absence. In the absence of the chair and the vice-chair and a quorum being present, a temporary chair shall be selected by a majority vote of the members present who shall preside until the chair or vice-chair appears and the temporary chair shall discharge all the duties and be clothed with all the powers of the chair during the chair's absence.

A. The nine member committee and its subject matter is as follows:

COMMITTEE ON FINANCE shall research, investigate, develop and implement public policy and advocate for the financial stability and operations of the City of Cleveland.

The Committee on Finance shall oversee the Departments of Finance and Law, and any processes and policies that impact the City's financial stability and operations. The Finance Committee shall: review all ordinances, resolutions and other matters pertaining to finances, indebtedness, appropriations, the payment of monies not provided for by previous legislation, taxation, the standardization of salaries and wages, union agreements, civil service, the pensioning of employees and the sale, lease or purchase of real estate; review and approve all city financial expenditures and budgetary items along with all financial matters that pertain to the city; review changes to the Codified Ordinances; review legislation regarding city annexations, redistricting, and charter amendments; review all matters relating to courts; review ordinances relating to licenses and those imposing fines, penalties, forfeitures or imprisonment, printing and advertising.

B. The seven member committees and the subject matters that shall be referred to them are as follows:

a. COMMITTEE ON UTILITIES shall research, investigate and develop public policy and advocate for public utilities and information technology for the City.

The Committee on Utilities shall oversee the operations of the Department of Public Utilities and the services that it provides, as well as any legislation, operations and policies that impact utilities and their access and use; the Committee shall ensure that all utility services are being provided at a reasonable cost and shall examine any increase in service fees and rates when necessary. The Utilities Committee shall review the financial stability and operation of the city's public utility enterprise funds and shall review how Information Technology is integrated into daily operations of the City.

b. COMMITTEE ON DEVELOPMENT, PLANNING AND SUSTAINABILITY shall research, investigate, and develop public policy and advocate for residential and commercial development and land use planning and sustainability for the City.

The Committee on Development, Planning and Sustainability shall be referred all ordinances, resolutions and other matters pertaining to the Departments of Economic Development, Community Development, Building and Housing and the City Planning Commission, and shall oversee these departments as well as any operations and policies that impact planning, sustainability, development, housing and commercial activities in the City and the greater Cleveland region. The Committee shall oversee all residential, retail, commercial and industrial development and redevelopment activities in the City and ensure that land use planning and zoning utilize the highest and best uses of the City.

c. COMMITTEE ON HEALTH AND HUMAN SERVICES shall research, investigate and develop public policy and advocate for a healthy environment for the City and its residents.

The Committee on Health and Human Services shall be referred all legislation and all other matters pertaining to the Departments of Public Health and Aging. The Committee shall review any operations and policies that impact the health of the City's residents, workers and visitors; and shall oversee fiscal expenditures that promote health initiatives.

d. COMMITTEE ON SAFETY shall research, investigate and develop public policy and advocate for a safe Cleveland.

The Committee on Safety shall oversee the Department of Public Safety, as well as all operations and policies that impact the safety of the City of Cleveland's residents, workers and visitors, and shall oversee all fiscal expenditures for the Department of Public Safety. The Committee also shall review all matters pertaining to the Community Relations Board

e. COMMITTEE ON TRANSPORTATION shall research, investigate and develop public policy and advocate for world-class transportation systems for the City.

The Committee on Transportation is responsible for overseeing the Department of Port Control and any legislation, operations and policies that impact transportation in Cleveland, including Greater Cleveland's public transportation, bus, limousine and taxicab operations, waterways and infrastructure, and their impact on commerce. The Committee shall oversee all matters directly relating to all city-owned airports, aviation services and port activities, including harbors, rivers and lakes as these pertain to travel and port commerce. The Committee shall review the financial stability and operation

of the City's transportation enterprise funds, examine regional transportation policies of area-wide agencies such as GCRTA and NOACA and how they impact the City; and oversee planning and development efforts for multi-modal transportation operations, including rail and bikeways.

f. COMMITTEE ON MUNICIPAL SERVICES AND PROPERTIES shall research, investigate and develop public policy and advocate for high-quality municipal services and properties for the city.

The Committee on Municipal Services and Properties shall be referred all legislation and other matters pertaining to the Department of Public Works and the Office of Capital Projects, and shall oversee any operations and policies that impact municipal services and properties; shall oversee those matters that pertain to public infrastructure improvements, including roads, bridges and sidewalk improvements; recreation, parks and public green space; shall oversee waste management and recycling; examine best public improvement practices; review the use of municipal bond funds for capital improvement projects; and shall monitor and evaluate the quality of work done on public improvement projects.

g. COMMITTEE ON WORKFORCE & COMMUNITY BENEFITS shall research, investigate and develop public policy and advocate for equity, empowerment and jobs for the City and its residents.

The Committee on Workforce and Community Benefits shall oversee the Office of Equal Opportunity and all operations and policies that impact the City's ability to promote workforce development and community benefits for City residents. The Committee shall: ensure that the City promotes empowerment of citizens through education, training, job creation and development; work with area businesses to create a working environment of justice and equity; monitor compliance with community benefits, agreements, policies and procedures; help develop and keep a workforce that fulfills the needs of employers; review education systems and curricula for Cleveland's citizens of all ages and levels and advocate reforms.

Rule 13-1. Approval of Council of Appointments by Mayor. Whenever the approval of Council is required for appointments by the Mayor, the President of Council, upon request of the Mayor for approval of any appointment, shall immediately appoint a select committee of five (5) members to which shall be referred the name of each person whose appointment is submitted for approval of Council. The select committee shall report to Council its recommendation and Council, as part of the appropriate order of business, shall proceed to vote upon the approval of each appointment; the question being "Shall the Council approve the appointment by the Mayor?" If a majority of all the members elected to Council vote yea, the Council shall approve such appointment.

Rule 13-2. Member Pro Tempore. In the event of the absence of a member from a published scheduled committee, the Council President, upon the request of the chair of the committee, may appoint a Councilmember to serve as a member pro tempore for purposes of that committee meeting. The appointment by the Council President of the member to that committee shall expire upon completion of that committee meeting. Upon appointing a member pro tempore, the Council President shall notify the members of Council of the appointment and shall cause such appointment to be reflected in *The City Record*.

Rule 13-3. Removal of Members from Committees. The President of Council, may for cause at any time, remove and replace any member or members of any standing committee established under Rule 13 or from any special committee or committees.

Rule 13-4. Authority of Committee Chair; Rules of Committees. The Chairperson of a committee shall maintain the order and decorum of the committee hearing and otherwise have the responsibilities and authority of a Presiding Officer as set forth in Rule 8. The committee chair shall enforce a time limit of 15 minutes on councilmembers for discussion of a topic, which time limit is subject to the discretion of the Chair. Except in case of obvious inconsistency or inapplicability, committee hearings shall be governed by the rules applicable to Council proceedings.

Rule 14. Committee Meetings. A majority of the members of a committee shall constitute a quorum for the transaction of business. Each committee shall hold its regular meetings at the time and place fixed in the schedule, as prepared by the President of Council and Clerk of Council in conference with the chairs of the several committees.

Rule 14-1. Meeting. A committee meeting schedule shall be published by the Clerk. Should the chair of a committee find it necessary to hold the meeting at another time and place, the chair shall cause notice to be given and posted at least twenty-four (24) hours before the new time fixed for the meeting. All committee meetings shall be open, and a record of the attendance of members of the committee and the action taken there, shall be kept by the secretary of the committee in a record provided for that purpose. Such record shall be kept on file with the Clerk of Council and open to public inspection as other public records. No legislation shall be amended while in committee and it shall be the duty of the committee to recommend to Council the approval, disapproval or amendment of any legislation pending before the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval or amendment of any legislation pending before a committee. A committee member shall not sign any legislation to recommend approval, disapproval or amendment if that committee member is absent from the

committee during discussion of that legislation. All other motions shall require only a majority vote of the members of committee present.

Rule 14-2. Councilmember Absences. Each absence of a committee member, not authorized by the chair for good cause, or the absence of the chair, not authorized by the President of Council for good cause, shall be deemed a violation of the Rules of Council under Section 29 of the Charter, punishable by a fine of one hundred dollars (\$100.00) for each unauthorized absence. For the purpose of this Subsection 14-2 but not for purposes of voting on recommendations to legislation the discussion of which occurs during the member's actual presence at committee, a committee member or chair shall be deemed absent if that committee member or chair reports to the committee meeting later than fifteen (15) minutes after the scheduled time for the commencement of the meeting or when, after the commencement of the meeting, leaves the meeting, except in case of necessity or emergency, without the authorization of the chair or acting chair. Absence of a member of a committee from three (3) consecutive meetings, unless authorized by the chair of such committee, may cause the removal of such member from such committee by the President of Council.

Rule 14-3. Committee Room Seating. Seats at the table in the committee room shall be reserved for members of the committee, the Mayor and administrative officials having business before the committee, members of Council not members of the committee, persons specifically invited by the chair or by a vote of the committee, reporters, representatives of civic organizations and of organized labor, and it shall be the duty of the Clerk of committees to see to it that the foregoing precedence of seating is strictly followed.

Rule 15. Reports. No ordinance, resolution, petition, or other matters referred to a committee for action shall be approved or disapproved and reported out until it is first considered at a committee meeting regularly called as provided for in these Rules and no committee shall consider or hold a hearing on any proposed legislation until it has been introduced in Council and referred to the committee. The chair, upon motion of any member that shall not require a second, shall put the question of the recommendation of approval or of approval when amended. If a majority of the members of the committee vote affirmatively, the legislation shall be reported immediately to Council as "Recommended for Passage"; but if a majority of the members of the committee vote negatively on the question, the legislation shall be reported immediately to Council as "Not Recommended for Passage". The vote on all matters before the committee shall be recorded in the minutes of the committee meeting. When a majority of a committee has reported, recommending or not recommending the passage, adoption or approval of the legislation under

consideration, the minority may present a minority report. All such reports shall be in writing and signed by the members of the committee voting in favor of or against the report.

Rule 16. Committee of the Whole. Upon declaration by the Council President without objection or by motion of a Councilmember supported by a majority vote of Council, the Council shall resolve itself into a Committee of the Whole for the purpose of hearing from a person who is not a member of the Council, or for the purpose of considering business generally, or for the purpose stated in the motion. When the Council decides to go into Committee of the Whole, the regular officers shall continue to serve, without objection, otherwise the Council shall appoint a Chair to preside, and the presiding officer of the Council shall leave the chair. The rules of Council, in so far as practicable, shall be observed in the Committee of the Whole; however, a roll call of yeas and nays shall not be in order.

Rule 16-1. Joint Committee. When it is desired that legislation be considered by two or more standing committees jointly, a reference may be made by the President of Council to a joint committee comprised of the membership of said standing committees, which shall operate as a single committee. A quorum of a joint committee shall consist of a majority of the members thereof, counting membership in each committee separately, so that a member of each of two or more committees constituting the joint committee shall be counted once for each committee on which he or she is a member. A majority vote, similarly counted, shall be required for action by such joint committee. The President of Council shall determine the chair of the joint committee from the chair of the standing committees that make up the joint committee.

Rule 16-2. Subcommittee. When determined to be in furtherance of the legislative process, the chair of a standing committee and the President of Council may designate certain members of the standing committee to form a subcommittee for the purpose of examining matters that are identified by the chair and President at the time the subcommittee is formed. At the completion of its work, the subcommittee shall report its findings to the entire standing committee or, in the discretion of the President of Council, the entire Council.

IV. DUTIES, PRIVILEGES AND DECORUM OF MEMBERS

Rule 17. Roll Call of Council. Every member shall be seated within the "well" at the time of roll call, otherwise the member shall not be recorded as present except upon order of Council. The Clerk shall publish in *The City Record* the names of the members present and absent.

Rule 18. Duty to Vote. Every member present shall vote on all questions upon the call of the yeas and nays, unless excused by the unanimous consent of the Council; except

that no member shall vote on any question in which they are financially interested or which in any way involves personal or private rights. Any member present, unless so excused, or excepted as above, who refuses to vote upon any question relating to the city government, upon which the member may vote, when the yeas and nays are being taken shall be guilty of contempt of the Council, and may, for such contempt, be censured by a majority vote of the Council or may be expelled from the Council by a vote of two-thirds of all the members of the Council pursuant to Section 29 of the Charter of the City of Cleveland.

Rule 19. Yeas and Nays. On the passage of every ordinance or resolution, and on the appointment of every officer, the vote shall be taken by yeas and nays, entered in full upon the records and published in the official journal. On any other question, the yeas and nays shall be entered upon the record on the request of any member. Upon the call of the yeas and nays, the Clerk shall call the names of members alphabetically and record the vote.

Rule 20. Change of Vote. Before the announcement of the vote on any question, the Clerk shall read the vote of each member so taken upon the demand of any member, at which time any member on account of error or for any other reason may change his or her vote; but no member shall be permitted to change his or her vote as recorded after the roll call has been verified and the result declared.

Rule 21. Recording of Vote of Absent Member. Any member, having been unavoidably absent may at the next meeting be permitted to have their vote recorded upon any question acted upon during such absence; provided such vote shall not change the result; and provided further that such member shall not be entitled to move a reconsideration of the question to be voted upon.

Rule 22. Right of Floor. When any member is about to address the Council the member shall rise and respectfully address the presiding officer, and when recognized by the chair shall confine any comments to the question under debate, shall not be impolite, discourteous or disrespectful toward any member of the body, the administration or the public, and shall refrain from questioning or criticizing the motives of another member, the administration or a member of the public. When two or more members ask recognition at the same time, the presiding officer shall name the member who is first to speak and the exercise of such discretion by the presiding officer shall not be subject to appeal under Rule 25.

Rule 23. Time Limitation of Speaking. No member shall be allowed to speak for a longer time than 4 minutes at any one time without the permission of Council. No member shall speak more than once on the same legislation until every other member desiring to speak on that legislation shall have

had an opportunity to do so. Neither the Mayor nor any director may speak longer than 4 minutes upon the same motion, ordinance or question without the consent of Council.

Rule 24. Members Called to Order. If any member in speaking or otherwise transgresses the rules of the Council, the President shall call the offending member to order. The member so called to order shall immediately take his seat unless permitted by the President to explain. Any member may, by raising the point of order, call the attention of the President to such transgression. The President, without debate, shall decide the point of order. Every such decision of the President shall be subject to appeal to the Council upon motion with a second.

Rule 25. Right of Appeal. Any member may appeal to the Council from a ruling of the presiding officer. The member making the appeal may briefly state the reason for the same, and the presiding officer may briefly explain the ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote yea, the ruling of the chair is sustained; otherwise it is overruled.

Rule 26. Member May Read from Books, etc. Any member while discussing a question, may read from books, papers or documents any matter pertinent to the subject under consideration without asking leave; provided, however, that such reading shall be subject to and included within the time limitation prescribed in Rule 23.

Rule 27. Division of Question. If the question contains two or more divisible propositions, the presiding officer may, and upon request of a member, divide the same; but a motion to strike out a provision and insert a substitute is not divisible.

Rule 28. Personal Privilege. Any member may rise to explain a matter personal to the member, and on stating that it is a matter of personal privilege, the member shall be recognized by the President, but shall not discuss a question or issue in such explanation. Such explanation shall not consume more than 2 minutes of time unless extended by consent of the Council. Matters of personal privilege shall yield only to a motion to recess or adjourn.

Rule 29. No Person, Other Than the Clerk and the Clerk's Assistants, Shall Be Permitted at the Clerk's Desk While the Yeas and Nays are Being Taken. No person, other than the Clerk and the Clerk's assistants, shall be permitted at the Clerk's desk while the yeas and nays are being taken.

V. MOTIONS

Rule 30. Purpose and Form. Motions shall be used only to expedite the orderly transaction at the business of Council and shall not be

substituted for resolutions or ordinances. The form of all motions shall be "I move that" followed by the substance of the motion. No second shall be required for any motion except as specifically provided for in a rule, but upon demand of any member any motion shall be withdrawn by the maker before it has been amended or voted upon. When a motion is made the presiding officer shall state it before any debate shall be in order. All motions that have been entertained by the President of Council shall be entered upon the minutes.

Rule 31. Precedence of Motions. When a question is before the Council no motion shall be entertained except the following:

1. To adjourn.
2. To fix the hour of adjournment.
3. For the previous question.
4. To lay on the table.
5. To postpone to a day certain.
6. To postpone indefinitely.
7. To refer to a committee.
8. To amend.

These motions shall have precedence in the order indicated. The motion to adjourn and the motion for the previous question, shall be put to a vote without debate; the motion to fix the hour of adjournment shall be debatable only as to the time of such adjournment; and all other motions shall be debatable.

Rule 32. The Previous Question. The motion for the previous question shall require a majority vote of all members elected to Council; shall be considered only once; may be renewed after intervening business; shall take precedence over all debatable questions and shall be in order to prevent amendment of questions that are not debatable. When the previous question is moved and seconded by one other member, it shall be put as follows: "Shall the main question be now put?" There shall be no further amendment or debate but pending amendments shall be put in their order before the main question. If the question, "Shall the main question be now put?" be decided in the negative, the main question remains before the Council.

Rule 33. Motion to Lay on the Table. The motion to lay on the table shall dispose finally of the legislation against which it is invoked but a motion to lay a pending amendment to an ordinance or resolution on the table shall not carry the ordinance or resolution with it. A motion to lay on the table shall require a majority vote of all members elected to Council.

Rule 34. Motion to Postpone to a Day Certain. A motion to postpone to a day certain shall require a majority vote of the members present; shall be subject to reconsideration; may be renewed after intervening business; shall be debatable as to the propriety of the postponement but not upon the merits of the legislation; and may be amended by changing the date. Upon the arrival of the date to which postponed the legislation shall be considered in the regular order of business of that day.

Rule 35. Motion to Postpone Indefinitely. The motion to postpone indefinitely shall have the same effect as a motion to lay on the table, and shall require a majority vote of all members elected to Council. A motion to postpone indefinitely shall not be reconsidered; shall be debatable and shall open the legislation to debate; may be renewed after intervening business and may not be amended or laid on the table, and shall be subject to previous question.

Rule 36. Reconsideration. After the decision of any question, any member who voted with the majority may move for a reconsideration of any action at the same or the next succeeding meeting, provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of all the members elected to Council. After a motion for reconsideration has once been acted upon, no other motion for reconsideration of the same question shall be made without unanimous consent of the members present.

VI. ORDINANCES AND RESOLUTIONS

Note: "The adoption of a resolution is the proper procedure for an informal enactment providing for the disposition of a particular item of business, while the passage of an ordinance is the proper procedure for the enactment of a regulation of a general or permanent nature." (19 R.C. L. 895; 46 C.J. 519; 29 O.A. 386).

Rule 37. Introduction. Ordinances and resolutions shall be introduced in the Council in electronic, digital, printed or written form, with the name of the member introducing the same endorsed thereon. No ordinance or resolution affecting the zoning regulations or the construction of public improvements within a particular ward shall be introduced in Council in the name of the member of Council from such ward except with that member's written permission prior to introduction, and when the member's name is followed by the words "By departmental request", which sponsorship shall not imply agreement with the purpose of such legislation. Ordinances submitted by the initiative shall have endorsed on them "Submitted by Initiative Petition".

Rule 37-1. Preparation of Legislation. In order that adequate time may be given to the preparation of legislation, members of Council shall present requests for legislation in a timely manner, and not later than 5:00 o'clock P.M. on the Friday preceding the meeting at which such legislation is to be introduced for first reading, and not later than 5:00 o'clock P.M. on the Wednesday preceding introduction of legislation for passage under suspension of the rules.

Rule 37-2. Request for Legislation. All legislation shall have indicated at the end the date of preparation and the initials of the council member and preparer of the legislation; and all legislation originating in

administrative departments shall contain in addition the name of the head of the department or division for whom prepared and the name of the member of Council introducing such legislation shall be followed by the words "By departmental request" in parentheses.

Rule 37-3. Request for Legislation for Passage Under Suspension of the Rules. The Clerk of Council shall not accept a request for legislation for passage on introduction under suspension of the rules unless furnished sufficient copies of such legislation to provide each member of Council, together with a like number of copies of a statement by the Director of the requesting department setting forth the reasons immediate action is required. A request for legislation for passage on introduction under suspension of the rules at the last meeting prior to the summer recess of Council or at the final annual meeting of Council shall not be accepted by the Clerk of Council unless the required statement bears the approval of the President of Council. To the extent that circumstances permit all such legislation shall be considered informally by at least one committee of Council, to which such legislation would otherwise be referred.

Rule 38. Form of Ordinances. The enacting clause of all ordinances shall be "Be it ordained by the Council of the City of Cleveland." except those submitted by Initiative petition, which shall be "Be it ordained by the people of the City of Cleveland." All ordinances before introduction shall be submitted electronically or digitally in a format provided by the Clerk. No ordinance or resolution or section thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution, or section revised or amended, and the original ordinance, resolution, section, or sections so amended shall be repealed.

Rule 39. Emergency Ordinances. If any emergency ordinance or resolution fails to receive a two-thirds affirmative vote of all members elected to Council, such measure shall cease to be before the Council as an emergency measure and shall have the standing that a measure would have had if it had not been read as an emergency measure.

Rule 40. Reference to Committee. All ordinances and resolutions shall be read by title on the day when introduced, unless such reading is dispensed with by a two-thirds vote; and unless otherwise ordered by the Council shall be referred by the presiding officer to the appropriate committee or committees, which reference shall be announced immediately by the Clerk. The committee or committees to which the legislation is referred shall, after due consideration and at least one public hearing, propose any amendments with recommendations for approval or disapproval. When so reported, the ordinance or resolution shall, unless otherwise ordered, be read a second time and laid over until the next meeting of the Council, when the same shall be read a third time

and a vote taken thereon. The Council shall not act upon any ordinance or resolution except a resolution of condolence or one of an extreme emergency nature, until it has been referred to and reported upon by a committee or committees of Council.

Rule 40-1. Reference Back to Committee. Any pending legislation may, by a vote of a majority of the members elected to Council or by declaration of the Council President without objection, be referred back to any committee to which it was previously referred under these rules, or to any appropriate committee designated in the motion to refer back. When referred back to a committee, such legislation shall have the same standing as it had at the time when referred back.

Rule 41. Reference to More Than One Committee. Whenever any pending matter is referred to more than one committee for consideration and report, the committees may consider the matter in a joint session as a joint committee, if the chairs of the committees concerned consent. The chair of the committee first named shall preside at the joint sessions, and each member of the joint committee shall have one vote for each committee of which he or she is a member composing the joint committee. A majority of the members of each of the separate committees shall constitute a quorum of such committee and the vote shall be taken by roll call of each of the separate committees constituting the joint committee. Its report shall be made in the same manner and under the same rules as reports are made by standing committees.

Rule 41-1. Relieving Committees. Any committee to which an ordinance or resolution has been referred under Rule 40 or referred back under Rule 40-1, may be relieved of further consideration of such legislation by a motion duly made and adopted by a two-thirds vote of all members elected to Council or by the chair of the committee to which the legislation has been referred with the consent of the Council President.

Rule 42. Three Readings. No ordinance or resolution shall be passed until it has been read on three separate days; unless the reading on three separate days has been dispensed with by a two-thirds vote of all members elected to Council. The final reading shall be in full unless an electronic, digital, written or printed copy of the measure is furnished to each member of the Council prior to the reading. Electronic, digital, or printed copies of all first reading ordinances and resolutions to be introduced for passage and adoption under suspension of the rules and without reading on three separate days shall be furnished to the members prior to a vote being taken on the ordinance or resolution. When it is desired to suspend this and Rule 40 in order to permit the passage of legislation upon introduction the question on the motion for such suspension shall be as follows: "Shall the Charter and statutory provisions and Rule 42 requiring reading on three separate days and Rule 40 requiring reference to committees be dispensed

with and Ordinance No. ... (Resolution No. ...) be placed on final passage?" If two-thirds of all the members elected to Council vote yea, the Charter, statutory and rule requirements requiring reading on three separate days and reference to committees shall be suspended. As an exception to the foregoing, resolutions of condolence and congratulatory resolutions shall be read by title only and adopted viva voce or by rising vote.

Rule 42-1. Copies Required for Suspension of Rule 42. No ordinance of a general nature or imposing penalties which has not been referred to a committee of Council, shall be passed under suspension of the rules unless an electronic, digital or written copy of such ordinance is furnished to each member prior to the passage of such ordinance under suspension of Rule 42.

Rule 43. Appropriation Ordinances. Ordinances making appropriations shall be confined to the subject of appropriation. No money shall be appropriated except by ordinance. All ordinances for fixing a tax rate, the appropriation of money, the issuance of bonds, the transfer of money to any fund, or the payment of claims; and all resolutions and ordinances whereby the city shall become liable for the payment of any money, shall be referred without debate to the finance committee for consideration and report; unless this requirement shall be suspended by two-thirds of all the members elected. The vote of each suspension shall be taken by yeas and nays and entered on the record.

Rule 44. Substitute Legislation. Legislation dealing with the same subject matter may be substituted for any pending ordinance or resolution by a majority vote of all the members elected to Council, upon the recommendation of any committee to which such legislation has been referred. Substitute legislation shall be subject to all the provisions of the Charter and rules applying to ordinances on first reading, and the legislation for which such substitute is offered shall be laid upon the table as a final disposition thereof. Before accepting for introduction any substitute legislation, the author of the original legislation shall be given notice of the substitute legislation by the Clerk of Council.

Rule 45. Amendments. It shall be in order to amend an ordinance at any time when not in the hands of a committee; but if amended after its second reading, it shall again be read as the second reading thereof, and laid over for further and final action. A majority vote of all the members elected to Council shall be necessary for the adoption of an amendment to any legislation pending before the Council.

Rule 46. Adoption. All ordinances and resolutions shall require for passage or adoption a majority vote of all the members elected. The vote on their adoption shall be taken by yeas and nays and entered on the records of the meeting except as otherwise provided in these rules.

Rule 47. Signing Ordinances and Resolutions. All ordinances passed and resolutions adopted by Council shall be signed by the President and presented immediately to the Mayor by the Clerk.

Rule 48. Action on Mayor's Veto. When the Mayor refuses to sign an ordinance or resolution or any part of an ordinance or resolution and returns the ordinance or resolution to the Council with objections, pursuant to Section 37 of the Charter, the Council shall, after at least one week following the meeting at which such vetoed ordinance or resolution is returned, proceed to reconsider the vetoed ordinance or resolution. After the adoption of the motion to reconsider, the question shall be stated as follows: "Shall Ordinance No. (Resolution No.) be passed (or adopted) notwithstanding the veto of the Mayor? Those voting yea vote to override the Mayor's veto. Those voting nay vote to sustain the Mayor's veto." If two-thirds of all the members elected to Council vote yea, such ordinance or resolution vetoed by the Mayor shall take effect without the Mayor's signature.

VII. ADMINISTRATIVE OFFICERS

Rule 49. Attendance Required. The Mayor and the directors of all departments shall be required to attend the regular and special meetings of Council and shall be provided with seats on the floor of the Council. They shall be required, at any such meeting, to answer such questions relating to the affairs of the city under their respective supervision and control as may be put to them by any member of the Council.

Rule 50. Reports of City Officers. All ordinances, resolutions and communications pertaining to matters that come under the supervision and control of the Mayor may, in addition to being referred to the proper committees, also be referred to the respective administrative officers for recommendation and report. Not later than thirty (30) days after reference to the administrative officer or officers as the case may be each ordinance or resolution referred shall be returned to the Clerk of Council with the endorsement of each administrative officer's approval or disapproval of the referred matter. The Clerk of Council shall rigidly enforce this rule.

Rule 51. Mandatory Referral of Legislation. Mandatory referral of legislation to the City Planning Commission under Section 76-3 of the Charter shall be deemed to include the following matters:

1. Zoning or other regulations of land use.
2. Acquisition or lease of land for public uses.
3. Sale or lease of publicly owned lands.
4. Vacation or dedication of streets or alleys.
5. Street widening or street extensions.
6. Permits for private uses of streets or public property.
7. Determining to proceed with public improvements.

8. Requests for studies or plan preparation.

9. Bond issues for capital improvements.

10. Housing.

A request for an additional thirty (30) day period for further consideration may be granted by the President of Council if the application for such extension is submitted to the President before the expiration of the thirty (30) day period allowed by Section 76-3 of the Charter. No further extension of time shall be allowed except upon motion of a member of Council adopted by a majority vote of all the members present. Such request shall be filed with the Clerk of Council.

Rule 52. Mutilation of Legislation. No alteration, change, erasure or mark shall be made upon any piece of legislation by any person except the Clerk of Council and then only pursuant to an amendment thereto made by Council pursuant to Rule 45. Nothing shall be physically attached to any piece of legislation after introduction except the fiscal certificate required by Section 106 of the Charter nor shall any endorsement appear upon any legislation except that of the director of the requesting department or office. Pertinent data or reports may be filed with legislation.

VIII. COUNCIL CHAMBER

Rule 53. Use of Council Chamber. The Council Chamber shall be used only for meetings of the Council or Council committees, except where the Council by vote authorizes its use by persons other than city officials. The Clerk, with the written approval of the President of Council, may permit other public officials to use the Council Chamber on public business, when not in use by the Council or committees.

Rule 54. Privileges of Floor. No person except members of the Council, designated Council staff, officers named in the rules, reporters and persons invited by the President of Council or by vote of the Council shall be admitted within the "well" of the Council chamber, and the Sergeant-at-Arms shall cause this rule to be rigidly enforced.

IX. RULES, SUSPENSION, AMENDMENT AND OTHER

Rule 55. Suspension of Rules. Any provision of these rules may be suspended at any meeting of the Council, by a majority vote of all the members elected, except when a greater number is required by law or by the rules. The vote on any such suspensions shall be taken by yeas and nays and entered upon the records.

Rule 56. Amending Rules. These rules may be amended, or new rules may be adopted by a majority vote of all members elected to the Council, on the report of the committee formed for such purpose.

Rule 57. Other Rules. Except as herein otherwise provided, the proceedings of the Council shall be governed by the City Charter, the Codified Ordinances of the City of

Cleveland, and Robert's Rules of Order, and it shall be the duty of the presiding officer to adhere to and enforce such rules.

BOARD OF CONTROL

December 27, 2017

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 27, 2017 at 10:34 a.m. with Director Langhenry presiding.

Present: Director Langhenry, Acting Directors Henderson, Szabo, Directors Cox, Gordon, McGrath, Acting Directors Jackson, Schmotzer, Director McNamara, and Interim Director Donald.

Absent: Mayor Jackson, Directors Dumas, and West.

Others: Tiffany White Johnson, Commissioner, Purchases & Supplies.

William Sonntag, Acting Director, Mayor's Office of Capital Projects.

On motions, the resolutions attached were adopted, except as may be otherwise noted.

Resolution No. 641-17.

By Director Davis.

Whereas, under the authority of Ordinance No. 68-98, passed by the Council of the City of Cleveland on October 19, 1998, and Board of Control Resolution No. 401-01, adopted on June 20, 2001, the City of Cleveland entered into City Contract No. 58174 with Camp Dresser, & McKee, Inc. for programming services necessary to provide Plant Computer Control System (PCCS) programmable logic controller, a human to machine interface (HMI) and peripheral and ancillary equipment programming, configuration and supplementary services, and acquisition of GE Proficy software licenses, for the Plant Enhancement Program for the Division of Water, Department of Public Utilities; and

Whereas, under the authority of Ordinance No. 68-98, passed by the Council of the City of Cleveland on October 19, 1998, as amended by Ordinance No. 94-99, passed on March 1, 1999, and Board of Control Resolution No. 680-05, adopted on December 7, 2005, the City of Cleveland entered into City Contract No. 65332 with Washington Group International, Inc. for professional services for comprehensive programming of PCCS programmable logic controller, a human to machine interface and peripheral and ancillary equipment for the PCCS Phase II project, and acquisition of additional GE Proficy software licenses, for the Division of Water, Department of Public Utilities; and

Whereas, under the authority of Ordinance No. 2234-05, passed by the Cleveland City Council on January 23, 2006, as amended by Ordinance No. 1717-06, passed November 20, 2006, the City of Cleveland, through the Director of Public Utilities, entered into City Contract No. 68241 with Gray Matter Systems, LLC, for an estimated quantity of services necessary to support and maintain through the year 2010 the GE Proficy Software, a Supervisory Control and Data Acquisition ("SCADA") system, obtained under both City Contracts Nos. 58174 and 65332, for the Division of Water, Department of Public Utilities; and

Whereas, under the authority of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O."), the City entered into contracts covering the years 2011-2017 with Gray Matter Systems, LLC, to renew the necessary software licenses and to continue to obtain software support and maintenance services for the GE Proficy Software, and the technical support and maintenance services for the PCCS and SCADA systems, for the Division of Water, Department of Public Utilities; and

Whereas, the City entered into a contract with Gray Matter Systems, LLC, under PO No. 2002 D2016-116 to obtain software, software support, maintenance services and licenses for the GE Proficy Software, and technical support and maintenance services for the PCCS and SCADA systems for one year starting October 26, 2016 in the amount of \$12,764.70, for the Division of Water Pollution Control, Department of Public Utilities; and

Whereas, division (c) of Section 181.102 C.O. authorizes a director to execute one or more license agreements for software needed to implement or maintain a previously acquired software system directly with software licensing firm; and

Whereas, division (d) of Section 181.102 C.O. authorizes a director to enter into an agreement with a software vendor for professional services necessary to implement or maintain the software system, including but not limited to maintenance, repair, upgrades, enhancements and technical support; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Gray Matter Systems, LLC to renew the necessary software licenses and to continue to obtain technical support and maintenance services for the GE Proficy Software and the various plants' PCCS systems, for one year starting January 1, 2018 for the Division of Water, and for one year starting October 26, 2017, for the Division of Water Pollution Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of division (e) of Section 181.102 C.O., the compensation to be paid for license fees and for maintenance and technical support services to be performed under the contract with Gray Matter Systems, LLC for the one-year term starting January 1, 2018, for the Division of Water, shall not exceed \$144,345.16, and for the one-year term starting October 26, 2017, for the Division of Water Pollution Control, shall not exceed \$1,745.60.

Yeas: Director Langhenry, Acting Directors Henderson, Szabo, Directors Cox, Gordon, McGrath, Acting Directors Jackson, Schmotzer, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and West.

Resolution No. 642-17.

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Apex Construction and Management Company, Inc. for the

public improvement of the Joseph L. Stamps Service Center Improvements, Base Bid Items A through D, and Optional Items 1 through 4, for the Office of Capital Projects, received on October 6, 2017 under the authority of Ordinance No. 733-14 passed June 9, 2014, upon a gross price basis for the improvement in the aggregate amount of \$94,650.00 is affirmed and approved as the lowest responsible bid, and the Director of the Office of Capital Projects is authorized to enter into contract with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Apex Construction and Management Group is hereby approved:

| <u>Subcontractor Amount</u> | <u>CSB/MBE/FBE Percentage</u> |
|------------------------------------|-------------------------------|
| Imperial Mechanical \$3,000.00 | FBE 3.2% |
| Tech Ready Mix \$3,000.00 | MBE 3.2% |
| TAT Construction \$12,000.00 | N/A 0.0% |
| E.R. Flynn Co., Inc. \$5,100.00 | N/A 0.0% |
| Northern Ohio Lumber \$3,000.00 | N/A 0.0% |

Yeas: Director Langhenry, Acting Directors Henderson, Szabo, Directors Cox, Gordon, McGrath, Acting Directors Jackson, Schmotzer, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and West.

Resolution No. 643-17.

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that the bid of EnviroCom Construction, Inc. for the public improvement of the Thurgood Marshall Recreation Center Bid Package 2, Architectural and Mechanical Improvements, base bid Items A through E, deduct Alternate Item 1 and add Alternate Item 2, and Optional Items A1 through A7, for the Office of Capital Projects, received on November 10, 2017 under the authority of Ordinance No. 732-14 passed June 9, 2014, upon a gross price basis for the improvement in the aggregate amount of \$411,000.00 is affirmed and approved as the lowest responsible bid, and the Director of the Office of Capital Projects is authorized to enter into contract with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by EnviroCom Construction, Inc. is hereby approved:

| <u>Subcontractor Amount</u> | <u>CSB/MBE/FBE Percentage</u> |
|---------------------------------------|-------------------------------|
| Frank Novak & Sons \$52,000.00 | FBE 12.7% |
| M. Rivera Construction \$13,800.00 | MBE 3.5% |
| Tucker Grubbs \$15,000.00 | MBE 3.5% |

Yeas: Director Langhenry, Acting Directors Henderson, Szabo, Directors Cox, Gordon, McGrath, Acting Directors Jackson, Schmotzer, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and West.

Resolution No. 644-17.

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that the bid of RWJ Wiring, Inc. for the public improvement of the Glenville Recreation Center Bid Package 2, Architectural, Mechanical and Electrical Improvements, Base Bid Items A through E, and Optional Items 1, 2, and 4 through 6, for the Office of Capital Projects, received on October 13, 2017 under the authority of Ordinance No. 732-14 passed June 9, 2014, upon a gross price basis for the improvement in the aggregate amount of \$505,994.00 is affirmed and approved as the lowest responsible bid, and the Director of the Office of Capital Projects is authorized to enter into contract with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by RWJ Wiring, Inc. is hereby approved:

| <u>Subcontractor Amount</u> | <u>CSB/MBE/FBE Percentage</u> |
|----------------------------------|-------------------------------|
| DC Heating \$15,350.00 | MBE 0.0% |
| P and C Supplies TBD | MBE 0.0% |
| EM Painting TBD | CSB 0.0% |
| The K Company TBD | FBE 0.0% |
| United Electrical Systems TBD | N/A 0.0% |

Yeas: Director Langhenry, Acting Directors Henderson, Szabo, Directors Cox, Gordon, McGrath, Acting Directors Jackson, Schmotzer, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and West.

Resolution No. 645-17.

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of CATTs Construction, Inc. for the public improvement of Madison Avenue Rehabilitation (West 117th Street to West Boulevard.), all bid items, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, received on November 2, 2017, under the authority of Ordinance No. 1024-16, passed by Cleveland City Council on November 14, 2016, upon a unit price basis for the improvement, in the aggregate amount of \$2,576,895.94, is affirmed and approved as the lowest responsible bid, and the Director of Capital Projects is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by CATTs Construction, Inc. for the above-mentioned public improvement is approved:

Trafftech, Inc.
\$264,530.95 — (10.3%)

Cuyahoga Fence, LLC.
\$16,134.50 — (0.6%)

Ronyak Paving, Inc.
\$353,336.00 — (13.7%)

Yeas: Director Langhenry, Acting Directors Henderson, Szabo, Directors Cox, Gordon, McGrath, Acting Directors Jackson, Schmotzer, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and West.

Resolution No. 646-17.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck, Inc., for an estimated quantity of Ford passenger and police vehicle parts and labor, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, for a period of one year, beginning with the date of execution of a contract, with two one-year renewal options, received on September 28, 2017 under the authority of Section No. 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$247,700.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services specified.

The requirement contract shall further provide that the Contractor shall furnish the City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Director Langhenry, Acting Directors Henderson, Szabo, Directors Cox, Gordon, McGrath, Acting Directors Jackson, Schmotzer, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and West.

Resolution No. 647-17.

By Director Cosgrove.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 007-21-128 located on Erin Avenue; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Yvonne Young has proposed to the City to purchase and

develop the parcel for a yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Wad 3 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Yvonne Young for the sale and development of Permanent Parcel No. 007-21-128 located on 3440 Erin Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Director Langhenry, Acting Directors Henderson, Szabo, Directors Cox, Gordon, McGrath, Acting Directors Jackson, Schmotzer, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and West.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. There-after, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

PHYSICAL EXAMINATION: All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

ROBERT BENNETT,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

TUESDAY, JANUARY 16, 2018

9:30 A.M.

Calendar No. 17-364: 1886 West 57th Street (Ward 15)

B.R. Knez Construction, owner, proposes to erect a new 18' x 44' two story single family house with a 20' x 20' detached garage in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that the required interior side yard shall not be less than 5.8' and 3' are proposed for dwelling.

2. Section 357.13(b)(4) which states that open porches shall not project less than 10 feet from sidewalk and the appellant is proposing 6 feet. (Filed December 7, 2017)

Calendar No. 17-365: 2074 West 44th Street (Ward 3)

B.R. Knez Construction, owner, proposes to construct a new 2.5 story 1,854 square foot single family house with a detached garage on a 3,750 square foot lot. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. The proposed distance to main building on the adjoining lot is 6.5 feet.

2. 341.02(b) which states that City planning approval is required prior to the issuance of a building permit. (Filed December 7, 2017)

Calendar No. 17-348: 11228 Harborview (Ward 15)

Dieter Sumerauer, owner, proposes to build a two story garage addition with second floor study/exercise room to existing single family residence located on a 15,681.6 square foot lot in an AA1 Limited One Family Residential District. The owner appeals for relief from the strict application of Section 357.08(b)(1) of the Cleveland Codified Ordinances which states that the depth of the required rear yard shall be not less than the height of the main building or in this case 31 feet and a 5' foot rear yard is proposed. (Filed November 21, 2017)

Calendar No. 17-366: 2087 Random Road (Ward 6)

Stephen J. Bucchieri, owner, proposes to construct a new 12 unit apartment building in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.04(a) which states that the required front yard setback is 13 feet and 11' - 4" are proposed.

2. Section 357.13 which states that condensers and a dumpster are not permitted front yard encroachments and the appellant is proposing 5 A/C condensers and one dumpster in the front yard.

3. Section 357.04 which states that in residential districts only a 4 foot tall ornamental fence with 75% opacity is permitted and a 5 foot 4 inch dumpster enclosure is proposed.

4. Section 357.08(b)(1) which states that the required rear yard 20 feet and 8 feet are proposed.

5. Section 355.04 which states that the maximum gross floor area of a building cannot exceed 1/2 the lot area which in this case would be 7,560 square feet 17,800 square feet are proposed. (Filed December 7, 2017)

**POSTPONED FROM
NOVEMBER 13, 2017**

Calendar No. 17-275: 2462 West 7th Street (Ward 3)

Tim Ridgeley, owner, proposes to construct an addition to an existing single family dwelling in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that in a One family district or in a two family district no interior side yard shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard in no case shall be less than one fourth (¼) the height of the main building on the premises. Building height is unknown. The overhang dimension, gutter board/gutter location is unknown.

2. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. Distance to main building on adjoining lot is unknown. (Filed September 11, 2017 - No Testimony)

Second postponement made at the request of the appellant. First postponement made at the request of the City Planning Commission to allow time for further review.

**POSTPONED FROM
NOVEMBER 20, 2017**

**Appeal from Assessments
and Licenses**

Calendar No. 17-317: Suspension of Vendor Permit # LUVU17-0097 - Zone 3 (Ward 3)

Christine Hill appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) and Section 675 of the Cleveland Codified Ordinances from the decision of the Mayor's Office of Capital Projects to suspend the vendor permit #LUVU17-0097 from October 1 through October 30, 2017 due to violations of Vendors Rules and Regulations. (Filed October 18, 2017 - No Testimony)

First postponement made at the request of the appellant due to a scheduling conflict.

**POSTPONED FROM
NOVEMBER 20, 2017**

Violation Notice

Calendar No. 17-326: 2632 East 115th Street (Ward 6)

The Meeting Place Learning Center, owner, appeals under the

authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from Notice of Violation Number V17036361 issued on September 29, 2017 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(c) of the Cleveland Codified Ordinances which states that there shall be no change, substitution or extension in the use of any building or premises until the required use permit and Certificate of Occupancy has been issued by the Division of Building and Housing. (Filed October 27, 2017 - No Testimony)

First postponement made at the request of the appellant due to a scheduling conflict.

**POSTPONED FROM
NOVEMBER 20, 2017**

Violation Notice

Calendar No. 17-327: 2633 East 115th Street (Ward 6)

The Meeting Place Church Inc., owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from Notice of Violation Number V17036092 issued on September 28, 2017 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(c) of the Cleveland Codified Ordinances which states that there shall be no change, substitution or extension in the use of any building or premises until the required use permit and Certificate of Occupancy has been issued by the Division of Building and Housing. (Filed October 27, 2017 - No Testimony)

First postponement made at the request of the appellant due to a scheduling conflict.

**POSTPONED FROM
NOVEMBER 20, 2017**

Calendar No. 17-313: 1769 West 52nd Street (Ward 15)

Triban Investments, LLC., owner, proposes to erect a 15' x 20' two story frame fee simple single family residence with an attached garage in a Residential Attached 3 Townhouse District (RA3). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.031(g) which states that the Required Interior Side yard is 10 feet and the appellant is proposing 5 feet.

2. Section 337.031(g) which states that the Required Rear Yard is 20 feet and the appellant is proposing 5 feet. (Filed October 13, 2017)

Calendar No. 17-314: 1767 West 52nd Street (Ward 15)

Triban Investments, LLC., owner, proposes to erect a 15' x 20' two story frame fee simple single family residence with an attached garage in a Residential Attached 3 Townhouse District (RA3). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.031(g) which states that the Required Interior Side yard is 10 feet and the appellant is proposing 5 feet.

2. Section 337.031(g) which states that the Required Rear Yard is 20 feet and the appellant is proposing 5 feet. (Filed October 13, 2017)

Calendar No. 17-321: 5105 Franklin Avenue (Ward 15) Triban Investments, LLC., owner, proposes to erect a 12.29' x 87' three story frame fee simple single family residence with an attached garage in an Residential Attached 3 Townhouse District (RA3). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.031(g) which states that the Required Interior Side yard is 10 feet and the appellant is proposing 3 feet. (Filed October 13, 2017)

Calendar No. 17-322: 1765 West 52nd Street (Ward 15) Triban Investments, LLC., owner, proposes to erect a 15' x 20' two story frame fee simple single family residence with an attached garage in an Residential Attached 3 Townhouse District (RA3). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.031(g) which states that the Required Interior Side yard is 10 feet and the appellant is proposing 5 feet. (Filed October 13, 2017 - No Testimony)

Second postponement made at the request of the Councilman to allow for time for a Community Meeting. First postponement made due to an error in the address.

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, JANUARY 2, 2018

At the meeting of the Board of Zoning Appeals on Tuesday, January 2, 2018, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 17-357: 4302 Bailey Avenue B.R. Knez, owner, proposes to construct a new 2.5 story, 1,792 square foot single family house with a detached garage on a 3,750 square foot lot in a B1 Two Family Residential District.

Calendar No. 17-363: 1700 Lorain Avenue Alex Cedeno, owner, proposes to erect a 5,300 square foot single family house with an attached garage on a 5,466 square foot lot in a C2 Local Retail Business District.

The following appeals were **DENIED:**

None.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

None.

The following cases were **POSTPONED:**

Calendar No. 17-358: Sterling Pettway 5809 Hough Avenue. Postponed to February 12, 2018.

Calendar No. 17-359: Sterling Pettway 5813 Hough Avenue. Postponed to February 12, 2018.

Calendar No. 17-360: Alpha Delivery LLC. 2408 Holmden Avenue. Postponed to February 5, 2018.

Calendar No. 17-362: 9803 Lake Avenue LLC. 9803-05 Lake Road. Postponed to March 5, 2018.

The following cases were heard by the Board of Zoning Appeals on Monday, December 18, 2017 and the decisions were adopted and approved on Tuesday, January 2, 2018:

The following appeals were **APPROVED:**

Calendar No. 17-318: 4010 East 116th Street L & C, owner, proposes to store brick, concrete and dirt in a B3 Semi-Industry District.

Calendar No. 17-334: 9202 Kinsman Avenue Burten, Bell, Carr, Development, Inc., owner, proposes to erect a new 150 foot tall telecommunications tower on a parcel located in a B3 Semi-Industry District.

Calendar No. 17-345: 1879 East 40th Street Cleveland Commerce Center, owner, proposes to demolish a building and establish a parking lot and erect a fence in a C4 Semi-Industrial District.

Calendar No. 17-346: 3030 Superior Avenue Superior 31st, Inc., owner, and Chia Chun Ivan Tsou, tenant, proposes to establish tattooing use in a C4 Semi-Industry District.

Calendar No. 17-349: 6101 St. Clair Avenue Mr. and Mrs. Turk, owners, and Stan Green, tenant, propose to change the use from gas station to minor auto repair in a C1 Local Retail Business District.

Calendar No. 17-352: 2985 East 87th Street 93 Kinsman LLC., owner, proposes to establish use for outside storage/stockpiling of dirt and rock on parcels zoned Semi-Industry and General Industry.

Calendar No. 17-353: 2989 East 87th Street 93 Kinsman LLC., owner, proposes to establish use for outside storage/stockpiling of dirt and rock on parcels zoned Semi-Industry and General Industry.

Calendar No. 17-354: 2987 East 87th Street 93 Kinsman LLC., owner, proposes to establish use for outside storage/stockpiling of dirt and rock on

parcels zoned Semi-Industry and General Industry.

Calendar No. 17-355: 3051 East 87th Street 93 Kinsman LLC., owner, proposes to establish use for outside storage/stockpiling of dirt and rock on parcels zoned Semi-Industry and General Industry

Calendar No. 17-356: 3053 East 87th Street 93 Kinsman LLC., owner, proposes to establish use for outside storage/stockpiling of dirt and rock on parcels zoned Semi-Industry and General Industry.

The following appeal was **DENIED:**

Calendar No. 17-285: 9033 Holton Avenue Omens MC. Inc., owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from Notice of Violation.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

Ohio Environmental Protection Agency (OEPA) has posted two Public Notices about the issuance of permits to discharge to State waters under the National Pollutant Discharge Elimination System (NPDES) Permit Program.

Public Notice No. 17-12-017 covers the facility where the discharge occurs, Northeast Ohio Regional Sewer District's Westerly Wastewater Treatment Center at 5800 W. Memorial Shoreway, in Cleveland.

Public Notice No. 17-12-018 covers the facility where the discharge occurs, Northeast Ohio Regional Sewer District's Easterly Wastewater Treatment Center at 14021 Lakeshore Blvd., in Cleveland.

For more information, go to www.epa.ohio.gov/dsw/permits/individuals/draftperm.aspx#178255132-nedo

December 13, 2017, December 20, 2017, December 27, 2017, January 3, 2018, January 10, 2018

PUBLIC NOTICE

NOTICE OF PUBLIC MEETING OF THE CITY RECORDS COMMISSION OF THE CITY OF CLEVELAND

Notice is hereby given, in accordance with Ohio Revised Code Section 121.22(F) and Cleveland Codified Ordinances Section 167.01(a),

that the City Records Commission of the City of Cleveland will hold a public meeting on Tuesday, January 9, 2018, at 9:30 a.m., in the City's Law Department located at Room 106 of Cleveland City Hall, 601 Lakeside Avenue, Cleveland, Ohio, for the purpose of reviewing and considering the rules and procedures of the City Records Commission, the scheduling of the semi-annual meetings for 2018 and any other business with respect to records retention and disposal requests and questions.

December 27, 2017, January 3, 2018

NOTICE OF PUBLIC HEARING

NONE

CITY of CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, JANUARY 17, 2018

File No. 180-17 — 2018 Citywide Lumber Materials, Equipment and Supplies for various Divisions, Department of Finance, as authorized by Ordinance No. 108-17, passed by the Council of the City of Cleveland, February 13, 2017.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, JANUARY 8, 2018 AT 1:30 P.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, ROOM 18.

NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

December 27, 2017 and January 3, 2018

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

NO MEETINGS

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