

The City Record

Official Publication of the Council of the City of Cleveland



January the Eighth, Two Thousand and Fourteen

Frank G. Jackson
Mayor

Kevin J. Kelley
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

- 1 Terrell H. Pruitt
- 2 Zachary Reed
- 3 Joe Cimperman
- 4 Kenneth L. Johnson
- 5 Phyllis E. Cleveland
- 6 Mamie J. Mitchell
- 7 TJ Dow
- 8 Michael D. Polensek
- 9 Kevin Conwell
- 10 Jeffrey D. Johnson
- 11 Dona Brady
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Brian J. Cummins
- 15 Matthew Zone
- 16 Martin J. Sweeney
- 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	Terrell H. Pruitt	16920 Throckley Avenue	44128
2	Zack Reed	3734 East 149th Street	44120
3	Joe Cimperman	P.O. Box 91688	44101
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	7715 Decker Avenue	44103
8	Michael D. Polensek	17855 Brian Avenue	44119
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Jeffrey D. Johnson	9024 Parkgate Avenue	44108
11	Dona Brady	1272 West Boulevard	44102
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Brian J. Cummins	3104 Mapledale Avenue	44109
15	Matthew Zone	1228 West 69th Street	44102
16	Martin J. Sweeney	3632 West 133rd Street	44111
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
 Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
 Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability
 Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

DIVISIONS:

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager
 Engineering and Construction – Richard J. Switalski, Manager
 Real Estate – James DeRosa, Commissioner

DEPT. OF LAW – Barbara A. Langhenry, Director, _____, Chief Counsel,
 Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,
 Room 106: John Skrtic, Law Librarian, Room 100

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

Frank Badalamenti, 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 – Douglas Divish, 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 – Paul Bender, Director, 1201 Lakeside Avenue

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner
 Street Lighting Bureau – _____, Acting Chief
 Utilities Fiscal Control – Dennis Nichols, Commissioner
 Water – Alex Margevicius, Interim Commissioner
 Water Pollution Control – Rachid Zoghaib, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, 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 – Daniel A. Novak, Commissioner
 Park Maintenance and Properties – Richard L. Silva, Commissioner
 Parking Facilities – Antonette Thompson, Interim Commissioner
 Property Management – Tom Nagle, Commissioner
 Recreation – Samuel Gissentaner, Interim Commissioner
 Streets – _____, Commissioner
 Traffic Engineering – Robert Mavec, Commissioner
 Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

DEPT. OF PUBLIC HEALTH – Karen Butler, Director, Mural Building, 75 Erieview Plaza

DIVISIONS:

Air Quality – George Baker, Commissioner
 Environment – Pamela Cross, Commissioner, Mural Building, 75 Erieview Plaza
 Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230

DIVISIONS:

Dog Pound – John Baird, Chief Dog Warden, 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 – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Jesus Rodriguez, Commissioner
 Fair Housing and Consumer Affairs Office – John Mahoney, Manager
 Neighborhood Development – Chris Garland, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Director, Room 500

DIVISIONS:

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

DEPT. OF HUMAN RESOURCES – Deborah Southerington, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Tracey A. Nichols, Director, Room 210

DEPT. OF AGING – Jane Fumich, Director, Room 122

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

CIVIL SERVICE COMMISSION – Room 119, Robert Bennett, President; Michael L. Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan, Michael Flickinger.

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

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: Mary Haas McGraw, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, 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 _____.

BOARD OF SIDEWALK APPEALS – Capital Projects Director Jomarie Wasik, Law Director Barbara A. Langhenry; Council Member _____.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Barbara A. Langhenry; Utilities Director Paul Bender; Council President _____.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, 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 – Charles See, Chair; Lisa Camacho, 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 _____; Councilman Kevin Kelley.

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel Whalen, Nancy Cronin, Elvin Vauss.

CLEVELAND LANDMARKS COMMISSION – Room 519 – Jennifer Coleman, Chair; Laura M. Bala, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey, Allan Dreyer, William Mason, Giancarlo Calicchia, John Torres, Robert Vilkas, Robert Keiser, Secretary.

AUDIT COMMITTEE – Yvette M. Itu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President _____; 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 12B
 Judge Marilyn B. Cassidy – Courtroom 13A
 Judge Michelle Denise Earley – Courtroom 12C
 Judge Emanuella Groves – Courtroom 14B
 Judge Anita Laster Mays – Courtroom 14C
 Judge Lauren C. Moore – Courtroom 14A
 Judge Charles L. Patton, Jr. – Courtroom 13D
 Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B
 Judge Angela R. Stokes – Courtroom 15C
 Judge Pauline H. Tarver – Courtroom 13C
 Judge Ed Wade – Courtroom 12A
 Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Gregory A. Sims – Chief Bailiff; Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate, Victor Perez – City Prosecutor

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 101

WEDNESDAY, JANUARY 8, 2014

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CITY COUNCIL

MONDAY JANUARY 6, 2014

The City Record
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PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2014-2017

MONDAY — Alternating

9:30 A.M. — **Health and Human Services Committee:**
Cimperman (CHAIR), Mitchell (VICE-CHAIR), Brady, Cleveland, Conwell, Cummins, J. Johnson.

9:30 A.M. — **Municipal Services and Properties Committee:** K. Johnson (CHAIR), Sweeney (VICE-CHAIR), Brancatelli, Cummins, Dow, J. Johnson, Reed.

MONDAY

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

TUESDAY.

9:30 A.M. — **Development, Planning and Sustainability Committee:** Brancatelli (CHAIR), Cleveland (VICE-CHAIR), Cimperman, Cummins, Dow, Pruitt, Zone.

TUESDAY — Alternating

1:30 P.M. — **Utilities Committee:** Pruitt (CHAIR), Brady (VICE-CHAIR), Brancatelli, Cummins, Keane, Mitchell, Polensek.

1:30 P.M. — **Workforce and Community Benefits Committee:** Cleveland (CHAIR), Zone (VICE-CHAIR), J. Johnson, Polensek, Pruitt, Reed, Sweeney.

WEDNESDAY — Alternating

10:00 A.M. — **Safety Committee:** Zone (CHAIR), Conwell (VICE-CHAIR), Cimperman, Dow, K. Johnson, Keane, Polensek.

10:00 A.M. — **Transportation Committee:** Keane (CHAIR), Dow (VICE-CHAIR), Conwell, J. Johnson, K. Johnson, Reed, Sweeney.

The following Committees meet at the Call of the Chair

Mayor's Appointments Committee: Sweeney (CHAIR), Brady, Cleveland, Dow, Kelley.

Operations Committee: Pruitt (CHAIR), Kelley, Keane, Mitchell, Zone.

Rules Committee: Kelley (CHAIR), Cleveland, Cummins, Keane, Pruitt.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 6, 2014

The meeting of the Council was called to order. Deputy Clerk Allan Dreyer served as Clerk of Council Pro Tempore.

Council Members-Elect present: Dona Brady, Anthony Brancatelli, Joe Cimperman, Phyllis E. Cleveland, Kevin Conwell, Brian J. Cummins, TJ Dow, Jeffrey D. Johnson, Kenneth L. Johnson, Martin J. Keane, Kevin J. Kelley, Mamie J. Mitchell, Michael D. Polensek, Terrell H. Pruitt, Zack Reed, Martin J. Sweeney and Matthew Zone.

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Silliman, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valarie J. McCall, Chief of Education Monyka S. Price, Chief of Communications Maureen Harper, Chief of Sustainability Jenita McGowan, Chief of Public Affairs Natoya Walker-Minor, and Directors Langhenry, Dumas, Bender, Smith, Butler, Flask, Cox, Rush, Rybka, Southerington, Spronz, Nichols, Griffin, Brown, Fumich, and Ambroz.

Pursuant to Ordinance No. 2926-76, the invocation was offered by Father Douglas Brown, Mary Queen of Peace Parish, Cleveland, Ohio (Ward 13). Colors presented by the Cleveland Police Honor Guard. Pledge of Allegiance. The National Anthem and "Lift Every Voice" were sung by Glenn Burks, EMT/Paramedic, City of Cleveland.

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 TEMPORARY CHAIR

Council Member Joe Cimperman moved that Council Member Phyllis E. Cleveland serve as Temporary Chair for the purpose of organizing the Council. Council Member Kenneth L. Johnson seconded the motion. Council Member TJ Dow moved that nominations for Temporary Chair be closed.

The Clerk of Council Pro Tempore called the roll. Council Member Phyllis E. Cleveland received 17 votes. Those who voted for Council Member Cleveland: Council Members Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Kelley, Mitchell, Polensek, Pruitt, Reed, Sweeney, and Zone. Council Member Cleveland assumed the Chair.

ELECTION OF COUNCIL PRESIDENT

Council Member Terrell H. Pruitt made a motion to nominate Council Member Kevin J. Kelley as President of Council. Council Member Martin J. Keane seconded the motion. Council Member Anthony Brancatelli 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 Clerk of Council Pro Tempore called the roll. Council Member Kevin J. Kelley received 17 votes. Those who voted for Council Member Kelley were: Council Members Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Kelley, Mitchell, Polensek, Pruitt, Reed, Sweeney and Zone.

The Honorable Judge Ronald B. Adrine, Presiding and Administrative Judge of the Cleveland Municipal Court, 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 Mamie J. Mitchell made a motion to nominate Patricia J. Britt as City Clerk, Clerk of Council.

cil. Council Member Phyllis E. Cleveland 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 Clerk of Council Pro Tempore called the roll. Patricia J. Britt received 17 votes. Those voting for Patricia J. Britt were: Council Members Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Kelley, Mitchell, Polensek, Pruitt, Reed, Sweeney, 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 Terrell H. Pruitt moved that the Rules of Council for the 2014-2017 Council term be adopted. Council Member Phyllis E. Cleveland seconded the motion. Without objection, the motion was approved. The Rules of Council for the 2014-2017 Council term were adopted.

OATHS OF OFFICE

File No. 1-14.

Members of Cleveland City Council, for 2014-2017 term. Received.

Ward 1 — Terrell H. Pruitt
 Ward 2 — Zack Reed
 Ward 3 — Joe Cimperman
 Ward 4 — Kenneth L. Johnson
 Ward 5 — Phyllis E. Cleveland
 Ward 6 — Mamie J. Mitchell
 Ward 7 — TJ Dow
 Ward 8 — Michael D. Polensek
 Ward 9 — Kevin Conwell
 Ward 10 — Jeffrey D. Johnson
 Ward 11 — Dona Brady
 Ward 12 — Anthony Brancatelli
 Ward 13 — Kevin J. Kelley
 Ward 14 — Brian J. Cummins
 Ward 15 — Matthew Zone
 Ward 16 — Martin J. Sweeney
 Ward 17 — Martin J. Keane

File No. 2-14.

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

File No. 3-14.

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

RULES OF COUNCIL

File No. 4-14.

Rules of Council, adopted January 6, 2014, for 2014-2017 term of Council. Received.

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

MOTION

The Council Meeting adjourned at 8:48 p.m. to meet on Monday, January 13, 2014, 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 2014-2017 [approved January 6, 2014]

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 committees thereof 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 such citizen at such time and for such period 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 thereon. All Rules of Council minutes and records of the Council shall be open to the public at all reasonable times.

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 such times as

shall be set forth in the resolution of Council establishing such 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 such notice need be served on any Councilmember present at a meeting of Council at which the President of Council may give oral notice of the time and purpose of a special meeting. Any such notice shall state the subjects to be considered at the meeting, and no other subjects shall be there considered.

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 such penalties as shall be prescribed by these rules. All members shall conduct themselves professionally and shall attend all official meetings of Council in appropriate professional attire.

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, shall suspend the rules and change 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. Reports of standing committees.
9. Reports of special committees.
10. Introduction of ordinances and resolutions.
11. Second reading of ordinances and resolutions.
12. Third reading of ordinances and resolutions.
13. Reading and passage of emergency ordinances and resolutions.
14. Miscellaneous business shall be permitted at the discretion of the chair.
15. Report of the clerk with reference to absence of members.
16. 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.

Rule 8. The Calendar. It shall be the duty of the Clerk to have set aside conspicuously in *The City Record* a portion to be titled "The Calendar. The following measures will be on their passage at the next meeting." Under this title the Clerk

shall arrange, and have printed in consecutive order, by title all ordinances and resolutions which are on for passage at the next meeting of Council. In the event that any such ordinances or resolutions have been amended, the full text of the operative sections of such ordinance or resolution, as amended, shall be published in addition to the title thereof. When action upon any measure appearing upon the Calendar is postponed to a day certain, such measure shall be considered on said day to which postponed whether or not it appears upon the Calendar of said day.

II. OFFICERS AND EMPLOYEES OF COUNCIL

Rule 9. 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 City Clerk shall call the Council to order; and if, after the roll call is called a quorum shall be 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 such meeting, and shall discharge all the duties and be clothed with all the powers of the President of Council as such 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 be 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, prevent personalities or the impugning of members' motives, confine members in debate to the question under discussion, 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 thereof.

Rule 10. Members Presiding. The President of the Council during any meeting thereof may name any member to perform the duties of the chair; but such substitution shall not extend beyond such meeting.

Rule 11. 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 11-1. 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, 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 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 hereon except by unanimous consent.

Rule 12. The City Clerk. 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. When directed by any committee the Clerk shall cause to be kept minutes of each meeting of such committee that shall be kept in record form and be made available for public inspection. The record of committee meetings may be kept in the form of loose sheet records and need not be printed in *The City Record* nor copied in any other book, except that the Clerk shall cause to be printed 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 12-1. 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 12-2. The City Record. The City Clerk, 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 printing 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" in ordinances and resolutions shall be restricted to one emergency pream-

ble required by the Charter, except where a whereas is an essential part of the ordinance or resolution.

(c) Ordinances of a general or permanent nature shall, in their preparation, be divided into short sections, wherever practicable, in order to permit amendments being made without printing so much of the original ordinance.

(d) The practice of introducing resolutions of condolence and congratulatory resolutions shall be recorded by number and reserved for cases of death of outstanding citizens or occasion of great civic importance. In lieu of such resolution of condolence the Clerk shall have prepared a suitable memorial which shall be sent to the relatives of the deceased and *The City Record* shall contain the request of the member of Council for such memorial and the fact that such memorial has been sent.

(e) The minutes and proceedings of administrative boards shall be prepared in abstract form and be printed in six (6)-point type in *The City Record*.

(f) Once each year, there shall be prepared for distribution or printed in *The City Record* a cumulative subject index covering the proceedings of the Council.

Rule 13. Sergeant-at-Arms. The Council shall appoint a Sergeant-at-Arms who shall be in attendance at all 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 14. 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 Public 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 Public 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** shall research, investigate and

develop public policy and advocate for a healthy environment for the City and its residents.

The Committee on Public Health 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 Public 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 PROPERTY** 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 Property 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 evalu-

ate 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 14-1. 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 forthwith 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 thereon. Thereupon 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 aye, the Council shall approve such appointment.

Rule 14-2. 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 14-3. 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 14 or from any special committee or committees.

Rule 15. 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 15-1. 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 thereof 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. All other motions shall require only a majority vote of the members of committee present.

Rule 15-2. 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 15(b), but not for purposes of voting on recommendations to legislation, a committee member or chair thereof shall also be deemed absent if a committee member or chair reports to the committee meeting later than fifteen (15) minutes after the scheduled time for the commencement of said meeting or when after the commencement of said meeting leaves the meeting, except in case of necessity or emergency, without the authority 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 upon the recommendation of such committee, cause the removal of such member from such committee by the President of Council.

Rule 15-3. 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 15-4. Rules of Committees. Except in case of obvious inconsis-

tency or inapplicability, committee hearings shall be governed by the rules applicable to Council proceedings.

Rule 16. Reports. No ordinance, resolution, petition, or other matters referred to a committee for action shall be approved or disapproved and reported out until it shall have first been considered at a committee meeting regularly called as provided for herein 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, such legislation shall be reported forthwith to Council as "Recommended for Passage", but if a majority of the members of the committee vote negatively on such question, such legislation shall be reported forthwith to Council as a recommendation of adversal of such legislation. 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 17. 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 shall decide 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 ayes and nays shall not be in order.

Rule 17-1. Joint Committee. When it is desired that legislation shall 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 or two or more committees constituting such joint committee shall be counted once for each committee on which he/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 17-2. 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 said standing committee to form a subcommittee thereof for the purpose of examining such matters as 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 18. Roll Call of Council. Every member shall be seated 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 19. 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 excused 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 20. 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 21. 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/her vote; but no member shall be permitted to change his/her vote as recorded after the roll call has been verified and the result declared.

Rule 22. 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 23. 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, avoid personalities and refrain from impugning the motives of any other member's argument or vote. 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 26.

Rule 24. 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 25. 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 26. 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 aye, the ruling of the chair is sustained; otherwise it is overruled.

Rule 27. 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 24.

Rule 28. Division of Question. If the question contains two or more divisible propositions, the presiding officer may, and upon request of a member, shall divide the same; but

a motion to strike out a provision and insert a substitute is not divisible.

Rule 29. 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 30. 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 31. 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 32. 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 33. 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 undebatable questions. 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 34. 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 35. 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 36. Motion to Postpone Indefinitely. The motion to postpone indefinitely shall have the same effect as motion to lay on the table, and shall require a majority vote of all members elected to Council. 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 37. Reconsideration. After the decision of any question, any member who voted with the majority may move 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 a reconsideration thereof 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 38. Introduction. Ordinances and resolutions shall be introduced in the Council only in 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 such introduction, and when the member's name shall be followed by the words "By departmental request", which shall be deemed not to imply agreement with the purpose of such legislation by reason of such sponsorship. Ordinances submitted by the initiative shall have endorsed thereon "Submitted by Initiative Petition".

Rule 38-1. Preparation of Legislation. In order that adequate time may be given to the preparation of legislation, members of Council shall present requests for legislation to the Law Department 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. of the Wednesday preceding introduction of legislation for passage under suspension of the rules.

Rule 38-2. Request for Legislation. All legislation shall have indicated at the end thereof the date of preparation and the initials of the draftsman and typist; and all legislation originating in administrative departments shall contain in addition thereto 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 request" in parentheses.

Rule 38-3. 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 therewith, together with a like number of copies of a statement by the Director of the requesting department setting forth the reasons requiring the immediate action thereon. 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 39. 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 in typewritten form, with two additional copies, on the forms to be provided by the City 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 40. 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 41. 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 forthwith by the Clerk. The committee or committees to which the legislation is so referred shall, after due consideration and at least one public hearing, propose any amendments with recommendations for approval or disapproval. When so reported, such 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 act upon no 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 41-1. Re-reference 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 to any committee to which previously referred under these rules, or to any appropriate committee designated in the motion to re-refer. When referred back to the Council, such legislation shall have the same standing as it had at the time when re-referred.

Rule 42. Reference to More Than One Committee. Whenever any pending matter is referred to more than one committee for consideration and report, said committee may consider the same in joint session as a joint committee, if the chairs of the committees concerned consent thereto. The chair of the committee first named shall preside at such joint sessions, and each member of the joint committee shall have one vote for each committee of which he/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 42-1. Relieving Committees. Any committee to which an ordinance or resolution has been referred under Rule 41 or re-referred under Rule 41-1, 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 43. 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 a written or printed copy of the measure shall have been furnished to each member of the Council prior to such reading. 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 placed on the members' desks within the Council Chambers prior to a vote being taken on the ordinance or resolution. When it is desired to suspend this and rule 41 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 43 requiring reading on three separate days and rule 41 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 aye, 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 43-1. Copies Required for Suspension of Rule 43. 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 a copy of such ordinance shall have been placed on the desk of each member prior to the passage of such ordinance under suspension of Rule 43.

Rule 44. 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 45. 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 thereof by the Clerk of Council.

Rule 46. Ordinances Fixing Fines and Penalties. All ordinances imposing fines, penalties, forfeiture or imprisonment shall be referred to the Committee on Legislation, and the Director of Law shall be asked to give an opinion thereon.

Rule 47. 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 48. 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 49. Signing Ordinances and Resolutions. All ordinances passed and resolutions adopted by Council shall be signed by the President and presented forthwith to the Mayor by the Clerk.

Rule 50. Action on Mayor's Veto. When the Mayor refuses to sign an ordinance or resolution or part thereof and returns such ordinance or resolution to the Council with objections, pursuant to Section 37 of the Charter, the Council shall after the expiration of not less than one week following the meeting at which such vetoed ordinance or resolution is returned, proceed to reconsider the same. After the adoption of the motion so 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 aye 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 aye, such ordinance or resolution vetoed by the Mayor shall take effect without the Mayor's signature.

VII. ADMINISTRATIVE OFFICERS

Rule 51. Attendance Required. The Mayor and the directors of all departments shall be required to attend the regular and special meeting 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 52. Reports of City Officers. All ordinances, resolutions and communications pertaining to matters that come under the supervision and control of the Mayor shall, in addition to being referred to the proper committees, be also referred to such 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, resolution, or communication so referred shall be returned to the Clerk of Council with the endorsement of each such administrative officer's approval or disapproval of such matter so referred. It shall be the duty of the Clerk of Council to enforce this rule rigidly. The Clerk shall use all diligence in seeing that departments to which measures are referred return them to the Clerk's office within the time fixed herein.

Rule 52-1. Mandatory Referral of Legislation. Mandatory referral of legislation 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 52-2. 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 47. Nothing shall be physically attached to any piece of legislation after introduction thereof except the fiscal certificate required by Section 106 of the Charter nor shall any endorsement appear upon any legislation except that of the head of the department or office to which referred or the person duly authorized by such head. Reports of subordinates to the heads of departments or other pertinent data or reports may be filed with such legislation if referred to in the official reports endorsed upon the back of such piece of legislation.

VIII. COUNCIL CHAMBER

Rule 53. Use of Council Chamber. The Council Chamber shall be used only for meetings of the Council or committees thereof, 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 or former members of the Council, 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 bar 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

NO MEETING

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 commis-

sion has graded the papers. Thereafter, 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 21, 2014

9:30 A.M.

Violation Notice

Calendar No. 13-263: 2267 East 83rd Street (Ward 6)
Timothy Willis, owner, appeals from a Notice of Violation issued on November 5, 2013 by the Cleveland Department of Building and Housing for failure to comply with Section 337.18(a) regarding maintenance of accessory off-street parking spaces, driveways and maneuvering area; and Section 349.13 that not more than one commercial vehicle, weighing unloaded, not more than one and a half tons may be stored; and Section 337.23 that use of premises to repair and/or paint motor vehicles is prohibited; and Sections 357.14; and 349.13(c)(6) that prohibit parking of motor vehicles in the setback area of the property located at 2267 East 83rd Street.

Calendar No. 13-271: Appeal of OC Lorain Fulton LP and McDonald's USA, LLC 3615 Lorain Avenue (Ward 3)
OC Lorain Fulton LP, property owner, and McDonald's USA, LLC, prospective tenant, appeal under the authority of Sections 329.02 and 329.021 of the Cleveland Codified Ordinances from a final decision of the Cleveland City Planning Commission rendered on November 15, 2013 regarding new restaurant construction within a Pedestrian Retail Overlay District.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 6, 2014

At the meeting of the Board of Zoning Appeals on Monday, January 6, 2014, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 13-258: 1056 Old River Road
Flats East Bank Development LLC appealed to erect a free-standing 5,500 square foot one-story restaurant and a 12,000 square foot one-story entertainment venue on

acreage in a Downtown Residential District.

Calendar No. 13-259: 1150 Old River Road
Flats Eat Bank Development LLC appealed to erect a one-story 6,281 square foot restaurant on acreage in a Downtown Residential District.

Calendar No. 13-260: 1150 Front Avenue
Flats East Bank Development LLC appealed to erect a one-story 16,000 square foot entertainment venue and a five-story 272,426 square foot office building and parking garage on acreage in a Downtown Residential District.

Calendar No. 13-261: 1060 West 10 Street
Flats East Bank Development LLC appealed to erect a one-story 3,000 square foot restaurant on acreage in a Downtown Residential District.

Calendar No. 13-265: 3151 West 140th Street
James Robinson appealed to install a 6 feet high privacy fence on a side street property line of a residence in an A1 One-Family District.

Calendar No. 13-248: 2919 East 37th Street
Charlie Whitfield appealed to erect a 2,046 square foot addition to an existing building in a C2 Semi-Industry District; subject to modified plan.

The following appeal was **DENIED:**

Calendar No. 13-269: 3539 Rocky River Drive
Mary Ann Winters appealed to allow approximately 105 linear feet of 6 feet high solid wooden fence; 23 linear feet of 4 feet high solid fence with a 20 feet wide gate and 70 linear feet of 4 feet high wooden fence of 40% opacity on a corner parcel in an A1 One-Family District.

The following appeals were **WITHDRAWN:**

Calendar No. 13-219: 4931 State Road
Ioannis Vasilakis, owner, and Ishaq Alhmzeh, prospective tenant, appealed to change use from an auto parts store to granite countertop sales / contractor shop a one-story building in a B1 General Retail Business District.

Calendar No. 13-268: 2250 Community College Avenue
Skyline Tower LP appealed to install an identification sign on property in an F4 Residence Office District.

The following appeals were **DISMISSED:**

None.

The following appeals were **POSTPONED:**

None.

The following appeals heard by the Board on December 30, 2013 were adopted and approved on January 6, 2014.

The following appeals were **APPROVED:**

Calendar No. 13-256: 5700 Detroit Avenue
Cleveland West Shore Development and Detroit Shoreway Community Development Organization appealed to change use of a warehouse to a 30 unit apartment building in a C2 Local Retail Business District.

Calendar No. 13-262: 1449 West 58th Street
James Alves appealed to change use of a two-story masonry church and one-story frame Sunday School Building to a single family residence in a B1 Two-Family District.

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

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 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, 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 of-

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.”

THURSDAY, JANUARY 30, 2014

File No. 1-14 — Martin Luther King Jr. Blvd. Resurfacing (Buckingham To Cedar), for the Mayor’s Office of Capital Projects, Division of Engineering and Construction, as authorized by Ordinance No. 649-13, passed by the Council of the City of Cleveland, May 20, 2013.

*THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY FIVE DOLLARS (\$75.00) PAYMENT ONLY IN THE FORM OF A CASHIER’S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JANUARY 16, 2014 AT 9:00 A.M. CLEVELAND CITY HALL, ROOM 518 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only pur-

chase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

File No. 2-14 — Puritas Avenue Resurfacing (S.R. 237 to West 130th Street), for the Mayor’s Office of Capital Projects, Division of Engineering and Construction, as authorized by Ordinance No. 674-13, passed by the Council of the City of Cleveland, May 20, 2013.

*THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY FIVE DOLLARS (\$75.00) PAYMENT ONLY IN THE FORM OF A CASHIER’S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

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January 8, 2014 and January 15, 2014

WEDNESDAY, FEBRUARY 5, 2014

File No. 3-14 — Contractual Restoration of Water Main, Fire Hydrants, Water Main Appurtenances, Service Connections and Underground Enclosures, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 314-13, passed by the Council of the City of Cleveland, April 8, 2013.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JANUARY 16, 2014 AT 2:30PM, 1201 LAKESIDE AVENUE 2ND FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

January 8, 2014 and January 15, 2014

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NONE

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 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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