

The City Record

Official Publication of the City of Cleveland

January the Ninth, Two Thousand and Two

Mayor	
Jane L. Campbell	
President of Council	
Frank G. Jackson	
Clerk of Council	
Ruby F. Moss	
Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Michael C. O'Malley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

Containing	PAGE
City Council	3
The Calendar	4
Rules of Council	4
Board of Control	5
Civil Service	12
Board of Zoning Appeals	13
Board of Building Standards and Building Appeals	13
Public Notices	13
Public Hearings	13
City of Cleveland Bids	13
Adopted Resolutions and Ordinances	14
Committee Meetings	14
Index	14

PRESORTED STANDARD
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CLEVELAND, OHIO

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE President of Council—Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3232 East 119th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

Clerk of Council – Ruby F. Moss, 216 City Hall, 664-2840.
First Assistant Clerk – Sandra Franklin.

MAYOR – Jane L. Campbell
Rosalind A. Brewster, Executive Assistant
Terrell Cole, Executive Assistant
Erik Janas, Executive Assistant
Rodney Jenkins, Executive Assistant
Henry Guzman, Director, Office of Equal Opportunity

DEPT. OF LAW – Richard F. Horvath, Acting Director, Galen L. Schuerlein, Acting Chief Counsel, Room 106
Lauren Moore, Chief City Prosecutor; Criminal Branch – Justice Center 8th Floor, Court Towers, 1200 Ontario Street
Karen E. Martinez, Law Librarian, Room 100

DEPT. OF FINANCE – Betsy Hruby, Acting Director, Room 104;
Frank Badalamenti, Manager, Internal Audit
DIVISIONS: Accounts – Marilyn Henderson, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – Algeron Walker, Treasurer, Room 115
Financial Reporting and Control – Robert Dolan, Controller, Room 18
Information Systems Services – Cleo Henderson, Commissioner, 1404 E. 9th St.
Purchases and Supplies – Myrna Branche, Commissioner, Room 128
Printing and Reproduction – Diante Fritzgerald, Acting Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – Darnell Brown, Acting Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – James F. Majer, Commissioner
Street Lighting Bureau – Frank Schilling, Acting Chief.
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – Julius Ciaccia, Jr., Commissioner
Water Pollution Control – Darnell Brown, Commissioner

DEPT. OF PORT CONTROL – Michael G. Konicek, Acting Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;
Burke Lakefront Airport – Khalid Bahkur, Commissioner
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113
DIVISIONS: Architecture – Kurt Weibusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards Streets – Randell T. Scott, Commissioner, Room 25
Traffic Engineering & Parking – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue.

DEPT. OF PUBLIC HEALTH – _____, Director, Mural Building 1925 St. Clair Avenue
DIVISIONS: Correction – Thomas Hardin, Commissioner, Cleveland House of Corrections, 4041 Northfield Road
Environment – Michael Konicek, Commissioner, Mural Building, 1925 St. Clair Avenue
Health – Susan E. Axelrod, Commissioner, Mural Building, 1925 St. Clair Avenue

DEPT. OF PUBLIC SAFETY – David M. McGuirk, Acting Director, Room 230.
DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 W. 7th Street
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue
Police – Mary G. Bounds, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – James Glending, Acting Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.
DIVISIONS: Convention Center & Stadium – James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Parking Facilities – Dennis Donahue, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

Park Maintenance and Properties – Richard L. Silva, Commissioner, Public Auditorium – E. 6th & Lakeside.
Property Management – Tom Nagle, Commissioner, East 49th & Harvard
Recreation – Michael Cox, Commissioner, Room 8
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Linda M. Hudecek, Director, 3rd Floor, City Hall.
DIVISIONS: Administrative Services – Terrence Ross, Commissioner.
Building & Housing – Robert Vilkas, Commissioner, 5th Floor, City Hall.
Neighborhood Services – Louise V. Jackson, Commissioner.
Neighborhood Development – Donald T. Moss, Commissioner.

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Eduardo A. Romero, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Christopher P. Warren, Director, Room 210

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

COMMUNITY RELATIONS BOARD – Room 11, Dennis D. Dove, Director; Mayor Jane L. Campbell, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilman _____, Councilman _____, City Council Representatives; Rev. Bruce Goode, Paula Castleberry, Charles E. McBee, Mary Adele Springman, Esq., Terez E. Woods, Emmett Saunders, John Banno, Mary Jane Buckshot, Kathryn M. Hall, Raymond Negron, Evangeline Hardaway, Edna Fuentes-Casiano, Janet Jankura, Gia Hoa Ryan.

CIVIL SERVICE COMMISSION – Room 119, Anne Bloomberg, President; _____, Vice President; Jonalyn M. Krupka, Secretary; Timothy J. Cosgrove, Member, Rev. Earl Preston, Member.

SINKING FUND COMMISSION – Jane L. Campbell, President; Betsy Hruby, Asst. Sec'y; _____, Director; Council President Frank G. Jackson.

BOARD OF ZONING APPEALS – Room 516, Carol Johnson, Chairman; Members: Chris Carmody, Margreat Hopkins, Ozell Dobbins, Tony Petkovsek, Eugene Cranford, Jr., Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F. Denk, Chairman; James Williams, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, Arthur Saunders, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Richard F. Horvath, President; Finance Director Betsy Hruby, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Randall E. DeVaul; Law Director Richard F. Horvath; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Richard F. Horvath; Utilities Director Darnell Brown; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Christopher S. Ronayne, Director; Anthony J. Coyne, Acting Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Edward D. Small, Councilman Joseph Cimperman.

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

MORAL CLAIMS COMMISSION – Law Director, Richard F. Horvath; Chairman; Finance Director Betsy Hruby; Council President Frank G. Jackson; Councilman Michael D. Polensek; Councilman _____.

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald Baulknlight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorky, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION – Room 519 – Richard Schanfarber, Chairman; Paul Volpe, Vice Chairman; N. Kurt Wiebush, James Gibans, Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Joseph Cimperman, Councilman _____, Robert Keiser, Executive Secretary.

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	13C
Judge Ronald B. Adrine	15A
Judge C. Ellen Connally	15C
Judge Sean C. Gallagher	12C
Judge Emanuella Groves	12B
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kilbane	14C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	12A

Earle B. Turner – Clerk of Courts, Michael E. Flanagan – Court Administrator, Paul J. Mizerak – Bailiff, Kenneth Thomas – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 89

WEDNESDAY, JANUARY 9, 2002

No. 4596

CITY COUNCIL

MONDAY, JANUARY 7, 2002

The City Record
Published weekly under authority
of the Charter of the
City of Cleveland
Subscription (by mail) \$75.00 a year
January 1 to December 31
Interim subscriptions prorated
\$6.25 per month
Address all communications to
RUBY F. MOSS
Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Johnson, Chairman; White, Vice Chairman; Cimperman, Dolan, Jones, Rybka, Sweeney.

MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Sweeney, Chairman; Jones, Vice Chairman; Brady, Britt, Cimperman, Johnson, O'Malley, White, Zone.

11:00 A.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chairman; Conwell, Vice Chairman; Cintron, Coats, Johnson, Reed, Polensek.

MONDAY

2:00 P.M. — **Finance Committee:** Polensek, Chairman; Jackson, Vice Chairman; Britt, Brady, Coats, Gordon, Reed, Scott, Sweeney, Westbrook, White.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Jackson, Chairman; Gordon, Vice Chairman; Cimperman, Cintron, Coats, Lewis, Reed, Scott, Zone.

TUESDAY—Alternating

1:00 P.M. — **Public Health Committee:** Gordon, Chairman; Zone, Vice Chairman; Cintron, Conwell, Jackson, Polensek, Scott.

1:30 P.M. — **Legislation Committee:** White, Chairman; Scott, Vice Chairman; Dolan, Gordon, Johnson, Rybka, Westbrook.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Westbrook, Chairman; Sweeney, Vice Chairman; Britt, Dolan, Gordon, Reed, Rybka.

10:00 A.M.—**Public Safety Committee:** Reed, Chairman; Britt, Vice Chairman; Brady, Cimperman, Coats, Conwell, Jones, White, Zone.

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Coats, Chairman; O'Malley, Vice Chairman; Brady, Cintron, Jones, Polensek, Sweeney, Westbrook, Zone.

1:30 P.M.—**City Planning Committee:** Cimperman, Chairman, Rybka, Vice Chairman, Conwell, Lewis, O'Malley, Scott, Westbrook.

The following Committee is subject to the Call of the Chairman:
Mayor's Appointment Committee.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, January 7, 2002.
Councilmembers-Elect present:
Brady, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, O'Malley, Polensek, Reed, Rybka, Scott, Sweeney, Westbrook, White, Zone.

MOTION

On the motion of Council Member-Elect Jones the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member-Elect Johnson.

CERTIFICATES OF ELECTION

File No. 1-02.
From the Cuyahoga County Board of Elections - re: Mayor and Council Members, Wards 1 through 21 - November 6, 2001 General Election. Received.

OATH OF OFFICE

File No. 2-02.
Jane L. Campbell, Mayor. Received.

OATH OF OFFICE MEMBERS OF COUNCIL

The Oath of Office was administered to the Council by Congresswoman Stephanie Tubbs Jones and Congressman Dennis J. Kucinich.

File No. 3-02.

January 7, 2002
To The Honorable Council
of the City of Cleveland:

Ladies and Gentlemen:

Pursuant to Section 194 of the Charter of the City of Cleveland, I hereby certify to you that there has been filed in the Office of the Clerk of Council, the Oaths of Office, subscribed by the following Council Members:

Ward 1 — Joseph T. Jones
Ward 2 — Robert J. White
Ward 3 — Zachary Reed
Ward 4 — Kenneth L. Johnson
Ward 5 — Frank G. Jackson
Ward 6 — Patricia J. Britt
Ward 7 — Fannie M. Lewis
Ward 8 — Sabra Pierce Scott
Ward 9 — Kevin Conwell
Ward 10 — Roosevelt Coats
Ward 11 — Michael D. Polensek
Ward 12 — Edward W. Rybka
Ward 13 — Joe Cimperman
Ward 14 — Nelson Cintron, Jr.
Ward 15 — Merle R. Gordon
Ward 16 — Michael C. O'Malley
Ward 17 — Matthew Zone
Ward 18 — Jay Westbrook
Ward 19 — Joseph J. Zone
Ward 20 — Martin J. Sweeney
Ward 21 — Michael A. Dolan

Very truly yours,
Ruby F. Moss,
City Clerk
Clerk of Council

Received.

ELECTION OF TEMPORARY CHAIRMAN

Council Member Robert J. White moved that in order to expedite the orderly organization of the 2002-2005 Council, that Council Member Martin J. Sweeney serve as Temporary Chair for the purpose of organizing the Council. Council Member Roosevelt Coats seconded the motion. Council Member Sabra Pierce Scott moved that nominations for Temporary Chair be closed. A roll call ensued.

Council Member Sweeney received 21 votes. Those who voted for Council Member Sweeney were: Council Members Brady, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, O'Malley, Polensek, Reed, Rybka, Scott, Sweeney, Westbrook, White, Zone.

Council Member Sweeney assumed the Chair and thanked the Council Members for giving him the opportunity to serve as Temporary Chairman.

ELECTION OF COUNCIL PRESIDENT

The Temporary Chairman stated the next order of business was the election of the President of Council. Council Member Jay Westbrook moved that Council Member Frank G. Jackson serve as President of Council for the 2002-2005 Council Term. Council Member Joe Cimperman seconded the nomination. Council Member Kevin Conwell moved that the nominations for Council President be closed. The Temporary Chairman instructed the members of Council to state the name of the candidate when responding to the roll call and requested the Clerk to call the roll on the election of President of Council.

After completion of the roll call, the Clerk announced that Council Member Jackson received 21 votes. Those voting for Council Member Jackson were: Council Members Brady, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, O'Malley, Polensek, Reed, Rybka, Scott, Sweeney, Westbrook, White, Zone.

The Clerk declared that Council Member Jackson, having received the unanimous vote of all the members of Council was the duly elected 2002-2005 Council President.

The Temporary Chairman called to the Chair the newly elected President of Council, escorted by wife, granddaughter, grandson, and grandniece. The Hon. Judge Patricia Blackmon administered the Oath of Office to Council Member Frank G. Jackson as the newly elected 2002-2005 President of Council, who then assumed the duties of his office.

OATH OF OFFICE

File No. 4-02.

Frank G. Jackson, President of Council. Received.

ELECTION OF COUNCIL CLERK

Council Member Zachary Reed moved that Council proceed with the selection of a City Clerk and placed in nomination the name Ruby F. Moss as City Clerk, Clerk of Council for the 2002-2005 Council term. Council Member Patricia J. Britt seconded the nomination of Ruby F. Moss as City Clerk, Clerk of Council for the 2002-2005 Council Term. Council Member Matthew Zone moved that the nominations for City Clerk, Clerk of Council be closed. Council President Jackson instructed the members of Council to state the name of the candidate when responding to the roll call and requested the Clerk to call the roll on the election of City Clerk, Clerk of Council.

After completion of the roll call, it was announced that Ruby F. Moss received 21 votes. Those voting for Ruby F. Moss were: Council Members Brady, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, O'Malley, Polensek, Reed, Rybka, Scott, Sweeney, Westbrook, White, Zone.

Ruby F. Moss, having received the unanimous vote of all the members of Council was the duly elected 2002-2005 City Clerk, Clerk of Council.

The President of Council requested Mrs. Moss's family to escort the newly elected City Clerk, Clerk of Council to the Chair. Mr. George L. Forbes administered the Oath of Office to the newly elected City Clerk of Council, who assumed the duties of her office.

OATH OF OFFICE

File No. 5-02.

Ruby F. Moss, City Clerk, Clerk of Council. Received.

The Presentation of Colors was displayed by the Collinwood High School R.O.T.C. Mr. Glenn Burkes sang the National Anthem. Prayers were offered by The Most Reverend Anthony M. Pilla, Bishop, Diocese of Cleveland, Iman Clyde Raham of Masjid Bilal, Reverend Ralph Hughley of Triedstone Baptist Church and Rabbi Susan Stone of Temple Beth Shalom. Council President Jackson asked the Members of Council and all of those in attendance to please rise for the Pledge of Allegiance. Mr. Jeff Stanzik sang "God Bless America".

MOTION

Council Member Joseph T. Jones moved that the Rules of Council for the 1998-2001 Council term prevail for the 2002-2005 Council Term until such time the Council President convenes the Committee on Rules. Without objection, motion approved.

RULES OF COUNCIL

File No. 6-02.

Rules of Council for the years 2002-2005. Received.

Personal expressions were addressed to the body by the Council President, Council Members and the Council Clerk. Remarks were also made by the Honorable Mayor Jane L. Campbell. Mayor Campbell introduced to the Council: Richard F. Horvath (Acting Law Director), Lynette Jackson (Special Assistant to Mayor Campbell), Craig Tame (Chief Health and Public Safety Officer), Henry Guzman (Office of Equal Opportunity), Michael G. Konicek (Acting Director of Port Control), Mark Ricchiuto (Director of Public Service), Christopher S. Ronayne (Director of City Planning Commission), and David M. McGuirk (Acting Director of Public Safety and Chief of Operations Public Service, Parks, and Airports).

The Council adjourned at 10:05 p.m. to meet on Monday, January 14, 2002, at 7:00 p.m. in the Council Chambers.



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 2002-2005

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 councilman 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 Rules of Council considered at the meeting, and no other subjects shall be there considered.

Rule 6. Quorum. 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 ordinance.

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 entitled "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 of 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 his absence the President of Council pro tempore, shall preside over the meetings of the Council. In the absence of the President of Council 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, who 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 his 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 he 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. He 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, Clerk and Other Employees of Council. No candidate for President or Clerk of Council shall be declared elected unless he shall have received a majority vote of all members elected to Council and no person shall be employed by this Council except pursuant to a majority vote of all the members elected to Council. No vacancy which Council is authorized to fill shall be filled except pursuant to majority vote of all members elected to Council.

Rule 11-1. Roll Call upon Election of President, Clerk and Other Employees of Council, and Filling Vacancies in the Membership of Council. Upon the roll call for the election of President of Council, Clerk of Council or employee 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 members shall be excused from voting thereon except by unanimous consent.

Rule 12. The City Clerk. The Council shall choose a clerk and such other officers and employee 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. 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 "whereases" in ordinances and resolutions shall be restricted to one emergency preamble 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 discontinued except in the case of the 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 eleven members; four (4) standing

committees of nine (9) members each; and six (6) standing committees of seven (7) members each of whom the first named members shall be chairmen and the second named shall be vice-chairmen. All committee appointments, made under this Rule, including that of chairman and vice-chairman, the vice-chairman shall preside until the chairman appear, and shall discharge all the duties and be clothed with all the powers of the chairman during such absence. In the absence of the chairman and the vice-chairman and a quorum being present, a temporary chairman shall be selected by a majority vote of the members present who shall preside until the chairman or vice-chairman appears and he shall discharge all the duties and be clothed with all the powers of the chairman during such absence.

The eleven member committee and its subject matter is as follows:

COMMITTEE ON FINANCE, to which shall be referred all ordinances, resolutions and other matters pertaining to finances, indebtedness, appropriations, the payment of moneys not provided for by previous legislation, taxation and all matters pertaining to the Departments of Finance, Law and Personnel, the standardization of salaries and wages, union agreements, civil service, the pensioning of employees and the sale, lease or purchase of real estate.

The nine member committees and the subject matters that shall be referred to them shall be as follows:

A. COMMITTEE ON PUBLIC UTILITIES, to which are referred all ordinances, resolutions and other matters pertaining to the City's water supply, sewage disposal, municipal electrical light plant and all matters pertaining to the Department of Public Utilities, and all ordinances, resolutions and other matters pertaining to telecommunications, rates to be paid by the City to the public utility for street lighting or other utility services and to existing or proposed franchises including railway and railroad operations and the Regional Sewer District.

B. COMMITTEE ON PUBLIC SERVICE, to which shall be referred all ordinances, resolutions and other matters pertaining to streets and street uses, street and sewer improvements, switch track and pipe lines, elimination of grade crossings, street cleaning, waste collection and disposal, bridges and underpasses, taxes and assessments for sidewalks and street improvements, all banners across streets and all matters pertaining to the Department of Public Service.

C. COMMITTEE ON COMMUNITY AND ECONOMIC DEVELOPMENT, to which shall be referred all ordinances, resolutions and other matters pertaining to the redevelopment of blighted areas, the rehabilitation and conservation of property, the alleviation of the housing shortage and alum clearance, economic and industrial development, the Land Reutilization Program and all matters relating to the Departments of Community Development and Economic Development.

D. COMMITTEE ON PUBLIC SAFETY, to which shall be referred all ordinances, resolutions and other matters pertaining to police, fire, and emergency medical services and matters pertaining to the Boxing and Wrestling Commission, to the enforcement of the traffic code and off street parking and to inspection of buildings, and all matters pertaining to the Department of Public Safety, and to tag days.

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

A. COMMITTEE ON CITY PLANNING, to which shall be referred all ordinances, resolutions and other matters relating to city planning, the City Planning Commission and matters relating to zoning.

B. COMMITTEE ON HEALTH AND HUMAN SERVICES, to which shall be referred all ordinances, resolutions and other matters pertaining to public health, public charities, direct and work relief, city correctional and charitable institutions; and all matters pertaining to the Departments of Public Health and Welfare, Human Resources and Aging, and all matters pertaining to health, sanitation, unemployment, job training, air pollution control, lake and river pollution, smoke abatement and nuisances.

C. COMMITTEE ON LEGISLATION, to which shall be referred all ordinances, resolutions and other matters pertaining to county, state and federal legislation affecting the city annexations, redistricting, charter amendments and all initiative, referendum and recall petitions; all matters relating to courts; ordinances relating to licenses and those imposing fines, penalties, forfeitures or imprisonment, printing and advertising.

D. COMMITTEE ON AVIATION AND TRANSPORTATION, to which shall be referred all ordinances, resolutions and other matters pertaining to the municipally-owned airports and any and all matters concerning aviation; and all ordinances, resolutions and other matters pertaining to bridges, harbors, river and lake travel, public transportation and bus, limousine and taxicab operations and all matters pertaining to the Department of Port Control, the Regional Transit Authority and the Port Authority.

E. COMMITTEE ON PUBLIC PARKS, PROPERTY AND RECREATION, to which shall be referred all ordinances, resolutions and other matters pertaining to public parks, public places, public recreation, playgrounds and public beaches; to all public buildings not specifically related to or belonging to some department or division, including the City Hall, Public Auditorium, the Public Stadium, the city markets, and golf courses and cemeteries; to the purchase or sale of all property not specifically referred to another committee of this Council except for the Committee on Finance, and all matters pertaining to the Department of Parks, Recreation and Properties.

F. COMMITTEE ON EMPLOYMENT, AFFIRMATIVE ACTION AND TRAINING, to which shall be referred all ordinances, resolutions and other matters pertaining to the formulation and monitoring of job participation linkage for publicly funded development projects; the oversight of affirmative action policies, certification of minority and female business enterprises, and contract compliance within the affirmative action goals of the City; and the formulation of job training policies and performance monitoring of job training contracts.

Rule 14-1. Removal of Members from Committees, i.e., 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 15a. 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 chairman of the several committees. Such schedule shall be approved by the Council and be posted upon the bulletin board in the office of the clerk. Should the chairman of a committee find it necessary to hold the meeting at another time and place, the chairman shall cause notice thereof to be given on the bulletin board 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 at 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 15b. Each absence of a committee member, not authorized by the chairman for good cause, or the absence of the chairman, 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 chairman thereof shall also be deemed absent if a committee member or chairman 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 chairman, vice-chairman or acting chairman. Absence of a member of a committee from three (3) consecutive meetings, unless authorized by the chairman 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 15c. 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 chairman 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 15d. Rules of Committees. Except in case of obvious inconsistency 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 chairman 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 16-1. Undisposed of Legislation Pending in Committees. Legislation which at the date of the first Monday in January following a regular municipal election has not been acted upon by the committee or committees to which referred within the period of two years from the date of introduction in Council shall be deemed not recommended by said committee or committees and without objection shall be laid upon the table at the next regular meeting of Council thereafter.

Rule 17. Committee of the Whole. Upon motion that without objection of the Council 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, the Council shall resolve itself into a committee of the whole for the purpose stated in the motion.

When the Council shall decide to go into committee of the whole, without objection the regular officers shall continue to serve, otherwise the Council shall appoint a Chairman 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 except that no limit shall be placed on the frequency of speaking, that the ayes and nays shall not be taken, and that a motion to rise and report progress shall always be in order and shall be decided without debate.

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 composed 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 chairman of the joint committee from the chairmen 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 chairman 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 chairman 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 in his seat at the time of roll call, otherwise he shall not be recorded as present except upon special 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 he is 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 he 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

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 records 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 councilman on account of error or for any other reason may change his vote; but no councilman shall be permitted to change his 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 his 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 he shall rise from his seat and respectfully address himself to the presiding officer, and when recognized by the chair shall confine himself 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.

Nor shall neither the Mayor nor any director 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 by any two members.

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 his reason for the same, and the presiding officer may briefly explain his 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 him, 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 His Assistants Shall Be Permitted at the Clerk's Desk While the Yeas and Nays are Being Taken. No person other than the clerk and his 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 shall not carry the ordinance or resolution with it. 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 his written permission prior to such introduction and when his name shall be following 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 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 Legislation for Passage Under Suspension of the Rules. The Clerk of Council shall not accept request 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.

Request 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 meeting of Council in any odd numbered year shall not be accepted by the Clerk of Council unless

the required statement bears the recommendation of the Mayor and 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 contain 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 so referred shall, after due consideration and at least one public proposed amendments and 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, 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 chairmen of the committees concerned consent there-

to. The chairman 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.

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 delivered to each member of the Council either by messenger or mail addressed to his mailing address, so that such copy or copies shall be in his hands or at his mailing address at least twenty-four (24) hours prior to the date of introduction. No motion to suspend the rules shall be entertained unless the member making such motion or the Director of the department involved sets the reason for the suspension forth. 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, copies of which have been placed upon the desks of the members prior to the meeting, shall be read by title only and adopted viva voce or by rising vote.

Rule 43-A. When Mimeographed Copy 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 mimeographed 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 his objections, the Council shall at the next meeting following the meeting at which such vetoed ordinance or resolution is returned, if such meeting shall occur not less than one (1) week after receipt of such ordinance or resolution, 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 his signature.

VII. ADMINISTRATIVE OFFICERS

Rule 51. Attendance Required. The Mayor, the directors of all departments and the chairman of the transit board 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. The Mayor shall be entitled to take part in the discussion on all questions before the Council. The directors and chairman of the transit board shall be entitled to take part in the discussion on all questions relating only to their respective departments.

Rule 52. Reports of City Officers. All ordinances, resolutions and communications pertaining to matters that come under the supervision and control of the Mayor, directors of departments and chairman of the Transit Board 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.

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 him 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.

Rule 53. Report or Status of Pending Measures. The City Clerk shall keep the members of Council informed regarding the status of pending ordinances. All ordinances and resolutions to be acted upon by committees or the Council on Monday shall be in the hands of the Clerk not later than the preceding Friday at 11:00 A.M.

Rule 54. 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. Not later than the second meeting of Council following such reference, 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.

VIII. COUNCIL CHAMBER

Rule 55. 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 56. 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.

BOARD OF CONTROL

December 28, 2001

The special meeting of the Board of Control convened in the Mayor's office on Friday, December 28, 2001, at 9:00 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carr, Clark, Acting Director Nichols, Director Sheperd, Acting Directors DeVaul, Konicek, Shade, Miller, Dumas, Director Patterson, Acting Director Huth and Director Alexander.

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

C. Whitaker, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 938-01.

By Acting Director Cox.

Whereas, the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 ("SLOC") wishes to promote and conduct the Olympic Torch Relay on various City streets on January 1-2, 2002 (the "Event"); and

Whereas, the City is willing to grant SLOC the privilege, permit and license to conduct the Event; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to the authority of Section 133.03 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Parks, Recreation and Properties is hereby authorized to enter in a Special Event Concession Agreement (the "Agreement") granting the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 the privilege, permit and license to conduct the Event on various streets of the City of Cleveland on January 1-2, 2002, at no charge to the SLOC.

Be it further resolved that the Special Event Concession Agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as said Director deems necessary to benefit and protect the public interest.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Nichols, Director Sheperd, Acting Directors DeVaul, Konicek, Shade, Miller, Dumas, Director Patterson, Acting Director Huth and Director Alexander.

Nays: None.

Absent: None.

Resolution No. 939-01.

By Acting Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Shirmer Construction Company, for the public improvement of the Rockefeller Park Greenhouse Addition and Alterations, base bid, including alternates #2, 4, 6 and 8, for the Department of Parks, Recreation, and Properties, received on December 20, 2001, pursuant to the authority of Ordinances No. 1748-99, passed April 17, 2000, and No. 1727-00, passed May 21, 2001, for a gross price for the improvement in the aggregate amount of One Million Two Hundred Seventy Six Thousand and no/100 Dollars

(\$1,276,000.00) is hereby affirmed and approved as the lowest responsible bid, and the Director of Parks, Recreation, and Properties is hereby authorized to enter into contract for said improvement with said bidder.

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

Comm Steel
MBE — \$37,000

Gratton Building
FBE — \$2,000

Tech Mix
MBE — \$30,000

Able Fence
FBE — \$20,000

Commercial Tile
FBE — \$27,060

Yeas: Mayor White, Directors Carr, Clark, Acting Director Nichols, Director Sheperd, Acting Directors DeVaul, Konicek, Shade, Miller, Dumas, Director Patterson, Acting Director Huth and Director Alexander.

Nays: None.
Absent: None.

BOARD OF CONTROL

January 2, 2002

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 2, 2002, at 10:30 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carr, Clark, Acting Director Brown, Acting Director Szabo, DeVaul, Konicek, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

C. Whitaker, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 1-02.

By Director Clark.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to the authority of Ordinance Nos. 1067-01, passed by the Council of the City of Cleveland July 19, 2001, the firm of Automatic Data Processing, Inc. is hereby selected upon the nomination of the Director of Finance, as determined after a full and complete canvass by the Director of Finance, as the firm to be employed for the purpose of providing the integrated payroll and human resources application, check processing services, software support, professional services, tax payment and reporting, employee benefit and other associated reports, including all associated licenses, implementation, training and technical support services for the Department of Finance, including but not limited to project management and functional expertise.

Be it further resolved that the Director of Finance hereby is authorized to enter into a contract with Automatic Data Processing, Inc. substantially upon the basis of its proposal dated October 29, 2001, which contract shall provide that the compensation shall be \$764,850.00, plus the cost of additional training as needed, but not to exceed \$51,500.00. The contract authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as said Director deems necessary to protect and benefit the public interest.

Yeas: Mayor White, Directors Carr, Clark, Acting Directors Brown, Szabo, DeVaul, Konicek, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.
Absent: None.

Resolution No. 2-02.

By Acting Director Badalamenti.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to the authority of Ordinance No. 1067-01, passed by the Council of the City of Cleveland July 19, 2001, the firm of I3 Consulting, Inc. is hereby selected upon the nomination of the Director of Finance, as determined after a full and complete canvass by the Director of Finance, as the firm to be employed for the purpose of providing professional services for the analysis and migration of the integrated payroll and human resources application, including all associated training, project management and technical support services for the Division of Accounts, Department of Finance.

Be it further resolved that the Director of Finance hereby is authorized to enter into a contract with I3 Consulting, Inc. substantially upon the basis of its proposal dated December 27, 2001, which contract shall provide that the compensation to be paid shall not exceed \$34,650.00. The contract authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as said Director deems necessary to protect and benefit the public interest.

Yeas: Mayor White, Directors Carr, Clark, Acting Directors Brown, Szabo, DeVaul, Konicek, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.
Absent: None.

Resolution No. 3-02.

By Director Clark.

Resolved, by the Board of Control of the City of Cleveland that the conditional bid of Wheeled Coach Industries, Inc. for an estimated quantity of ambulances, except for such terms and conditions as are unacceptable to the Director of Law, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on September 5, 2001, pursuant to the authority of Ordinance No. 1264-01, passed by the Council of the City of Cleveland on June 19, 2001, which on the basis of the estimated quantity

would amount to Four Hundred Eighty-Nine Thousand and 00/100 Dollars (\$489,000.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 103372

which shall be certified against such contract in the sum of Four Hundred Eighty-Nine Thousand and 00/100 Dollars (\$489,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Carr, Clark, Acting Directors Brown, Szabo, DeVaul, Konicek, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.
Absent: None.

Resolution No. 4-02.

By Director Clark.

Resolved, by the Board of Control of the City of Cleveland that the conditional bid of Wheeled Coach Industries, Inc. for an estimated quantity of ambulances, except for such terms and conditions as are unacceptable to the Director of Law, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on November 9, 2001, pursuant to the authority of Ordinance No. 1685-2000, passed by the Council of the City of Cleveland on October 30, 2000, and Ordinance No. 99-01, passed by the Council of the City of Cleveland on January 22, 2001, which on the basis of the estimated quantity would amount to One Hundred Sixty-Two Thousand Five Hundred Seventy-Five and 00/100 Dollars (\$162,575.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 103386

which shall be certified against such contract in the sum of One Hundred Sixty-Two Thousand Five Hundred Seventy-Five and 00/100 Dollars (\$162,575.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Carr, Clark, Acting Directors Brown, Szabo, DeVaul, Konicek, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.
Absent: None.

Resolution No. 5-02.

By Acting Director Brown.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Perfecturf, Inc. for an estimated quantity of landscape maintenance at various water works facilities (all items) for the various divisions of the Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 31st day of October, 2001, pursuant to the authority of Ordinance No. 2104-2000 passed March 19, 2001, on the basis of the estimated quantity would amount to Two Hundred Eighty Nine Thousand Four Hundred Fifty Dollars (\$289,450.00) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 114554 which shall be certified against such contract in the sums of One Hundred Fifty Thousand Dollars (\$150,000.00)

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract and which, together with all other contracts entered into pursuant to the above-mentioned ordinance, does not exceed a total of \$2,200,000.00.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Perfecturf, Inc. for the above-mentioned service is hereby approved:

<u>Subcontractor</u>	<u>Work</u>
Caver Brothers	
(MBE) — \$5,100.00	

Yeas: Mayor White, Directors Carr, Clark, Acting Directors Brown, Szabo, DeVaul, Konicek, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.
Nays: None.
Absent: None.

Resolution No. 6-02.

By Acting Director DeVaul.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Perk Company, Inc. for the public improvement of E. 110th Street from St. Clair Avenue to Dundee Drive, for the Division of Engineering and Construction, Department of Public Service, received on November 29, 2001, pursuant to the authority of Ordinance No. 836-2000, passed June 19, 2000, upon a unit basis for the improvement in the aggregate amount of One Million Nine Hundred Fifty Seven Thousand Seven Hundred and Sixty-Six, and 30/100 Dollars (\$1,957,766.30), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Service is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, that the employment of the following subcontractors by Perk Company, Inc. for the aforementioned public improvement is hereby approved:

McTech dba Tech Ready Mix
3740 Euclid Avenue, Suite 200
Cleveland, OH 44115
(MBE) — \$302,125.00 — (15.00%)

Cuyahoga Supply & Tool
5340 Perkins Rd.
Cleveland, OH 44146
(FBE) — \$101,540.00 — (5.00%)

Yeas: Mayor White, Directors Carr, Clark, Acting Directors Brown, Szabo, DeVaul, Konicek, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.
Absent: None.

Resolution No. 7-02.

By Acting Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Apex Construction and Management Co., Inc. for the public improvement of the Cleveland Health Centers Improvements 2001, base bid, including alternates No. 1, 2, and 3, for the Department of Health, received on December 27, 2001, pursuant to the authority of Ordinance No. 1224-01 passed July 18, 2001, for a gross price for the improvement in the aggregate amount of Eight Hundred and Eight Thousand Four Hundred and Ninety and no/100 Dollars (\$808,490.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Health is hereby authorized to enter into contract for said improvement with said 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 Co., Inc. is hereby approved:

Work Best Electric
FBE — \$49,000

Post Painting Inc.
FBE — \$2,000

Yeas: Mayor White, Directors Carr, Clark, Acting Directors Brown, Szabo, DeVaul, Konicek, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.
Nays: None.
Absent: None.

Resolution No. 8-02.

By Directors Hudecek and Warren.

Whereas, pursuant to the authority of Ordinance No. 1916-01, passed November 26, 2001, the Directors of Economic Development and Community Development are authorized to enter into a lease with option to purchase agreement with Vesper Corporation for land described therein and no longer needed for public use; and

Whereas, pursuant to said Ordinance No. 1916-01, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell such land to Vesper Corporation, provided that said directors determine to sell such land pursuant to said lease purchase agreement; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to the authority of Ordinance No. 1916-01, passed November 26, 2001 by Cleveland City Council, the Commissioner of Purchases and Supplies is hereby directed, if and when authorized by the Directors of Economic Development and Community Development, to sell certain City-owned land, described therein and no longer needed for public use, to Vesper Corporation for the consideration of Six Hundred Dollars (\$600.00), less any payments received pursuant to a lease with option to purchase agreement authorized by said Ordinance No. 1926-01.

Be it further resolved by the Board of Control of the City of Cleveland that the Mayor and the Commissioner of Purchases and Supplies are hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property.

Yeas: Mayor White, Directors Carr, Clark, Acting Directors Brown, Szabo, DeVaul, Konicek, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.
Absent: None.

Resolution No. 9-02.

By Director Sheperd.
Resolution by the Board of Control of the City of Cleveland, that all bids received on December 5, 2001, for the public improvement of constructing a Consolidated Maintenance Facility, for the Division of Cleveland Hopkins International Airport, Department of Port Control, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carr, Clark, Acting Directors Brown, Szabo, DeVaul, Konicek, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.
Absent: None.

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. 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.

ANNE BLOOMBERG,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, JANUARY 22, 2002

9:30 A.M.

Calendar No. 01-321: 8009 Lake Avenue (Ward 17)

Bob Tucker, owner, and American Fence Co., c/o Tom Tekesky, agent appeals to install approximately 99 linear ft. of 6' high aluminum ornamental fencing to the front of an approximate 106' x 128' irregular shaped parcel located in a Multi-Family District on the south side of Lake Avenue at 8009 Lake Avenue; said installation being contrary to the Fence Regulations where fences in the actual front yards shall not exceed 4' in height and shall be at least 50% open above 2' in as stated in Section 358.04(a) of the Codified Ordinances.

Calendar No. 01-322: 1327 East 89th Street (Ward 7)

Sharon Henderson, owner, appeals to expand the use of a One-Family dwelling unit to include a larger day-care all situated on a 35' x 75' parcel located in a Two-Family District on the east side of East 89th Street at 1327 East 89th Street; said expansion being contrary to the Residential District Requirements where the proposed use is surrounded by a Two-Family District and this is referenced as regulated in a One-Family District, Section 337.02(f)(3), is required to be 30' from any adjoining premises in a residential district not used for similar purposes as stated in Section 337.03 of the Codified Ordinances.

Calendar No. 01-323: 2167 West 95th Street (Ward 18)

Johnny Hernandez, owner, appeals to install approximately 71 linear ft. of 4' high chainlink fencing to the front of a 40' x 125' parcel located in a Two-Family District on the east side of West 95th Street at 2167 West 95th Street; said installation being contrary to the Fence Regulations where a 4' high chain-link fence is proposed and only ornamental fencing shall be installed in the actual front yards as stated in Section 358.04(c)(1) of the Codified Ordinances.

Calendar No. 01-324: 1613 Davenport Avenue (Ward 13)

Cleveland Bluffs Development, owner, c/o James Kassouf, appeals to construct an approximate 405 car parking lot on an approximate 205' x 613' parcel located in a General

Retail District on the north side of Davenport Avenue at 1613 Davenport Avenue; said construction being contrary to the Landscaping and Screening Requirements of Section 352.10 where a 6' wide frontage landscaped strip is required along Davenport Avenue and a required minimum of 100 sq. ft. island strip to separate no more than 20 parking spaces in a row as stated in Section 352.10(e) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 7, 2002

At the meeting of the Board of Zoning Appeals on Monday, January 7, 2002, the following appeals were scheduled to be heard by the Board:

The following appeals were **Postponed to January 22, 2002:**

Calendar No. 01-313: 5506 Dollof Road.

Calendar No. 01-314: 3625 Independence Road.

Calendar No. 01-315: 3588 Martin Luther King Drive.

Calendar No. 01-316: 13201 Edgewood Avenue.

Calendar No. 01-317: 8212 Carnegie Avenue.

Calendar No. 01-318: 2493 West 20th Street.

Calendar No. 01-319: 3256 West 58th Street.

Calendar No. 01-320: 16405 Trafalgar Avenue.

Calendar No. 01-362: 3879-3881 East 123rd Street.

Calendar No. 01-284: 806 Literary Road.

Calendar No. 01-301: 770 East 185th Street.

EUGENE CRANFORD, JR.,
Secretary

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 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 23, 2002

Push Bumpers, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1656-99, passed by the Council of the City of Cleveland, December 6, 1999.

January 2, 2002 and January 9, 2002

THURSDAY, JANUARY 24, 2002

Total Containment Vessel & Trailer, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 497-01, passed by the Council of the City of Cleveland, May 21, 2001.

January 2, 2002 and January 9, 2002

FRIDAY, JANUARY 25, 2002

Diesel Fuel, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2157-01.

January 2, 2002 and January 9, 2002

WEDNESDAY, JANUARY 23, 2002
Neff Park Aquatic Playground & Sound Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1748-99 and Ordinance No. 501-01. **THERE WILL BE A REFUNDABLE FEE OF TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

January 9, 2002 and January 16, 2002

THURSDAY, JANUARY 31, 2002
Integrated Live Scan System, Uninterruptible Power Supply (UPS) and Installation, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1656-99, passed by the Council of the City of Cleveland, December 14, 1999.

X-Ray Inspection System, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 497-01, passed by the Council of the City of Cleveland, May 21, 2001.

January 9, 2002 and January 16, 2002

WEDNESDAY, FEBRUARY 6, 2002
Property Insurance for the Cleveland Browns Football Stadium, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 303-96, passed by the Council of the City of Cleveland, May 8, 1996.

January 9, 2002 and January 16, 2002

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

NO MEETINGS

Index

O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
 Bold type in sections indicates amendments

Board of Control - Cleveland Hopkins International Airport Division

Consolidated Maintenance Facility construction - all bids rejected - Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 9-02) 20

Board of Control - Community Development Department

Sell parcels - to Vesper Corporation per Ord. 1916-01 - Dept. of Economic Development and Community Development (BOC Res. 8-02) 20

Board of Control - Concession Agreement

Salt Lake Organizing Committee for the Olympic Winter Games 2002 - concession agreement for Olympic Torch Relay - Jan. 1-2, 2002 - Dept. of Parks, Recreation and Properties (BOC Res. 938-01) 18

Board of Control - Economic Development Department

Sell parcels - to Vesper Corporation per Ord. 1916-01 - Dept. of Economic Development and Community Development (BOC Res. 8-02) 20

Board of Control - Engineering and Construction Division

East 110th Street rehabilitation (St. Clair Avenue to Dundee Drive) - contract per Ord. 836-2000 to Perk Company, Inc. - Division of Engineering and Construction, Dept. of Public Service (BOC Res. 6-02) 20

Board of Control - Finance Department

Ambulances - contract per Ord. 1264-01 to Wheeled Coach Industries, Inc. - Dept. of Finance (BOC Res. 3-02) 19
 Ambulances - contract per Ord. 1685-2000 and 99-01 to Wheeled Coach Industries, Inc. - Dept. of Finance (BOC Res. 4-02) 19
 Payroll and human resource applications analysis and migration - contract per Ord. 1067-01 to I3 Consulting, Inc. - Dept. of Finance (BOC Res. 2-02) 19
 Payroll and human resource applications - contract per Ord. 1067-01 to Automatic Data Processing, Inc. - Dept. of Finance (BOC Res. 1-02) 19
 Sell parcels - to Vesper Corporation per Ord. 1916-01 - Dept. of Economic Development and Community Development (BOC Res. 8-02) 20

Board of Control - Land Sales

Sell parcels - to Vesper Corporation per Ord. 1916-01 - Dept. of Economic Development and Community Development (BOC Res. 8-02) 20

Board of Control - Parks, Recreation and Properties Department

Rockefeller Park Greenhouse addition and alterations - contract per Ord. 1748-99 and 1727-2000 to Shirmer Construction Company - Dept. of Parks, Recreation and Properties (BOC Res. 939-01) 18

Salt Lake Organizing Committee for the Olympic Winter Games 2002 - concession agreement for Olympic Torch Relay - Jan. 1-2, 2002 - Dept. of Parks, Recreation and Properties (BOC Res. 938-01) 18

Board of Control - Port Control Department

Consolidated Maintenance Facility construction - all bids rejected - Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 9-02) 20

Board of Control - Professional Service Contracts

Payroll and human resource applications analysis and migration - contract per Ord. 1067-01 to I3 Consulting, Inc. - Dept. of Finance (BOC Res. 2-02) 19

Payroll and human resource applications - contract per Ord. 1067-01 to Automatic Data Processing, Inc. - Dept. of Finance (BOC Res. 1-02) 19

Board of Control - Public Health Department

Health centers improvements 2001 - contract per Ord. 1224-01 to Apex Construction and Management Co., Inc. - Dept. of Public Health (BOC Res. 7-02) 20

Board of Control - Public Improvement Contracts

East 110th Street rehabilitation (St. Clair Avenue to Dundee Drive) - contract per Ord. 836-2000 to Perk Company, Inc. - Division of Engineering and Construction, Dept. of Public Service (BOC Res. 6-02) 20

Health centers improvements 2001 - contract per Ord. 1224-01 to Apex Construction and Management Co., Inc. - Dept. of Public Health (BOC Res. 7-02) 20

Rockefeller Park Greenhouse addition and alterations - contract per Ord. 1748-99 and 1727-2000 to Shirmer Construction Company - Dept. of Parks, Recreation and Properties (BOC Res. 939-01) 18

Board of Control - Public Service Department

East 110th Street rehabilitation (St. Clair Avenue to Dundee Drive) - contract per Ord. 836-2000 to Perk Company, Inc. - Division of Engineering and Construction, Dept. of Public Service (BOC Res. 6-02) 20

Board of Control - Public Utilities Department

Landscape maintenance at various facilities - contract per Ord. 2104-2000 to Perfecturf, Inc. - Dept. of Public Utilities (BOC Res. 5-02) 20

Board of Control - Purchases and Supplies Division

Sell parcels - to Vesper Corporation per Ord. 1916-01 - Dept. of Economic Development and Community Development (BOC Res. 8-02) 20

Board of Control - Requirement Contracts

Ambulances - contract per Ord. 1264-01 to Wheeled Coach Industries, Inc. - Dept. of Finance (BOC Res. 3-02) 19

Ambulances - contract per Ord. 1685-2000 and 99-01 to Wheeled Coach Industries, Inc. - Dept. of Finance (BOC Res. 4-02) 19

Landscape maintenance at various facilities - contract per Ord. 2104-2000 to Perfecturf, Inc. - Dept. of Public Utilities (BOC Res. 5-02) 20

Board of Control - Rockefeller Park Greenhouse

Rockefeller Park Greenhouse addition and alterations - contract per Ord. 1748-99 and 1727-2000 to Shirmer Construction Company - Dept. of Parks, Recreation and Properties (BOC Res. 939-01) 18

Board of Elections

Mayor and Council Members, Wards 1 through 21 — November 6, 2001 General Election (F 1-02) 11

Board of Zoning Appeals - Report

Carnegie Avenue, 8212, (Ward 6) – Eleanor Norwood, owner - appeal postponed to 1/22/02 on 1/7/02 (Cal. 01-317) 21

Dollof Road, 5506, (Ward 12) – Gary Meadows, owner - appeal postponed to 1/22/02 on 1/7/02 (Cal. 01-313) 21

East 123rd Street, 3879-3881, (Ward 2) – David Powell, owner and Vada Garret, tenant - appeal postponed to 1/22/02 on 1/7/02 (Cal. 01-362) 21

East 185th Street, 770, (Ward 11) – Joe Muska, owner, and Al Bucco, tenant - appeal postponed to 1/22/02 on 1/7/02 (Cal. 01-301) 21

Edgewood Avenue, 13201, (Ward 3) – Darrell Curd, owner, and Brian Horvath, agent - appeal postponed to 1/22/02 on 1/7/02 (Cal. 01-316)	21
Independence Road, 3625, (Ward 12) – Michael Mazzeo, owner - appeal postponed to 1/22/02 on 1/7/02 (Cal. 01-314)	21
Literary Road, 806, (Ward 13) – Thomas Leneghan, owner - appeal postponed to 1/22/02 on 1/7/02 (Cal. 01-284)	21
Martin Luther King Drive, 3588, (Ward 3) – Cleveland Board of Education, owner, c/o James Holloway, agent - appeal postponed to 1/22/02 on 1/7/02 (Cal. 01-315)	21
Trafalgar Avenue, 16405, (Ward 11) – Henry Masten, owner - appeal postponed to 1/22/02 on 1/7/02 (Cal. 01-320)	21
West 20th Street, 2493, (Ward 14) – Stephen Was, owner - appeal postponed to 1/22/02 on 1/7/02 (Cal. 01-318)	21
West 58th Street, 3256, (Ward 17) – Sonya Levert, owner - appeal postponed to 1/22/02 on 1/7/02 (Cal. 01-319)	21

Board of Zoning Appeals - Schedule

Davenport Avenue, 1613, (Ward 13) – Cleveland Bluffs Development, owner c/o James Kassouf - appeal to be heard on 1/22/02 (Cal. 01-324)	21
East 89th Street, 1327, (Ward 7) – Sharon Henderson, owner - appeal to be heard on 1/22/02 (Cal. 01-322)	21
Lake Avenue, 8009, (Ward 17) – Bob Tucker, owner and American Fence Co., c/o Tom Tekesky, agent - appeal to be heard on 1/22/02 (Cal. 01-321)	21
West 95th Street, 2167, (Ward 18) – Johnny Hernandez, owner - appeal to be heard on 1/22/02 (Cal. 01-323)	21

City of Cleveland Bids

Bumpers, push - Department of Public Safety - Division of Police - per Ord. 1656-99 - bid due January 23, 2002 (advertised 1/2/2002 and 1/9/2002)	21
Containment vessel and trailer - Department of Public Safety - Division of Police - per Ord. 497-01 - bid due January 24, 2002 (advertised 1/2/2002 and 1/9/2002)	21
Diesel fuel - Department of Public Service - Division of Motor Vehicle Maintenance - per Ord. 2157-01 - bid due January 25, 2002 (advertised 1/2/2002 and 1/9/2002)	21
Insurance, property, for the Cleveland Browns Football Stadium - Department of Parks, Recreation and Properties - Division of Property Management - per Ord. 303-96 - bid due February 6, 2002 (advertised 1/9/2002 and 1/16/2002)	22
Integrated live scan system, uninterruptible power supply (UPS) and installation - Department of Public Safety - Division of Police - per Ord. 1656-99 - bid due January 31, 2002 (advertised 1/9/2002 and 1/16/2002)	22
Neff Park aquatic playground and sound improvements - Department of Parks, Recreation and Properties - Division of Research, Planning and Development - per Ord. 501-01 - bid due January 23, 2002 (advertised 1/9/2002 and 1/16/2002)	22
X-ray inspection system - Department of Public Safety - Division of Police - per Ord. 497-01 - bid due January 31, 2002 (advertised 1/9/2002 and 1/16/2002)	22

City Clerk

Moss, Ruby F. — Oath of Office (F 5-02)	12
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City Council

Jackson, Frank G., President — Oath of Office (F 4-02)	12
Members, Wards 1 through 21 — Oath of Office (F 3-02)	11
Mayor and Council Members, Wards 1 through 21 — November 6, 2001 General Election — Cuyahoga County Board of Elections (F 1-02)	11
Moss, Ruby F., City Clerk, Clerk of Council — Oath of Office (F 5-02)	12
Rules of Council for the years 2002-2005 (F 6-02)	12

Communications

Campbell, Jane L., Mayor — Oath of Office (F 2-02)	11
Council Members, Wards 1 through 21 — Oath of Office (F 3-02)	11
Jackson, Frank G., President — Oath of Office (F 4-02)	12
Mayor and Council Members, Wards 1 through 21 — November 6, 2001 General Election — Cuyahoga County Board of Elections (F 1-02)	11
Moss, Ruby F., City Clerk, Clerk of Council — Oath of Office (F 5-02)	12
Rules of Council for the years 2002-2005 (F 6-02)	12

Mayor's Office

Campbell, Jane L., Mayor — Oath of Office (F 2-02)	11
Mayor and Council Members, Wards 1 through 21 — November 6, 2001 General Election — Cuyahoga County Board of Elections (F 1-02)	11

Oath of Office

Campbell, Jane L., Mayor — Oath of Office (F 2-02)	11
Council Members, Wards 1 through 21 — Oath of Office (F 3-02)	11
Jackson, Frank G., President — Oath of Office (F 4-02)	12
Moss, Ruby F., City Clerk, Clerk of Council — Oath of Office (F 5-02)	12