

# The City Record

Official Publication of the Council of the City of Cleveland



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August the Third, Two Thousand and Eleven

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**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

- 1 Terrell H. Pruitt 3877 East 189th Street 44122
- 2 Zachary Reed 3734 East 149th Street 44120
- 3 Joe Cimperman P.O. Box 91688 44101
- 4 Kenneth L. Johnson 2948 Hampton Road 44120
- 5 Phyllis E. Cleveland 2369 East 36th Street 44105
- 6 Mamie J. Mitchell 12701 Shaker Boulevard, #712 44120
- 7 TJ Dow 7715 Decker Avenue 44103
- 8 Jeffrey D. Johnson 9024 Parkgate Avenue 44108
- 9 Kevin Conwell 10647 Ashbury Avenue 44106
- 10 Eugene R. Miller 13615 Kelso Avenue 44110
- 11 Michael D. Polensek 17855 Brian Avenue 44119
- 12 Anthony Brancatelli 6924 Ottawa Road 44105
- 13 Kevin J. Kelley 5904 Parkridge Avenue 44144
- 14 Brian J. Cummins 3104 Mapledale Avenue 44109
- 15 Matthew Zone 1228 West 69th Street 44102
- 16 Jay Westbrook 1278 West 103rd Street 44102
- 17 Dona Brady 1272 West Boulevard 44102
- 18 Martin J. Sweeney 3632 West 133rd Street 44111
- 19 Martin J. Keane 15907 Colletta Lane 44111

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

First Assistant Clerk – Sandra Franklin

**MAYOR** – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer

Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs

Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development

Monyka S. Price, Executive Assistant to the Mayor, Chief of Education

Maureen Harper, Executive Assistant to the Mayor, Chief of Communications

Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary

Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability

Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

**OFFICE OF CAPITAL PROJECTS** – Jonmarie Wasik, Director

**DIVISIONS:**

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager

Engineering and Construction – \_\_\_\_\_, Manager

Real Estate – \_\_\_\_\_, Commissioner

**DEPT. OF LAW** – Robert J. Triozzi, Director, Barbara A. Langhenry, Chief Counsel,

Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,

Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

**DIVISIONS:**

Accounts – Richard W. Sensenbrenner, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – \_\_\_\_\_, Treasurer, Room 115

Financial Reporting and Control – James Gentile, Controller, Room 18

Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair

Avenue

Purchases and Supplies – James E. Hardy, Commissioner, Room 128

Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue

Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

**DEPT. OF PUBLIC UTILITIES** – Barry A. Withers, Director, 1201 Lakeside Avenue

**DIVISIONS:**

Cleveland Public Power – Ivan Henderson, Commissioner

Street Lighting Bureau – \_\_\_\_\_, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner

Water – \_\_\_\_\_, Commissioner

Water Pollution Control – Ollie Shaw, Commissioner

**DEPT. OF PORT CONTROL** – Ricky D. Smith, Director, Cleveland Hopkins

International Airport, 5300 Riverside Drive

**DIVISIONS:**

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

**DEPT. OF PUBLIC WORKS** – Michael Cox, Director

**OFFICES:**

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

**DIVISIONS:**

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Leigh Stevens, Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Kim Johnson, Commissioner

Streets – \_\_\_\_\_, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Ron Owens, Commissioner

**DEPT. OF PUBLIC HEALTH** – Karen Butler, Interim Director, Mural Building, 75

Erievue Plaza

**DIVISIONS:**

Air Quality – Richard L. Nemeth, Commissioner

Environment – Willie Bess, Commissioner, Mural Building, 75 Erievue Plaza

Health – Karen K. Butler, Commissioner, Mural Building, 75 Erievue Plaza

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

**DIVISIONS:**

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street

Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.

Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive

Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue

Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

**DEPT. OF COMMUNITY DEVELOPMENT** – Daryl Rush, Director

**DIVISIONS:**

Administrative Services – Terrence Ross, Commissioner

Fair Housing and Consumer Affairs Office – \_\_\_\_\_, Manager

Neighborhood Development – \_\_\_\_\_, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

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

**DIVISIONS:**

Code Enforcement – Tyrone L. Johnson, Commissioner

Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

**COMMUNITY RELATIONS BOARD** – Room 11, Blaine Griffin, Director, Mayor Frank

G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council

Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer),

Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline

Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad,

Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

**CIVIL SERVICE COMMISSION** – Room 119, Robert Bennett, President; Michael L.

Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan,

Michael Fluckinger.

**SINKING FUND COMMISSION** – Frank G. Jackson, President; Council President Martin

J. Sweeney; Betsy Hruby, Asst. Sec’y.; Sharon Dumas, Director.

**BOARD OF ZONING APPEALS** – Room 516, Carol A. Johnson, Chairman; Members; John

Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

**BOARD OF BUILDING STANDARDS AND BUILDING APPEALS** – Room 516, J.F.

Denk, Chairman; \_\_\_\_\_, Arthur Saunders, Alternate Members – D. Cox, P.

Frank, E. P. O’Brien, Richard Pace, J.S. Sullivan.

**BOARD OF REVISION OF ASSESSMENTS** – Law Director Robert J. Triozzi, President;

Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

**BOARD OF SIDEWALK APPEALS** – Service Director Jonmarie Wasik, Law Director

Robert J. Triozzi; Council Member Eugene R. Miller.

**BOARD OF REVIEW** – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities

Director Barry A. Withers; Council President Martin J. Sweeney.

**CITY PLANNING COMMISSION** – Room 501 – Robert N. Brown, Director; Anthony J.

Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean

Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

**FAIR HOUSING BOARD** – Charles See, Chair; Lisa Camacho, Daniel Conway, Robert L.

Render, Genesis O. Brown.

**HOUSING ADVISORY BOARD** – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan,

David Perkowski, Joan Shaver Washington, Keith Sutton.

**CLEVELAND BOXING AND WRESTLING COMMISSION** – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

**MORAL CLAIMS COMMISSION** – Law Director Robert J. Triozzi; Chairman; Finance

Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin

Kelley.

**POLICE REVIEW BOARD** – Thomas Jones, Board Chair Person; Vernon Collier, Vermel

Whalen, Nancy Cronin, Elvin Vauss.

**CLEVELAND LANDMARKS COMMISSION** – Room 519 – Jennifer Coleman, Chair;

Laura M. Bala, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey,

Allan Dreyer, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert

Keiser, Secretary.

**AUDIT COMMITTEE** – Yvette M. Iutu, Chairman; Debra Janik, Bracy Lewis, Diane

Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Robert

J. Triozzi.

## CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

Judge Charles L. Patton, Jr. – Courtroom 13D

Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Paul J.

Mizerak – Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief

Magistrate, Victor Perez – City Prosecutor

# The City Record



71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, AUGUST 3, 2011

No. 5095

## CITY COUNCIL

MONDAY, AUGUST 1, 2011

The City Record  
Published weekly by the City Clerk,  
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City of Cleveland  
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Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

#### MONDAY — Alternating

9:30 A.M. — **Public Parks, Properties, and Recreation Committee:** K. Johnson, Chair; Conwell, Vice Chair; Brancatelli, Cimperman, Dow, Polensek, Reed.

9:30 A.M. — **Health and Human Services Committee:** Cimperman, Chair; J. Johnson, Vice Chair; Conwell, Keane, Kelley, Reed, Zone.

11:00 A.M. — **Public Service Committee:** Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, K. Johnson, Keane, Polensek, Pruitt, Sweeney.

11:00 A.M. — **Legislation Committee:** Mitchell, Chair; K. Johnson, Vice Chair; Brancatelli, Cimperman, Cleveland, Reed, Sweeney.

#### MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

#### TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Brancatelli, Chair; Dow, Vice Chair; Cimperman, Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action and Training Committee:** Pruitt, Chair; Miller, Vice Chair; Cummins, J. Johnson, K. Johnson, Mitchell, Westbrook.

#### WEDNESDAY — Alternating

10:00 A.M. — **Aviation and Transportation Committee:** Keane, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, K. Johnson, Kelley, Mitchell.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Cummins, Dow, Miller, Mitchell, Zone.

#### WEDNESDAY — Alternating

1:30 P.M. — **Public Utilities Committee:** Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Miller, Polensek, Pruitt, Westbrook.

1:30 P.M. — **City Planning Committee:** Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Keane, Zone.

The following Committees are subject to the Call of the Chair:

**Rules Committee:** Sweeney, Chair; Cleveland, Keane, Polensek, Pruitt.

**Personnel and Operations Committee:** Westbrook, Chair; Conwell, K. Johnson, Kelley, Mitchell, Sweeney, Zone.

**Mayor's Appointment Committee:** Dow, Chair; Cleveland, Kelley, Miller, Sweeney.

### OFFICIAL PROCEEDINGS

#### CITY COUNCIL

NO MEETING

#### THE CALENDAR

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

NONE

### BOARD OF CONTROL

July 27, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, July 27, 2011, at 10:33 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson and Director R. Smith.

JoMarie Wasik Director, Mayor's Office of Capital Projects.

Natoya Walker-Minor, Interim Director, Office of Equal Opportunity.

James Hardy, Commissioner Purchases & Supplies.

On motions, the following resolutions were adopted, except as may be otherwise noted:

#### Resolution No. 353-11.

By Director Wasik.

Whereas, under the authority of Ordinance No. 674-09, passed by Cleveland City Council on June 8, 2009, this Board of Control, by its Resolution No. 151-11 adopted April 6, 2011, approved Fabrizi Trucking & Paving Company, Inc. as lowest responsible bidder for the public improvement of Superior Avenue

Rehabilitation, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, in the aggregate amount of \$10,889,476.05; and

Whereas, Fabrizi Trucking & Paving Company, Inc. wishes to employ Ronyak Brothers Paving, Inc. and Utilicon Corp. as additional subcontractors, and to substitute Perk Company, Inc. (CSB) as a subcontractor for North Coast Paving Company (CSB) approved by Resolution No. 151-11; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Fabrizi Trucking & Paving Co., Inc. and the substitution of Perk Company, Inc. (CSB) as a subcontractor for North Coast Paving Company (CSB) under the above-mentioned public improvement are approved:

Ronyak Brothers Paving, Inc.  
\$1,984,376.50 — 18.22%

Utilicon Corp.  
\$668,472.00 6.14%

Perk Company, Inc.  
CSB — \$1,400,000.00 — 12.86%

Yeas: Directors Triozzi, Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director R. Smith.

#### Resolution No. 354-11.

By Director Flask.

Whereas, under the authority of Ordinance No. 919-07, passed by the Cleveland City Council on July 11, 2007, the City of Cleveland, through the Director of Public Safety, entered into an agreement with Zoll Data Systems, Inc., for a period of one year, for maintenance and technical support services for the Rescue Net EMS Pro System, the electronic patient care reporting and billing system, for the Division of Emergency Medical Service, Department of Public Safety; and

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

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Zoll Data Systems, Inc., to obtain the professional maintenance and technical support services necessary to maintain the electronic patient care

reporting and billing system for one year starting January 1, 2011; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under division (e) of Section 181.102 C.O., the compensation to be paid for maintenance and technical support services to be performed under the agreement with Zoll Data Systems, Inc. is fixed at an amount not to exceed \$52,208.00.

Yeas: Directors Triozzi, Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director R. Smith.

**Resolution No. 355-11.**

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that, under Ordinance No. 750-11, passed by the Council of the City of Cleveland June 6, 2011 R-Cap Security, LLC is selected upon nomination of the Director of Public Works from a list of companies determined after a full and complete canvass by the Director of Public Works as the company to provide security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for the Division of Recreation, Department of Public Works, or a period of one year beginning September 1, 2011.

Be it further resolved that the Director of Public Works is authorized to enter into a written contract with R-Cap Security LLC, based on its June 15, 2011 proposal, to supply armed, uniformed, commissioned officers at the facilities, during the period beginning September 1, 2011 and ending August 31, 2012, which contract shall be prepared by the Director of Law and shall include such additional provisions as the Director considers necessary to benefit and protect the public interest. The fees for services to be performed under the contract authorized, as stated in the company's proposal shall be \$31.25 per officer hour at the facilities, not to exceed \$600,000.00.

Yeas: Directors Triozzi, Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director R. Smith.

**Resolution No. 356-11.**

By Director Cox.

Whereas, Ordinance No. 1035-10, passed by the Cleveland City Council on October 4, 2010, and Board of Control Resolution No. 553-10, adopted December 22, 2010, the City through the Director of Public Works entered into Contract No. PS2010-362 with Westlake Reed Leskosky for Professional Development Representation and Architectural/Engineering services and approved Polytech, Inc. (CSB/MBE), among others, as a sub-consultant; and

Whereas, Polytech, Inc. (CSB/MBE) has informed the City, by its memo dated March 29, 2011, that it is no longer in business; and

Whereas, Westlake Reed Leskosky has proposed by its April 14, 2011 letter to employ Sandhu & Asso-

ciates, Inc. (CSB/MBE) as a sub-consultant under Contract No. PS2010-362 to complete the services to have been performed by Polytech, Inc. (CSB/MBE) under the contract; now, therefore,

Whereas, Westlake Reed Leskosky has requested and the Director of the Mayor's Office of Equal Opportunity has approved, under Section 187.13 of the Codified Ordinances, the substitution of Sandhu & Associates, Inc. (CSB/MBE) for Polytech, Inc. (CSB/MBE) as a sub-consultant to Westlake Reed Leskosky for mechanical engineering services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of Sandhu & Associates, Inc. (CSB/MBE) as a sub-consultant by Westlake Reed Leskosky under Contract No. PS2010-362 is approved.

Yeas: Directors Triozzi, Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director R. Smith.

**Resolution No. 357-11.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 016-14-096 located at 4708 Oakley Avenue in Ward 15; and

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

Whereas, Maria A. Hernandez, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, to Maria A. Hernandez for the sale and development of Permanent Parcel No. 016-14-096 located at 4708 Oakley Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$1.00, which amount is determined to

be not less than the Fair Market Value of the parcel for uses according to the Program.

Yeas: Directors Triozzi, Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director R. Smith.

**Resolution No. 358-11.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 109-22-025 located at 1113 Parkwood Drive in Ward 9; and

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

Whereas, Essie M. Cole, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, to Essie M. Cole for the sale and development of Permanent Parcel No. 109-22-025 located at 1113 Parkwood Drive, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$1.00, which amount is determined to be not less than the Fair Market Value of the parcel for uses according to the Program.

Yeas: Directors Triozzi, Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director R. Smith.

**Resolution No. 359-11.**

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Precision Engineering and Contracting, Inc. for the public improvement of Water Pollution Control Building Stormwater Management Improvements (Items 1-27, 33 and 34 including the 10% contin-

gency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on May 19, 2011, under the authority of Ordinance No. 8-10, passed April 12, 2010, upon a unit basis for the improvement, in the aggregate amount of \$459,348.39, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Precision Engineering and Contracting, Inc. for the above-mentioned public improvement is approved:

**SUBCONTRACTOR CSB/MBE/FBE WORK**

Down to Earth Landscaping	CSB/FBE \$ 19,673.00 (4.283%)
Cunningham Paving	CSB \$ 78,000.00 (16.981%)
ESI, Inc.	\$ 8,300.00 (1.810%)
Oglesby Contraction, Inc.	\$ 41,000.00 (8.926%)
Soehnlén Piping, Co.	\$154,000.00 (33.526%)

Yeas: Directors Triozzi, Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson and Director R. Smith.

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.

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, AUGUST 15, 2011**

**9:30 A.M.**

**Calendar No. 11-125:** 1130 Ivanhoe Road (Ward 11)

The 5400 Corporation LLC, owner, and John Hirko, prospective tenant, appeal to establish a landscape supply yard and stockpiling use on acreage located in a Local Retail Business District; subject to the limitations under Section 343.01, the proposed is not a permitted use and first permitted in a General Industry District under Section 345.04(a)(1)(B), subject to restrictions under Section 347.05 for Location of Dusty Material Storage and Bitumen Processing that require a distance of no less than 300 feet from a Residence District, Local Retail or General Retail Districts, except where the dust, smoke, odor, noise and vibration there from will effectively be confined to the premises; and a minimum 7' 0" high solid fence is required along the perimeter of the proposed use in accordance with the provisions in Section 345.04(a)(3) of the Cleveland Codified Ordinances.

**Calendar No. 11-128:** 2194 East 80th Street (Ward 6)

Charles Ficklin, owner appeals for a change of use from a single family dwelling to a rooming house located on a 40' x 102' lot in a B1 Two-Family District and subject to the limitations under Cleveland Codified Ordinance 337.03, the proposed change is not permitted and first permitted in a Multi-Family District.

**Calendar No. 11-129:** 4029-33 St. Clair Avenue (Ward 3)

Wai Hung Ltd., owner, and Ra-seem Parker, prospective tenant, appeal for a change of use from a store to a restaurant in a one-story building located on a 40' x 140' lot in a B3 Residence Industry District; and under Section 349.04(f) the off-street parking requirement equals one space for each employee plus one for each 100 square feet of floor area devoted to patron use or one for each four seats based upon the maximum seating capacity, whichever is greater.

**Calendar No. 11-130:** 4888 Pearl Road (Ward 13)

Nick Varlamos, owner, and Hank Lewon, prospective tenant, appeal for a change of use from a store to a tattoo studio located on a corner parcel in a C1 Local Retail Business District; subject to the limitations of Section 343.01(b) the use is not permitted and first allowed in a General Retail Business District and where permitted in a particular use district, tattooing as described in Section 343.11(b)(2)P is subject to location regulations under Section 347.12(b)(1) that require such use to be 1,000 feet from a Residence District or day care center, a kindergarten, elementary or secondary school, public library church, playground, public or nonprofit recreation center or community center.

**Calendar No. 11-132:** 11706 Iowa Avenue (Ward 10)

Alisa Hill, owner, appeals to erect a one-story room addition and a 20' x 20' one-story frame garage addition to a single family dwelling on a 57' x 88.05' lot in a B1 Two-Family District; contrary to Section 357.08(b)(1) a rear yard of 2 feet is proposed and a depth not less than the height of the main building, 31 feet, is required according to the Cleveland Codified Ordinances.

**Calendar No. 11-133:** 4305 Clark Avenue (Ward 14)

Andres Velez, owner, and Joe Ramos, agent, appeal to build an addition to an existing mixed use structure on a 35' x 85' lot in a C2 Semi-Industry District; subject to the provisions in Cleveland Codified Ordinance 357.09(b)(2)C, required interior side yards for buildings in connection with residential dwelling units shall not be less than 8 feet.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, AUGUST 1, 2011**

At the meeting of the Board of Zoning Appeals on Monday, August 1, 2011, the following appeals were heard by the Board.

The following appeals were **Approved**:

**Calendar No. 11-106:** 1971 Carter Road

Carter Peninsula, Inc., owner, and Independence Excavating Inc., lessee, appealed for a temporary storage use until December 2013 of construction material and waste concrete and for crushing of concrete in a General Industry District; subject to conditions.

**Calendar No. 11-118:** 11101 Magnolia Drive

The Magnolia Club House appealed to replace a parking surface to the rear of an irregular shaped parcel in an AA1 Limited One-Family District.

The following appeals were **Denied**:

**Calendar No. 11-113:** 833 Superior Avenue

Orange Barrel Media appealed from a decision of the Cleveland Building and Housing Department to return their application and filing fee for installation of two (2) wall murals.

**Calendar No. 11-114:** 1350 West Third Street

Stark 1350 appealed from a decision of the Cleveland Building and Housing Department to return their application and filing fee for installation of two (2) wall murals.

**Calendar No. 11-115:** 1422 Euclid Avenue

Orange Barrel Media appealed from a decision of the Cleveland Building and Housing Department to return their application and filing fee for installation of two (2) wall murals.

**Calendar No. 11-116:** 662 Euclid Avenue  
 Orange Barrel Media appealed from a decision of the Cleveland Building and Housing Department to return their application and filing fee for installation of two (2) wall murals.

**Calendar No. 11-117:** 1133 West 9th Street  
 Orange Barrel Media appealed from a decision of the Cleveland Building and Housing Department to return their application and filing fee for installation of two (2) wall murals.

The following appeals were **Withdrawn:**

None

The following appeals were **Dismissed:**

None

The following appeal was **Postponed:**

**Calendar No. 11-108:** 2580 East 93rd Street postponed to 9-12-11.

The following appeals heard by the Board on July 25, 2011 were adopted and approved on August 1, 2011.

The following appeals were **Approved:**

**Calendar No. 11-105:** 1758 aka 1776 Columbus Road  
 Pipeline Development Company, owner, and Laurence Crooks, prospective lessee, appealed to change to a private gym/fitness center an existing building in a B3 General Industry District; subject to conditions.

**Calendar No. 11-107:** 7000 Euclid Avenue  
 The 7000 Euclid LLC, owner, and Geis Companies appealed to construct a parking lot in a Midtown Mixed Use District 1; subject to condition.

**Calendar No. 11-109:** 17302 Dorchester Drive  
 Susan Dean and Diane Millet appealed to erect a pergola in the yard area of a corner parcel in an A1 One-Family District.

**Calendar No. 11-110:** 9105 Cedar Avenue  
 The Cleveland Clinic Foundation appealed for area and size variances to do exterior alterations and site improvements for a parking lot in Local and General Retail Business Districts.

**Calendar No. 11-111:** 4607 East 175th Street  
 Stankiewicz Holdings LLC, owner, and Annette Kellom, tenant, appealed to install a wheelchair lift in an A1 One-Family District.

**Calendar No. 11-112:** 12631 Edmonton Avenue  
 Jacklyn Grant appealed to erect a pre-manufactured wheelchair lift in a B1 Two-Family District.

**Calendar No. 11-74:** 7202 Hague Avenue  
 Deda Shpresa appealed to establish use for metal fabricating in an existing one-story building in a General Retail Business District; subject to condition.

The following appeal heard by the Board on June 27, 2011 was adopted and approved on August 1, 2011.

The following appeal was **Approved:**

**Calendar No. 11-94:** 11725 Union Avenue  
 Mary Allen appealed to install 63 liner feet of 6 foot high fence and a 12 foot wide drive gate along the actual side street and within one foot of the property line of a corner lot in a B1 Two-Family District.

The following appeal heard by the Board on November 29, 2010 was adopted and approved on August 1, 2011.

The following appeal was **Approved:**

**Calendar No. 10-107:** 3121 West 33rd Street  
 The San Lorenzo Club appealed to change the basement and ground floor of a legal nonconforming private club to a use for a rental hall in a Two-Family District; subject to condition.

A Motion for Reconsideration was submitted on July 29, 2011 and granted on August 1, 2011 for the following appeal heard on July 18, 2011:

**Calendar No. 11-101:** 9703 Laird Avenue  
 City of Cleveland Department of Community Development, owner, and Carl Wood, prospective tenant, appealed to construct a parking lot in a C1 Multi-Family District.

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 append-**

**ed 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."**

**FRIDAY, AUGUST 12, 2011**

**File No. 123-11 — Mail Services** for the Cleveland City Council, of the City of Cleveland and as authorized by Ordinance 556-11, passed by the Council of the City of Cleveland, April 25, 2011.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, AUGUST 4, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, CLEVELAND CITY COUNCIL, CONFERENCE ROOM, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

July 27, 2011 and August 3, 2011

**THURSDAY, AUGUST 18, 2011**

**File No. 122-11 — Test and Repair of Bucket and Derrick Trucks** for the Division of Cleveland Public Power, of the Department of Public Utilities and as authorized by Section 181.101 Codified Ordinances, City Of Cleveland 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, AUGUST 5, 2011 AT 10:30 A.M. THE CLEVELAND PUBLIC POWER, 2490 WEST 41ST STREET, CLEVELAND, OHIO 44113.**

July 27, 2011 and August 3, 2011

**WEDNESDAY, AUGUST 24, 2011**

**File No. 121-11 — Transfer and Disposal of Residential Solid Waste Contract W** for the Division of

Waste Collection, of the Department of Public Works and as authorized by Ordinance 363-11 passed by the Council of the City of Cleveland, April 18, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, AUGUST 10, 2011 AT 11:00 A.M. THE DIVISION OF WASTE COLLECTION AND DISPOSAL, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

**File No. 124-11 — Labor and Materials Necessary to Maintain or Replace Exterior Landscaping and Other Site Landscaping** for the Various Divisions of Port Control, of the Department Port Control and as authorized by Section 181.101 Codified Ordinances, City Of Cleveland 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, AUGUST 12, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

July 27, 2011 and August 3, 2011

**FRIDAY, AUGUST 26, 2011**

**File No. 134-11 — Reconstruction of East 42nd Street (From Harvard Avenue to 967 Feet South)**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1542-09, passed by the Council of the City of Cleveland, December 7, 2009.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, AUGUST 12, 2011 AT 2:00 P.M. THE PUBLIC UTILITIES AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 135-11 — 1000 Gallon Attack Foam Trailer**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 813-10, passed by the Council of the City of Cleveland, September 27, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, AUGUST 11, 2011 AT 11:00 A.M. THE CLEVELAND FIRE DEPARTMENT, BASEMENT CONFERENCE, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

August 3, 2011 and August 10, 2011

**WEDNESDAY, AUGUST 31, 2011**

**File No. 130-11 — 2012-13 Contractual Repair of Water Mains, Fire Hydrants, Valves, Service Connections and Appurtenances (Area**

**A)**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 361-11, passed by the Council of the City of Cleveland, May 9, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, AUGUST 12, 2011 AT 3:00 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

**File No. 131-11 — 2012-13 Contractual Repair of Water Mains, Fire Hydrants, Valves, Service Connections and Appurtenances (Area B)**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 361-11, passed by the Council of the City of Cleveland, May 9, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, AUGUST 12, 2011 AT 3:00 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

August 3, 2011 and August 10, 2011

**THURSDAY, SEPTEMBER 1, 2011**

**File No. 132-11 — 2012-13 Contractual Repair of Water Mains, Fire Hydrants, Valves, Service Connections and Appurtenances (Area C)**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 361-11, passed by the Council of the City of Cleveland, May 9, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, AUGUST 12, 2011 AT 3:00 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

**File No. 133-11 — 2012-13 Contractual Repair of Water Mains, Fire Hydrants, Valves, Service Connections and Appurtenances (Area D)**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 361-11, passed by the Council of the City of Cleveland, May 9, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, AUGUST 12, 2011 AT 3:00 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

August 3, 2011 and August 10, 2011

#### **ADOPTED RESOLUTIONS AND ORDINANCES**

**Ord. No. 1012-11.**

**By Council Members Reed, Conwell, Cummins, Cimperman and J. Johnson.**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 605.091 prohibiting the**

**improper use of social media to induce persons to commit a criminal offense.**

Whereas, Cleveland City Council seeks to discourage the use of social media to induce unruly flash mob activity and induce persons to commit a criminal offense; and

Whereas, after unruly flash mobs organized through social media in Cleveland Heights, Shaker Heights, and Cleveland, Cuyahoga County sheriff Bob Reid's office is seeking tips about flash mob activity to coordinate with local police; and

Whereas, the City of Cleveland Department of Public Safety is also seeking tips about flash mob activity to provided appropriate police response; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Codified Ordinances of the City of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 605.091 to read as follows:

#### **Section 605.091 Improper Use of Social Media**

No person shall use social media to induce persons to commit the offense described in Codified Ordinance Sections 605.01 Riot, 605.02 Failure to Disperse, 605.03 Disorderly Conduct; Intoxication, and/or 605.09 Unlawful Congregation.

Whoever violates this section is guilty of improper use of social media, a minor misdemeanor.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 20, 2011.

Vetoed July 28, 2011.

**File No. 1012-11-V.**

July 28, 2011

#### **By Hand Delivery**

The Honorable Martin J. Sweeney  
President of Council  
601 Lakeside Avenue  
Cleveland, Ohio 44114

Re: **Ordinance No. 1012-11**

Dear Council President Sweeney:

I return to you Ordinance No. 1012-11, disapproved and with my veto noted thereon.

Ordinance No. 1012-11 enacts new Codified Ordinance Section 605.191 to prohibit the use of social media so as to induce persons to commit certain criminal offenses. The ordinance was introduced and passed on one reading under suspension of Council's rules without any public committee hearings or the benefit of public comment from law enforce-

ment or interested members of the community. Passing legislation under suspension is sometimes an appropriate and necessary tool.

I am sympathetic with the goal of the Council to identify appropriate tools to deal with the increasing occurrence of unlawful mob activity fueled by the proliferation of cell phone use and other technology to communicate quickly with large numbers of people. However, like any criminal prohibition, the law needs to be narrowly tailored to combat the illegal activity, be an effective deterrent to wrongdoers, and not unduly interfere with the rights of law-abiding citizens.

Numerous legal and policy concerns have been expressed regarding the new criminal offense enacted by Ordinance No. 1012-11. Even prior to its introduction and passage, the Law Department raised and expressed concerns to City Council's attorney about:

- The need for an additional criminal offense when unlawful activity such as riot, disorderly conduct and unlawful congregation are already prohibited in the criminal code;
- The lack of clarity in the use of the term "social media;" and,
- The enforceability of the new code section.

For these reasons, the Law Department was not supportive of the ordinance.

The members of my Administration stand ready to work with the Council to explore effective tools for dealing with these issues should the Council sponsors decide to reintroduce an ordinance and hold public hearings to publically discuss the scope of the problem and any legal or policy concerns with the proposed legislation.

In the meantime and for the above reasons, I hereby veto Ordinance No. 1012-11.

Sincerely,  
Frank G. Jackson  
Mayor

Received.

**COUNCIL COMMITTEE MEETINGS**

**Wednesday, August 3, 2011  
10:00 a.m.**

**Employment, Affirmative Action and Training Committee:** Present: Pruitt, Chair; Miller, Vice Chair; J. Johnson, Mitchell, Westbrook. *Authorized Absence:* Cummins, K. Johnson.

**Public Utilities Committee:** Present: Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Miller, Polensek, Pruitt, Westbrook. *Authorized Absence:* Dow, Westbrook.

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O—Ordinance; R—Resolution; F—File  
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