



City of Cleveland Memorandum

Frank G. Jackson, Mayor

TO: Matt Zone, Chair
Safety Committee

FROM: Michael McGrath, Director
Department of Public Safety

DATE: March 21, 2018

SUBJECT: Ordinance No. 199-18 Authorizing and directing the submission to the electors of the City of Cleveland of a proposal to amend Sections 116 and 126 of the Charter of the City of Cleveland, relating to the police force, control by Chief, and division into classified and unclassified service

Ordinance No. 199-18 would authorize and direct the submission to the electors of the City of Cleveland the proposed amendment of Charter Sections 116 and 126. These amendments to the Charter relate to the police force, control by the Chief, and division into classified and unclassified service.

Harkness Road, Lamont Avenue, Rosalind Avenue, Superior Avenue, and Wade Park Avenue; all in Cleveland, Ohio. Received.

File No. 216-18.

From Timothy A. Swiney, Senior Vice-President Development, Wallick-Hendy Development Company, LLC. Notice of intent to apply to Ohio Housing Finance Agency for Housing Tax Credits and other multifamily funding programs for the development known as Silver Leaf Senior Apartments, 5130 Lee Road, Maple Heights, Ohio. Received.

PLATS

File No. 217-18.

Dedication Plat for Skyline Scranton LLC Subdivision, between Kenilworth Avenue and Parifine Avenue. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved.

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 218-18.

RE: #73626610001. Stock Application, C1 C2 D6, RIDA, Inc., 13314 Euclid Ave. (Ward 10). Received.

File No. 219-18.

RE: #4179380. New License Application, D5, JL2 Management LLC, 3292 Fulton Rd. (Ward 14). Received.

File No. 220-18.

RE: #0493626. Transfer of Ownership Application, C2 C2X, Bartlett One Stop LLC, 3744 East 144th St. (Ward 2). Received.

File No. 221-18.

RE: #2434370. Transfer of Ownership Application, C1, E S Deli, Inc., 3259 West 25th St. (Ward 14). Received.

File No. 223-18.

RE: #26109460015. Transfer of Ownership Application, D5 D6, Facility Concession Services, Inc., 5000-22 Euclid Ave. (Ward 7). Received.

File No. 224-18.

RE: #24554790005. Transfer of Ownership Application, C1 C2, 8806 Superior Grace, Inc., 8802 Superior Ave. (Ward 7). Received.

File No. 225-18.

RE: #2714519. New License Application, C2 D6, Fifty Five Deli, Inc., 2288 East 55th St. (Ward 5). Received.

File No. 226-18.

RE: #2383774. New License Application, C2 D6, E S Westside Deli, Inc., 9901-03 Union Ave. (Ward 6). Received.

CONDOLENCE RESOLUTIONS

The rules were suspended and the following Resolutions were adopted by a rising vote:

Res. No. 228-18 — Sylvia D. Taylor.

Res. No. 229-18 — Lillian B. Evans.

Res. No. 230-18 — Jimmy Gee.

Res. No. 231-18 — David Homer Ballard.

Res. No. 232-18 — Georgia Lee McDuffie.

Res. No. 233-18 — Robert E. Getz.

Res. No. 234-18 — Brian Berry.

Res. No. 248-18 — Carrie Ann Sadler-Walker.

Res. No. 249-18 — Mary Kathleen Lynch.

Res. No. 250-18 — Brother Joseph Chvala, C.S.C.

CONGRATULATIONS RESOLUTIONS

The rules were suspended and the following Resolutions were adopted without objection:

Res. No. 235-18 — Everlasting Missionary Baptist Church - 60th Anniversary.

Res. No. 236-18 — George Albert Catchings - 80th Birthday.

Res. No. 237-18 — Moneeke Davis 2018 Irene Catlin Leadership Award.

Res. No. 238-18 — William M. Denihan - 2018 Walks of Life Award.

Res. No. 239-18 — Sister Rita Mary Harwood - 2018 Walks of Life Award.

Res. No. 240-18 — Chief Justice Maureen O'Connor - 2018 Walks of Life Award.

Res. No. 241-18 — Myles Gallagher 2018 Walks of Life Award.

Res. No. 242-18 — Tridstone Baptist Church - 121st Anniversary.

Res. No. 243-18 — Sarah Goodman - 100th Birthday.

Res. No. 244-18 — Lieutenant George Seroka, Badge #8449.

Res. No. 245-18 — Agatha (Clinkscates) Robinson - 101st Birthday.

APPRECIATION RESOLUTIONS

The rules were suspended and the following Resolutions were adopted without objection:

Res. No. 246-18 — Rennie A. Crawford.

Res. No. 247-18 — Glenville High School.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 197-18.

By Council Member Kelley.

An emergency ordinance authorizing the Clerk of Council to enter into a subscription agreement with LexisNexis to obtain online access to computer assisted legal and other research data bases, materials and services required for the work of Cleveland City Council.

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 Clerk of Council is authorized to enter into a subscription agreement with LexisNexis to obtain online access to computer assisted legal and other research databases, materials and services required for the work of Cleveland City Council.

Section 2. That the term of the subscription agreement shall not exceed three (3) years beginning on March 31, 2018, and shall be in the amount of \$236 per month to be paid from fund numbers 632000-01-010100, and/or from the fund or funds which are appropriated for the payment of such agreements.

Section 3. 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.

Referred to Committee on Finance.

Ord. No. 198-18.

By Council Member Brancatelli.

An emergency ordinance establishing a moratorium on the operation of limited lodging in residence districts until December 31, 2018.

Whereas, under section 337.251 of the Codified Ordinances the City permits limited lodging in residence districts; and

Whereas, recently, there has been an increase in the operation of short term residential real estate rentals in the Cleveland Metropolitan area; and

Whereas, along with the increase in limited lodging operations there has been an increase in nuisance activity and other illegal activity in and around these operations; and

Whereas, the City's nuisance and other relevant laws with respect to renters and limited lodging operations are difficult to enforce; and

Whereas, additionally, there have been challenges enforcing limited lodging regulations under section 337.251; and

Whereas, this ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health, safety, or welfare in that a moratorium on the operation of limited lodging in residence districts is necessary to enable this Council to consider how to improve code enforcement on limited lodging operations; now, therefore,

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

Section 1. That, for the reasons stated in the preamble, this Council establishes a moratorium on the operation of limited lodging in residence districts until December 31, 2018.

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.

Referred to Directors of City Planning Commission, Building and Housing, Finance, Law; Committees on Development Planning and Sustainability, Finance.

Ord. No. 199-18.

By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing and directing the submission to the electors of the City of Cleveland of a proposal to amend Sections 116 and 126 of the Charter of the City of Cleveland, relating to the police force, control by Chief, and division into classified and unclassified service.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at a special election to be held on May 8, 2018, and 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 this Council authorizes and directs the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting of the City of Cleveland on Tuesday, May 8, 2018, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 116 and 126 to read as follows:

§ 116 Division of Police; Control by Chief

The Police Force shall consist of a Chief, ~~three any number up to five~~ Deputy Chiefs of Police, ~~eleven any number up to seventeen~~ Commanders of Police, and such other officers, ~~patrolmen~~ patrol officers and employees as may be provided by ordinance or resolution of the Council. The Mayor may appoint a ~~fourth~~ ~~one of the Deputy Chief Chiefs~~ of Police to protect the people from homeland security threats and a ~~twelfth Commander~~ ~~one of the Commanders~~ of Police for community policing. In case of riot or like emergency the Mayor may appoint additional ~~patrolmen~~ patrol officers and officers for temporary service who need not be in the classified service. The Chief of Police, the Deputy Chiefs of Police, and the Commanders of Police shall be appointed by the Mayor from the division of police or they may be persons appointed from outside the division who shall have had training and experience in law enforcement and they shall serve at the pleasure of the Mayor; provided, however, that the Mayor shall appoint to the positions of Deputy Chief of Police and Commander of Police from among persons recommended by the Chief of Police with the concurrence of the executive head of the police force if such executive head be other than the Mayor. The Council may, by ordinance, direct the Mayor to make appointments of minorities to the positions of Deputy Chief of Police and Commander of Police. Upon the termination of their service as Chief of Police, Deputy Chief of Police, or Commander of Police they shall, if appointed from the division of police, revert to the civil service status held by them at the time of their appointment, in so far as it is competent for this charter so to provide. The Chief of Police shall have exclusive control of the stationing and transfer of ~~patrolmen~~ patrol officers and other officers and employees constituting the Police Force, under such rules and regulations as may be established by the Mayor or by the director of the department to whom the Chief of Police may be immediately responsible.

§ 126 Division into Classified and Unclassified Service

The civil service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

(a) All officers elected by the people.

(b) All directors and assistant directors of departments.

(c) The Clerk of Council.

(d) The Chief of Police, ~~four any number up to five~~ Deputy Chiefs of Police, and ~~twelve any number up to seventeen~~ Commanders of Police.

(e) The members of all boards or commissions appointed by the Mayor and of advisory boards appointed by the director of a department.

(f) The secretary to the mayor and one secretary for each director of a department.

(g) Executive Assistants to the Mayor and Special Assistants to the Mayor, provided, however, that there shall be no restrictions as to their duties or assignments.

(h) Temporary employees for a period not to exceed ninety (90) days and seasonal employees for a period not to exceed one hundred and eighty (180) days.

(i) Students enrolled in a recognized educational institution and in a course of training in preparation for an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aides for training purposes without limitation as to assignment or duties.

(j) School crossing guards.

(k) Members of the auxiliary police force.

2. The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service three classes to be known as the competitive class, the noncompetitive class and the general labor class.

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive tests.

(b) The noncompetitive class shall include all positions requiring specialized training, or skills requiring certifications or licensure, and qualifications of a scientific, business, managerial, professional or educational character, as may be determined by the Commission. The fitness of applicants in the non-competitive class shall be based on the applicant's knowledge, skills and abilities relative to the qualifications for the position.

(c) The general labor class shall include semi-skilled and unskilled labor positions for which it is impractical to give competitive tests. The positions shall be filled from a registration list established and maintained by the Commission. The Commission shall register applicants for positions in the general labor class either continuously or at times as there are vacancies to be filled, provided, however, that no registration may be accepted until public notice of the intention to so accept registrations shall be made by the Commission. Priority of registration shall determine an applicant's place on the registration list, provided the applicant meets required standards as to age, citizenship, physical fitness and residence as established by the Commission.

Section 2. That the foregoing proposed amendments to the Charter, on receiving at least a majority of the votes cast at the May 8, 2018, special election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized and directed promptly to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on May 8, 2018, on the amendments to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized and directed to cause the full text of the proposed amendments to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the special election to be held on May 8, 2018, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the proposal shall read as follows:

**PROPOSED CHARTER
AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is necessary for passage.

"Shall Sections 116 and 126 be amended to authorize a change in the number of Deputy Chiefs in the unclassified service from four to any number up to five and the number of Commanders of Police in the unclassified service from twelve to any number up to seventeen?"

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, Law; Committees on Safety, Finance.

Ord. No. 201-18.

By Council Members Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Works to enter into one or more contracts with City Year, Inc. to perform community service work and to collaborate with various non-profit agencies.

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 Director of Public Works is authorized to enter into one or more contracts with City Year, Inc. to perform community service work and to collaborate with non-profit agencies, in an amount not to exceed \$75,000.00, payable