



## **MINUTES**

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, SEPTEMBER 24, 2013  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
5:00 PM**

**1. CALL TO ORDER**

**The meeting was called to order by Council President Connally at 5:00 p.m.**

**2. ROLL CALL**

**Council President Connally asked Clerk Schmotzer to call the roll. Councilmembers Simon, Greenspan, Miller, Brady, Germana, Gallagher, Conwell, Jones, Rogers and Connally were in attendance and a quorum was determined. Councilmember Schron was in attendance shortly after roll call was taken.**

**3. PLEDGE OF ALLEGIANCE**

**The Pledge of Allegiance was recited.**

**4. SILENT MEDITATION**

**Council President Connally requested a moment of silent meditation for personal reflections.**

**5. PUBLIC COMMENT RELATED TO AGENDA**

**Council President Connally allowed comments unrelated to the agenda during this time.**

**Mr. Wade Steen, former Cuyahoga County Fiscal Officer, thanked everyone for their professionalism and collegiality during his time with Cuyahoga County.**

**Reverend Pamela M. Pickney Butts addressed Council regarding issues of concern to her relating to (a) the Cuyahoga County justice system and justice center; (b) items on the agenda pertaining to appointments to boards and commissions; and (c) the allocation of public funds to certain projects.**

**6. APPROVAL OF MINUTES**

- a) September 10, 2013 Regular Meeting

**A motion was made by Mr. Rogers, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the September 10, 2013 regular meeting.**

**7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT**

**Council President Connally reported the following:**

- 1) The 2014 – 2015 biennial budget hearings schedule has been distributed;**
- 2) County Council offices will be moving to a new location beginning Monday, September 30, 2013. The new location will be at 323 Lakeside Avenue, 4<sup>th</sup> Floor. All Council and Committee meetings will continue to be held in the Council Chambers in the Justice Center; and**
- 3) There will be a Committee of the Whole meeting held on Tuesday, October 22, 2013 from 2:00 p.m. to 3:00 p.m. regarding the budget for the new Cuyahoga County Headquarters.**

**8. MESSAGES FROM THE COUNTY EXECUTIVE**

**County Executive FitzGerald reported the following:**

- 1) A press conference announcing the S.A.V.E. (Strategies Against Violent Encounters) Program was held today. He thanked the NAACP and Council for supporting the program. A training schedule will be provided to Council in the near future; and**
- 2) Announced a partnership between The MetroHealth System and HealthSpot that will provide an alternative healthcare option to all County employees. The HealthSpot is a walk-in medical station located in the Justice Center Atrium from noon to 4:30 p.m. Monday through Friday. He praised Dr. Akram Boutros, President and Chief Executive Officer of The MetroHealth System, for his involvement in the implementation of the program.**

9. COMMITTEE REPORTS AND CONSIDERATION OF MOTIONS OF COUNCIL FOR  
SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion Nos. M2013-0028 and M2013-0029.**

- a) M2013-0028: A Motion confirming the County Executive's appointment of Matt Carroll to serve on the Group Plan Commission for the term ending 4/8/2017, and declaring the necessity that this Motion become immediately effective.

Sponsors: Councilmembers Connally and Conwell

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**On a motion by Ms. Conwell with a second by Mr. Rogers, Motion No. M2013-0028 was considered and approved by unanimous vote.**

- b) M2013-0029: A Motion confirming the County Executive's appointment of various individuals to serve on the Western Reserve Area Agency on Aging Board of Trustees for the term ending 1/31/2017, and declaring the necessity that this Motion become immediately effective:

- 1) Carol Dayton
- 2) BJ Brown
- 3) Constance Hill-Johnson

Sponsors: Councilmembers Connally and Conwell

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**On a motion by Ms. Conwell with a second by Mr. Rogers, Motion No. M2013-0029 was considered and approved by unanimous vote.**

10. COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES OF COUNCIL FOR  
SECOND READING

**Mr. Jones introduced a proposed substitute to Ordinance No. O2011-0048 on the floor. Discussion ensued. A motion was then made by Mr. Jones, seconded by Mr. Germana and approved by unanimous vote to accept the proposed substitute.**

Clerk Schmotzer then read Ordinance No. O2011-0048 into the record, as substituted.

- a) **O2011-0048: An Ordinance enacting Chapter 509 of the Cuyahoga County Code directing the County Executive to conduct a Disparity Study and, if required by law, validate the Disparity Study every five years thereafter; requiring annual updates of said Study; and declaring the necessity that this Ordinance become immediately effective.**

Sponsors: Councilmembers Jones, Connally, Brady, Conwell, Rogers and Miller and County Executive FitzGerald

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**This item will move to the October 8, 2013 Council meeting agenda for third reading.**

- b) **O2013-0019: An Ordinance amending Sections 704.01 to 704.03 of the Cuyahoga County Code to designate that the Additional DTAC Fee commence on 1/1/2014 and continue through 12/31/2018, and declaring the necessity that this Ordinance become immediately effective.**

Sponsors: Councilmembers Jones, Miller, Brady, Simon and **Conwell**

Committee Assignment and Chair: Finance & Budgeting – Miller

**Clerk Schmotzer read Ordinance No. O2013-0019 into the record.**

**This item will move to the October 8, 2013 Council meeting agenda for third reading.**

11. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2013-0017.**

- a) **O2013-0017: An Ordinance enacting Chapter 603 of the Cuyahoga County Code to establish a Cuyahoga County Fire and Smoke Damper Inspection Program, and declaring the necessity that this Ordinance become immediately effective.**

Sponsors: Councilmembers Gallagher, Greenspan, Conwell and Germana

Committee Assignment and Chair: Public Safety & Justice Affairs –  
Gallagher

**On a motion by Mr. Gallagher with a second by Ms. Conwell, Resolution No. O2013-0017 was considered and adopted by unanimous vote.**

12. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER  
SUSPENSION OF RULES

**A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2013-0204.**

- a) R2013-0204: A Resolution amending the 2012/2013 Biennial Operating Budget for 2013 by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; amending Resolution No. R2013-0148 dated 7/9/2013 by rescinding Item C in Section 3; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2013-0204 was considered and adopted by unanimous vote.**

13. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO  
COMMITTEE

- a) R2013-0205: A Resolution declaring that public convenience and welfare requires replacement of Akins Road Culvert 01.12 in the City of North Royalton; total estimated construction cost \$490,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/  
Division of County Engineer

**Council President Connally referred Resolution No. R2013-0205 to the Public Works, Procurement & Contracting Committee.**

- b) R2013-0206: A Resolution declaring that public convenience and welfare requires replacement of Eastland Road Culvert 00.53 in the City of Middleburg Heights; total estimated construction cost \$420,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works/  
Division of County Engineer **and Councilmember Germana**

**Council President Connally referred Resolution No. R2013-0206 to the Public Works, Procurement & Contracting Committee.**

- c) R2013-0207: A Resolution approving Right-of-Way plans as set forth in Plat No. 5017 for rehabilitation of various Highland Road Bridges over Euclid Creek in the City of Euclid; authorizing the County Executive through the Department of Public Works to acquire said necessary Rights-of-Way; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective:

- 1) No. 156 (nka 00.13)
- 2) No. 157 (nka 00.31)
- 3) No. 158 (nka 00.54)
- 4) No. 226 (nka 00.64)

Sponsor: County Executive FitzGerald/Department of Public Works/  
Division of County Engineer

**Council President Connally referred Resolution No. R2013-0207 to the Public Works, Procurement & Contracting Committee.**

- d) R2013-0208: A Resolution making an award on RQ27661 to Regency Construction Services, Inc. in the amount not-to-exceed \$2,467,000.00 for construction of the Cuyahoga County Crime Lab; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works and  
Medical Examiner

**Council President Connally referred Resolution No. R2013-0208 to the Public Safety & Justice Affairs Committee.**

- e) R2013-0209: A Resolution making an award on RQ27988 to Trafftech, Inc. in the amount not-to-exceed \$1,222,800.00 for striping in connection with the Countywide Preventative Maintenance Program for the period 10/1/2013 - 10/31/2014; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/  
Division of County Engineer

**Council President Connally referred Resolution No. R2013-0209 to the Public Works, Procurement & Contracting Committee.**

- f) R2013-0210: A Resolution authorizing a Continuation Agreement with County Commissioners Association of Ohio Service Corporation for participation in the Natural Gas Purchase Program for the period 1/1/2014 - 12/31/2019; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

**Council President Connally referred Resolution No. R2013-0210 to the Public Works, Procurement & Contracting Committee.**

- g) R2013-0211: A Resolution authorizing two Economic Development Redevelopment Ready Loans, each in the amount not-to-exceed \$1,000,000.00, to Parmatown Station LLC for asbestos abatement, partial demolition and renovations of property located at the southwest corner of Ridge and Ridgewood Roads, Parma; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loans and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and  
**Councilmember Germana**

**Council President Connally referred Resolution No. R2013-0211 to the Economic Development & Planning Committee.**

- h) R2013-0212: A Resolution authorizing an Economic Development Redevelopment and Modernization Loan in the amount not-to-exceed \$680,000.00 to Playhouse Square 1317 LLC for renovation of property located at 1317 Euclid Avenue, Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2013-0212 to the Economic Development & Planning Committee.**

- i) R2013-0213: A Resolution making awards to various municipalities in the total amount of \$1,050,000.00 for various municipal grant projects for the 2014 Community Development Block Grant Municipal Grant Program for the period 10/1/2013 - 9/30/2014; authorizing the County Executive to execute the agreements and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:

- 1) City of Bedford in the amount of \$150,000.00 for the Ellenwood Community Center Renovation Project.
- 2) City of Berea in the amount of \$150,000.00 for the North Rocky River Drive Corridor Improvement Project.
- 3) City of Brook Park in the amount of \$150,000.00 for the West 147<sup>th</sup> and Elm Avenue Full Depth Concrete Repairs Project.
- 4) City of Maple Heights in the amount of \$150,000.00 for the Neighborhood Infrastructure Improvement Project.
- 5) City of Olmsted Falls in the amount of \$150,000.00 for the Olmsted Falls Senior Center Project.
- 6) City of Warrensville Heights in the amount of \$150,000.00 for the Clarkwood Area Streetlight Replacement Safety Project.
- 7) Village of Glenwillow in the amount of \$150,000.00 for the Pergl Road Reconstruction Project.

Sponsors: County Executive FitzGerald/Department of Development **and Councilmembers Miller, Jones and Gallagher**

**Council President Connally referred Resolution No. R2013-0213 to the Economic Development & Planning Committee.**



- j) R2013-0214: A Resolution authorizing a contract with Pointe Blank Solutions, Ltd. in the amount not-to-exceed \$1,800,000.00 for consultant services for the Case Management and Document Imaging System for the period 3/1/2013 - 2/28/2016; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald on behalf of County Prosecutor

**Council President Connally referred Resolution No. R2013-0214 to the Public Safety & Justice Affairs Committee.**

14. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING

- a) R2013-0092: A Resolution authorizing a Casino Revenue Fund Loan in the amount not-to-exceed \$3,684,650.00 to Playhouse Square District Development Corporation for streetscape improvements; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and Councilmember Jones

Committee Assignment and Chair: Economic Development & Planning – Schron

**Clerk Schmotzer read Resolution No. R2013-0092 into the record.**

**This item will move to the October 8, 2013 Council meeting agenda for third reading.**

15. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2013-0172, R2013-0197, R2013-0198, R2013-0199, R2013-0200, R2013-0201, R2013-0202 and R2013-0203.**

- a) R2013-0172: A Resolution making an award on RQ27791 to KeyBank Inc. for various banking and treasury services for the period 8/24/2013 - 8/23/2017; authorizing the County Executive to execute the contract and

all related documents; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/County Treasurer

Committee Assignments and Chairs: Finance & Budgeting – Miller and Education, Environment & Sustainability – Rogers

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2013-0172 was considered and adopted by unanimous vote.**

- b) R2013-0197: A Resolution making an award on RQ27992 to Specialized Construction Incorporated in the amount of \$524,500.00 for crack sealing in connection with the Countywide Preventative Maintenance Program for the period 10/1/2013 - 10/31/2014; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/  
Division of County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2013-0197 was considered and adopted by unanimous vote.**

- c) R2013-0198: A Resolution authorizing an amendment to Contract No. CE0800123-02 with DDR MDT Great Northern, LLC for lease of office space located at 5069 Great Northern Shopping Center, North Olmsted, for the Auto Title Bureau Satellite Office No. 5 for the period 1/1/2008 - 12/31/2012 to assign the interest to BRE DDR Great Northern, LLC, effective 1/1/2013, to extend the time period to 12/31/2013 and for additional funds in the amount of \$44,587.20; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2013-0198 was considered and adopted by unanimous vote.**

- d) R2013-0199: A Resolution authorizing the issuance and sale of Taxable Economic Development Revenue Bonds, Series 2013A (Steelyard Commons Project) in an aggregate principal amount not-to-exceed \$5,000,000.00 for the purpose of providing moneys to pay costs of a "Project" within the meaning of Ohio Revised Code Chapter 165; authorizing the preparation and use of a preliminary official statement, authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a cooperative agreement, a bond purchase agreement, a bond registrar agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and Councilmembers Jones **and Conwell**

Bond Counsel: Benesh Friedlander Coplan & Aronoff, LLP

Committee Assignment and Chair: Economic Development & Planning – Schron

**Mr. Schron introduced an amendment on the floor. Discussion ensued. A motion was then made by Mr. Schron, seconded by Mr. Miller and approved by unanimous vote to amend Section 1 of Resolution No. R2013-0199 by changing the definition of "Project Revenues" to read as follows:**

***"Project Revenues" means any money and investments on deposit in the Funds and all income and profit from the investment thereof.***

**On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2013-0199 was considered and adopted by unanimous vote, as amended.**

- e) R2013-0200: A Resolution accepting the rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Fiscal Officer; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

Committee Assignment and Chair: Finance & Budgeting – Miller

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2013-0200 was considered and adopted by unanimous vote.**

- f) R2013-0201: A Resolution authorizing an award to Woods Cove III, LLC, as purchaser, and Lien Servicing, LLC, as servicer, in the amount not-to-exceed \$25,000,000.00 for the sale of tax lien certificates; authorizing the County Executive to execute the agreement and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/County Treasurer

Committee Assignment and Chair: Finance & Budgeting – Miller

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2013-0201 was considered and adopted by unanimous vote.**

- g) R2013-0202: A Resolution making an award on RQ28551 to Starting Point in the amount not-to-exceed \$593,038.00 for administration of various initiatives of the Universal Pre-Kindergarten Program for the Invest in Children Program for the period 8/1/2013 - 7/31/2014; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood **and Councilmember Conwell**

Committee Assignment and Chair: Education, Environment & Sustainability – Rogers

**On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2013-0202 was considered and adopted by unanimous vote.**

- h) R2013-0203: A Resolution making an award on RQ28332 to Starting Point in the amount not-to-exceed \$1,600,000.00 for Out-of-School Time and Transition Services for the period 9/1/2013 - 9/30/2014; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Family and Children First Council **and Councilmember Conwell**

Committee Assignment and Chair: Education, Environment & Sustainability – Rogers

**On a motion by Mr. Rogers with a second by Mr. Miller, Resolution No. R2013-0203 was considered and adopted by unanimous vote.**

#### 16. CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION

- a) R2013-0179: A Resolution making an award on RQ24534 to Weston Inc. in the total amount of \$3,420,000.00 for the sale of various County buildings; authorizing leases in connection with said sale; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; authorizing the Director of Public Works to administer the projects; and declaring the necessity that this Resolution become immediately effective:
- 1) in the amount not-to-exceed \$3,023,641.80 for lease of the Marion Building, located at 1276 West Third Street, Cleveland, for a period of three years.
  - 2) in the amount not-to-exceed \$391,272.00 for lease of the Superior Auto Title Building, located at 1261 Superior Avenue, Cleveland, for a period of one year.
  - 3) in the amount not-to-exceed \$130,470.96 for lease of the Hamilton Garage, located at 1801 St. Clair Avenue, Cleveland, for a period of six months.

Sponsor: County Executive FitzGerald/Department of Public Works

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2013-0179 was considered and adopted by unanimous vote.**

#### 17. MISCELLANEOUS COMMITTEE REPORTS

**Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will not meet on Tuesday, October 1, 2013.**

**Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, October 2, 2013 at 11:00 a.m.**

**Mr. Miller reported the following schedule for the Finance & Budgeting Committee:**

- 1) Monday, September 30<sup>th</sup> at 1:00 p.m.**
- 2) Monday, October 7<sup>th</sup> at 1:00 p.m.**
- 3) Tuesday, October 15<sup>th</sup> at 3:00 p.m. (if necessary)**

**Mr. Schron reported that the Economic Development & Planning Committee will meet on Monday, September 30, 2013 at 3:00 p.m.**

**18. MISCELLANEOUS BUSINESS**

**There was no miscellaneous business.**

**19. PUBLIC COMMENT UNRELATED TO AGENDA**

**Council President Connally allowed comments unrelated to the agenda to be given under comments related to the agenda.**

**20. ADJOURNMENT**

**With no further business to discuss, the meeting was adjourned by Council President Connally at 5:57 p.m., without objection.**