



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 8, 2013
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
5:00 PM**

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 5:06 p.m.

2. ROLL CALL

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

A motion was then made by Mr. Miller, seconded by Mr. Gallagher and approved by unanimous vote to excuse Mr. Schron from the meeting.

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

Ms. Nancy Sidell, representing the Cuyahoga County Advisory Committee on Persons with Disabilities, addressed Council regarding Resolution No. R2013-0216, a

Resolution proclaiming the month of October 2013 as Disability Employment Awareness Month in Cuyahoga County.

6. APPROVAL OF MINUTES

- a) September 24, 2013 Regular Meeting

A motion was made by Ms. Conwell, seconded by Mr. Miller and approved by unanimous vote to approve the minutes of the September 24, 2013 regular meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Connally reported that she attended the opening of the Global Center for Health Innovation.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- 1) Thanked Council President Connally and Councilmember Gallagher for their participation on the Medical Mart (nka the Global Center for Health Innovation) Advisory Group and elaborated on the opening ceremonies for the Global Center for Health Innovation;**
- 2) Reports will be forthcoming regarding progress with the Convention Center Hotel Project and conventions coming to the new Convention Center; and**
- 3) Held a press conference regarding the federal government shutdown and asked Directors to assess the impact on local constituents, particularly those receiving benefits through the WIC program. Updates will be provided as the shutdown continues.**

9. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2013-0215: A Resolution approving and concurring with amendments made to the Northeast Ohio Areawide Coordinating Agency (“NOACA”) Code of Regulations on 8/9/2013 as shown in NOACA Resolution No. 2013-027, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Connally, Rogers and Germana

Council President Connally referred Resolution No. R2013-0215 to the Council Operations & Intergovernmental Relations Committee.

10. CONSIDERATION OF ORDINANCES OF COUNCIL FOR THIRD READING ADOPTION

- 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

On a motion by Mr. Jones with a second by Ms. Conwell, Ordinance No. O2011-0048 was considered and adopted by unanimous vote.

- 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

On a motion by Mr. Miller with a second by Ms. Simon, Ordinance No. O2013-0019 was considered and adopted by unanimous vote.

11. CONSIDERATION OF RESOLUTIONS 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 Nos. R2013-0216 and R2013-0217.

- a) R2013-0216: A Resolution proclaiming the month of October 2013 as Disability Employment Awareness Month in Cuyahoga County: "Because We Are Equal to the Task", and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Human Resources and Councilmembers Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon and Connally

On a motion by Mr. Rogers with a second by Mr. Jones, Resolution No. R2013-0216 was considered and adopted by unanimous vote.

- b) R2013-0217: 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; 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 Mr. Rogers, Resolution No. R2013-0217 was considered and adopted by unanimous vote.

- c) R2013-0218: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County Common Pleas Court/Juvenile Court Division and Laborers' Local 860, a/w Laborers' International Union of North America, representing approximately 107 employees in 8 classifications in Probation, Clerk's and Transportation Services for the period 11/1/2012 - 10/31/2015; directing that funds necessary to implement the Collective Bargaining Agreement be budgeted and appropriated; 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.

Sponsors: County Executive FitzGerald on behalf of Common Pleas Court/Juvenile Court Division

Clerk Schmotzer read Resolution No. R2013-0218 into the record. No legislative action was taken by Council.

- d) R2013-0219: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County Common Pleas Court/Juvenile Court Division and Laborers' Local 860, a/w Laborers' International Union of North America, representing approximately 122 employees in 7 classifications in Detention Services for the period 1/1/2013 - 12/31/2015; directing that funds necessary to implement the Collective Bargaining Agreement be budgeted and appropriated; 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.

Sponsors: County Executive FitzGerald on behalf of Common Pleas Court/Juvenile Court Division

Clerk Schmotzer read Resolution No. R2013-0219 into the record. No legislative action was taken by Council.

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

- a) R2013-0220: A Resolution approving an Amended and Restated Sewer Service Agreement with City of North Olmsted for conveyance and treatment of wastewater from Olmsted Township to the North Olmsted Wastewater Treatment Plant for the period 10/22/2013 - 10/21/2033 to confirm and clarify joint use, respective rights and obligations in connection with portions of the North Olmsted Sanitary Sewer System jointly used by North Olmsted and the County; 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/
Division of County Engineer

Council President Connally referred Resolution No. R2013-0220 to the Public Works, Procurement & Contracting Committee.

- b) R2013-0221: A Resolution making an award on RQ28695 to Jack Doheny Companies, Inc. in the amount not-to-exceed \$3,000,000.00 for sewer jet/vac trucks, parts, supplies and services for the period 10/1/2013 - 9/30/2018; 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. R2013-0221 to the Public Works, Procurement & Contracting Committee.

- c) R2013-0222: A Resolution authorizing an Economic Development Redevelopment Ready Loan in the amount not-to-exceed \$1,000,000.00 to Fairmont Creamery Leverage Lender, LLC for renovation of a building located at 1720 Willey 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. R2013-0222 to the Economic Development & Planning Committee.

- d) R2013-0223: A Resolution rescinding Resolution No. R2013-0093 and authorizing the issuance and sale of County of Cuyahoga, Ohio Taxable Economic Development Revenue Bonds, Series 2013 (Flats East Bank Phase II Project) in the aggregate principal amount not-to-exceed \$17,000,000.00 for the purpose of assisting in the financing of a "Project" within the meaning of Chapter 165, Ohio Revised Code, paying capitalized interest, funding a debt service reserve fund and paying costs of issuance; providing for a guaranty for the payment of such bonds; authorizing the execution of various documents required in connection with said bond issuance and authorizing and approving related matters; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Bond Counsel: Porter Wright Morris & Arthur LLP

Council President Connally referred Resolution No. R2013-0223 to the Economic Development & Planning Committee.

- e) R2013-0224: A Resolution authorizing the issuance and sale of County of Cuyahoga, Ohio Taxable Economic Development Revenue Bonds, Series 2013B (Westin Cleveland Hotel Project) in an aggregate principal amount not-to-exceed \$6,500,000.00 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.

Sponsor: County Executive FitzGerald/Department of Development

Bond Counsel: Benesh Friedlander Coplan & Aronoff, LLP

Council President Connally referred Resolution No. R2013-0224 to the Economic Development & Planning Committee.

- f) R2013-0225: A Resolution authorizing a revenue generating agreement with City of Cleveland/Cleveland Municipal Court in the amount not-to-exceed \$1,804,656.00 for legal services for indigent persons for the period 1/1/2013 - 12/31/2013; 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.

Sponsors: County Executive FitzGerald on behalf of Public Defender

Council President Connally referred Resolution No. R2013-0225 to the Public Safety & Justice Affairs Committee.

13. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING

- a) 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

Committee Assignment and Chair: Economic Development & Planning – Schron

Clerk Schmotzer read Resolution No. R2013-0211 into the record.

This item will move to the October 22, 2013 Council meeting agenda for third reading.

- b) 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

Committee Assignment and Chair: Economic Development & Planning –
Schron

Clerk Schmotzer read Resolution No. R2013-0212 into the record.

This item will move to the October 22, 2013 Council meeting agenda for third reading.

14. 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. R2013-0205, R2013-0206, R2013-0207, R2013-0208, R2013-0209, R2013-0210, R2013-0213 and R2013-0214.

- 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 project 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

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

On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2013-0205 was considered and adopted by unanimous vote.

- 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 project 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

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

**On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2013-0206
was considered and adopted by unanimous vote.**

- 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

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

**On a motion by Mr. Jones with a second by Mr. Miller, Resolution No. R2013-0207
was considered and adopted by unanimous vote.**

- 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

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

On a motion by Mr. Gallagher with a second by Mr. Germana, Resolution No. R2013-0208 was considered and adopted by unanimous vote.

- 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.

Sponsors: County Executive FitzGerald/Department of Public Works/
Division of County Engineer and Councilmembers Germana, Jones and
Miller

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

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0209 was considered and adopted by unanimous vote.

- 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

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

On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2013-0210 was considered and adopted by unanimous vote.

- g) 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 147th 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

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2013-0213 was considered and adopted by unanimous vote.

- h) 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

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

On a motion by Mr. Gallagher with a second by Mr. Germana, Resolution No. R2013-0214 was considered and adopted by unanimous vote.

15. CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION

- 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

On a motion by Ms. Conwell with a second by Mr. Miller, Resolution No. R2013-0092 was considered and adopted by unanimous vote.

16. MISCELLANEOUS COMMITTEE REPORTS

Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, October 15, 2013 at 10:00 a.m.

Mr. Greenspan reported that the Council Operations & Intergovernmental Relations Committee will meet on Wednesday, October 16, 2013 at 2:00 p.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, October 16, 2013 at 11:00 a.m.

On behalf of Mr. Schron, Council President Connally reported that the Economic Development & Planning Committee will meet on Wednesday, October 16, 2013 at 3:00 p.m.

Mr. Gallagher reported that the Public Safety & Justice Affairs Committee will meet on Tuesday, October 15, 2013 at 1:00 p.m.

Mr. Miller reported that the Finance & Budgeting Committee scheduled for Tuesday, October 15, 2013 at 3:00 p.m. has been cancelled.

17. MISCELLANEOUS BUSINESS

Mr. Gallagher requested that Sheriff Frank Bova address Council regarding the Strategies Against Violent Encounters (S.A.V.E.) Initiative free self-defense seminars. This program is sponsored by Cuyahoga County in partnership with the Cleveland NAACP.

Mr. Greenspan said that he prepared a statement regarding the Convention Center Hotel Project and that it will be distributed to all Councilmembers.

Council President Connally stated that she submitted comments to the Cleveland Plain Dealer Editorial Board regarding the proposed lodging excise tax.

18. PUBLIC COMMENT UNRELATED TO AGENDA

There was no public comment unrelated to the agenda.

19. ADJOURNMENT

With no further business to discuss, the meeting was adjourned by Council President Connally at 6:00 p.m., without objection.