



## **MINUTES**

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING**

**TUESDAY, MAY 8, 2012**

**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 5:17 p.m.**

**2. ROLL CALL**

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

**3. PLEDGE OF ALLEGIANCE**

**The Pledge of Allegiance was recited.**

**4. SILENT MEDITATION**

**Council President Connally requested a moment of silent meditation be dedicated in honor of police, fire and EMS crews who put their lives on the line to serve and protect every day.**

**5. PUBLIC COMMENT RELATED TO AGENDA**

**No public comments were given.**

**6. APPROVAL OF MINUTES**

a) April 24, 2012 Regular Meeting

**A motion was made by Mr. Rogers, seconded by Ms. Simon and approved by unanimous vote to approve the minutes of the April 24, 2012 meeting.**

## 7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

**Council President Connally reported the following:**

- 1) Recognized Valerie Harry, the County's newly appointed Internal Auditor;**
- 2) Introduced County Council interns, Matt Dorihett, Senior at Strongville High School, and Ben Shuman, Senior at St. Edward High School;**
- 3) Provided highlights of the Medical Mart project update from the Council's Work Session held prior to the regular meeting;**
- 4) Recognized Council and Staff for winning the Harvest for Hunger food challenge against the County Executive and Staff; and**
- 5) Mentioned that two Town Hall meetings have been scheduled for Thursday, June 14<sup>th</sup> in Olmsted Falls and on Thursday, June 21<sup>st</sup> in Shaker Heights to discuss the Charter Review Process.**

## 8. MESSAGES FROM THE COUNTY EXECUTIVE

**County Executive FitzGerald reported the following:**

- 1) Thanked Council and Melvin Davis for their participation in the 10<sup>th</sup> Annual Rally for the Troops and Welcome Home Ceremony;**
- 2) A coalition of counties opposed to the proposed privatization or leasing of operations of the Ohio Turnpike has formed to produce a study regarding the matter. Several other counties have expressed interest in participating. A meeting of County Commissioners whose counties are directly affected by the proposal will be held on Monday, May 14<sup>th</sup>;**
- 3) A formal timeline for property consolidation will be presented to Council by the end of the week. Council will be included in discussions; and**
- 4) Discussed the Horseshoe Casino opening on Monday, May 14<sup>th</sup> and how it will effect downtown:**
  - a) Expressed his thoughts regarding Ordinance No. O2012-0011, an Ordinance establishing an Economic Development Fund for the purpose of collecting and expending proceeds from gross casino revenues. He encouraged Council to act quickly on the Ordinance;**
  - b) Stated that about 72% of employees who work downtown are from the suburbs;**

- c) **Expressed the need to connect all downtown assets in the economic development plan;**
- d) **Stated that the \$100M Economic Development Fund does not have any geographic restrictions and that many of the loans have been made to businesses in suburban areas.**

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

- a) M2012-0017: A Motion confirming the County Executive's reappointment of individuals to serve on the Cuyahoga Arts and Culture Board of Trustees, and declaring the necessity that this Motion become immediately effective:
  - 1) Victoria Eaton Johnson
  - 2) Sari Feldman

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2012-0017 to the Human Resources, Appointments & Equity Committee.**

- b) M2012-0018: A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga County Public Defender Commission, and declaring the necessity that this Motion become immediately effective:
  - 1) Phyllis L. Crocker
  - 2) Gordon Friedman

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2012-0018 to the Human Resources, Appointments & Equity Committee.**

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

**A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion Nos. M2012-0004, M2012-0015 and M2012-0016.**

- a) M2012-0004: A Motion amending various Rules of the Cuyahoga County Council; and declaring the necessity that this Motion become immediately effective.

Sponsors: Councilmembers Miller and Greenspan

Committee Assignment and Chair: Rules, Charter Review, Ethics & Council Operations – Greenspan

**Mr. Miller introduced a proposed substitute to Motion No. M2012-0004 on the floor. Discussion ensued.**

**A motion was then made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to accept the proposed substitute.**

**On a motion by Mr. Miller with a second by Ms. Conwell, Motion No. M2012-0004 was considered and approved by unanimous vote, as substituted.**

- b) M2012-0015: A Motion confirming the County Executive's appointment of various Mayors to serve on the Cuyahoga County Planning Commission, and declaring the necessity that this Motion become immediately effective:

- 1) The Honorable Daniel J. Ursu for the Hillcrest Region
- 2) The Honorable Susan K. Infeld for the Heights Region
- 3) The Honorable Michael P. Byrne for the South Central Region
- 4) The Honorable Kathy U. Mulcahy for the Chagrin/Southeast Region

Sponsor: Council President Connally

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

**On a motion by Mr. Schron with a second by Ms. Conwell, Motion No. M2012-0015 was considered and approved by unanimous vote.**

- c) M2012-0016: A Motion confirming the County Executive's appointment of Bonita Teeuwen to serve on the Cuyahoga County Justice Center Building Committee, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

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

**On a motion by Mr. Schron with a second by Mr. Rogers, Motion No. M2012-0016 was considered and approved by unanimous vote.**

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

- a) R2012-0076: A Resolution authorizing the Office of Budget & Management to create a special fund for the purpose of accepting a deposit of funds in the amount of \$211,018.26 from the Soldiers' and Sailors' Monument Support Group (Federal ID No. 34-1949122); directing that said funds be used for extraordinary maintenance and capital improvements for the Cuyahoga County Soldiers' and Sailors' Monument; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

**Council President Connally referred Resolution No. R2012-0076 to the Finance & Budgeting Committee.**

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

- a) O2012-0004: An Ordinance amending the Cuyahoga County Code of Ethics, as amended, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Greenspan

Committee Assignment and Chair: Rules, Charter Review, Ethics & Council Operations – Greenspan

**Clerk Schmotzer read Ordinance No. O2012-0004 into the record.**

**This item will move to the May 22, 2012 Council meeting agenda for consideration for third reading adoption.**

- b) O2012-0008: An Ordinance amending Ordinance No. O2011-0019, which established the Agency of Inspector General and the responsibilities and duties of said Agency, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Greenspan

Committee Assignment and Chair: Rules, Charter Review, Ethics & Council Operations – Greenspan

**Clerk Schmotzer read Ordinance No. O2012-0008 into the record.**

**This item will move to the May 22, 2012 Council meeting agenda for consideration for third reading adoption.**

**13. CONSIDERATION OF ORDINANCES OF COUNCIL FOR THIRD READING ADOPTION**

- a) O2011-0056: An Ordinance establishing a General Fund, Fund Balance Reserve Policy and Replenishment Plan; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Greenspan, Miller and Germana, **Jones, Conwell and Gallagher**

**Mr. Greenspan introduced a proposed substitute to Ordinance No. O2011-0056 on the floor. Discussion ensued.**

**A motion was then made by Mr. Greenspan, seconded by Mr. Gallagher and approved by unanimous vote to accept the proposed substitute.**

**On a motion by Mr. Schron with a second by Mr. Miller, Ordinance No. O2011-0056 was considered and adopted by unanimous roll-call vote, as substituted.**

- b) O2011-0058: An Ordinance establishing a Health and Human Services Levy Fund, Fund Balance Reserve Policy and Replenishment Plan; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Greenspan, Miller, Germana, **Conwell and Gallagher**

**Mr. Greenspan introduced a proposed substitute to Ordinance No. O2011-0058 on the floor. Discussion ensued.**

**A motion was then made by Mr. Greenspan, seconded by Mr. Germana and approved by unanimous vote to accept the proposed substitute.**

**On a motion by Mr. Greenspan with a second by Mr. Schron, Ordinance No. O2011-0058 was considered and adopted by unanimous vote, as substituted.**

**14. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**

**A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2012-0077 and R2012-0078.**

- a) R2012-0077: A Resolution amending the 2012/2013 Biennial Operating Budget for 2012 by providing for additional fiscal appropriations from the General Fund and other funding sources in order to meet the budgetary needs of various County departments; 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. R2012-0077 was considered and adopted by unanimous vote.**

- b) R2012-0078: A Resolution authorizing a contract with Emerald Development and Economic Network, Inc. in the amount not-to-exceed \$10,116,156.00 for the Shelter Plus Care Tenant-based Rental Assistance Program in connection with the FY2010 Continuum of Care Homeless Assistance Grant Programs and the McKinney-Vento Homeless Assistance Act for the period 4/10/2012 - 4/9/2013; 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/Department Health and Human Services/Division of Community Initiatives/Office of Homeless Services

**On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2012-0078 was considered and adopted by unanimous vote.**

#### 15. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2012-0079: A Resolution authorizing an agreement with City of Cleveland in the amount not-to-exceed \$2,620,777.24 for reimbursement of eligible expenses for planning, training, exercises, equipment and grant administration in connection with the FY2009 Urban Area Security Initiative Grant Program for the period 8/1/2009 - 6/30/2012; and authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution.

Sponsor: County Executive FitzGerald/Department of Public Safety and Justice Services/Division of Public Safety Grants

**Council President Connally referred Resolution No. R2012-0079 to the Public Safety Committee.**

- b) R2012-0080: A Resolution approving a Sanitary Sewer Line Vacation and Granting of Easement agreement with Wal-Mart Real Estate Business Trust, a Delaware statutory trust, in connection with property located in the City of Brooklyn; and authorizing the County Executive to execute all documents required in connection with said agreement.

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

**Council President Connally referred Resolution No. R2012-0080 to the Public Works, Procurement & Contracting Committee.**

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

**A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2012-0069, R2012-0074 and R2012-0075.**

- a) R2012-0069: A Resolution amending the 2012/2013 Biennial Operating Budget for 2012 by providing for an additional fiscal appropriation from the General Fund in order to meet the budgetary needs of a County department; 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

**A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Resolution R2012-0069 to change the dollar amount for the additional appropriations, Item A, from \$800,000.00 to \$267,750.00.**

**On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2012-0069 was considered and adopted by unanimous vote, as amended.**

- b) R2012-0074: A Resolution declaring that public convenience and welfare requires resurfacing of Denison Avenue from Fulton Road to Pearl Road in the City of Cleveland; total estimated construction cost \$850,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project.



Sponsors: County Executive FitzGerald/Department of Public Works/  
Division of County Engineer and **Councilmembers Brady and Jones**

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

**On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2012-0074  
was considered and adopted by unanimous vote.**

- c) R2012-0075: A Resolution declaring that public convenience and welfare requires resurfacing of Riverview Road from Brookside Road to Fitzwater Road in the Cities of Brecksville and Independence; total estimated construction cost \$600,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into agreements of cooperation with said municipalities in connection with said project.

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

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

**On a motion by Mr. Schron with a second by Mr. Jones, Resolution No. R2012-0075  
was considered and adopted by unanimous vote.**

#### 17. CONSIDERATION OF ORDINANCES FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2012-0011: An Ordinance establishing an Economic Development Fund for the purpose of collecting and expending proceeds from gross casino revenues, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Ordinance No. O2012-0011 to the Committee of  
the Whole, with Councilmember Schron to serve as Chair.**

- b) O2012-0012: An Ordinance establishing the Department of Information Technology under the direction of a Chief Information Officer who shall serve at the pleasure of the County Executive, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald

**Council President Connally referred Ordinance No. O2012-0012 to the Finance & Budgeting Committee.**

**18. MISCELLANEOUS COMMITTEE REPORTS**

**Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, May 14, 2012 at 1:00 p.m.**

**Mr. Greenspan reported on the schedule for Charter Review public meetings. He indicated that the 3<sup>rd</sup> for any proposed charter amendments will be on August 14, 2012 and that five proposed amendments were discussed in Committee thus far.**

**Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, May 10, 2012 at 11:00 a.m.**

**Mr. Germana reported that he participated in a forum regarding the HBO documentary, "The Weight of the Nation," which highlights Cleveland. The documentary will air on television on May 14<sup>th</sup> and May 15<sup>th</sup>.**

**19. MISCELLANEOUS BUSINESS**

**There was no miscellaneous business.**

**20. PUBLIC COMMENT UNRELATED TO AGENDA**

**No public comments were given.**

**21. EXECUTIVE SESSION**

- a) Matters of pending litigation

**A motion was made by Mr. Germana, seconded by Mr. Miller, and approved by unanimous roll-call vote to move to Executive Session for the purpose of discussing matters concerning pending litigation, and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 6:37 p.m. The following members were present: Councilmembers Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon, Greenspan and Connally. The following additional invitees were present: Director of Law Majeed Makhoulf, Deputy Chief Director of Law Nora Hurley and Assistant Prosecuting Attorney Barb Marburger. At 6:59 p.m., Executive Session was adjourned, without objection, and Council President Connally then reconvened the regular meeting.**

22. ADJOURNMENT

**With no further business to discuss, the meeting was adjourned by Council President Connally at 7:01 p.m., without objection.**