



## **MINUTES**

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, JUNE 25, 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 5:14 p.m.**

**2. ROLL CALL**

**Council President Connally asked Clerk Schmotzer to call the roll. Councilmembers Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron 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 to personal reflections.**

**5. PUBLIC COMMENT RELATED TO AGENDA**

**There was no public comment related to the agenda.**

**6. APPROVAL OF MINUTES**

- a) June 11, 2013 Committee of the Whole Meeting
- b) June 11, 2013 Work Session
- c) June 11, 2013 Regular Meeting

**A motion was made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the June 11, 2013 Committee of the Whole meeting, work session and regular meeting.**

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

**There were no announcements from the Council President.**

8. MESSAGES FROM THE COUNTY EXECUTIVE

**County Executive FitzGerald reported that he met with Mayors and Finance Directors in suburban communities in Cuyahoga County regarding a pilot project to make investments for infrastructure projects in these suburban communities.**

**Mr. David Merriman, Deputy Chief of Staff for Health & Human Services, introduced Ms. Melinda “Lindy” Burt, a new Special Assistant to County Executive FitzGerald, who will now Clerk for the Board of Control and Contracts and Purchasing Board.**

9. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL FOR SECOND READING

- a) M2013-0021: A Motion amending the Rules of the Cuyahoga County Council to establish the duties and authority of the Chief of Staff, and declaring the necessity that this Motion become immediately effective.

Sponsors: Councilmembers Connally, Greenspan, Brady and Gallagher

Committee Assignment and Chair: Council Operations & Intergovernmental Relations – Greenspan

**Clerk Schmotzer read Motion No. M2013-0021 into the record.**

**This item will move to the July 9, 2013 Council meeting agenda for consideration for third reading adoption.**

10. CONSIDERATION OF RESOLUTIONS OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2013-0125: A Resolution declaring the necessity of submitting to the electors of Cuyahoga County the question of an additional 3.0 mill Mental and Behavioral Health Services levy for the purpose of supplementing general fund appropriations for health and human or social services, for a period of six years, outside the ten mill limitation, in accordance with the provisions of Section 5705.191 of the Ohio Revised Code; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Brady, Connally, Conwell, Germana, Jones, Miller and Rogers

**Council President Connally referred Resolution No. R2013-0125 to the Health, Human Services & Aging Committee.**

- b) R2013-0126: A Resolution establishing that the County's Non-Bargaining Classification Plan shall continue uninterrupted by Council's amendment of the procedures in which it will exercise its approval rights over the Classification Plan for purposes of codification, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally/Clerk of Council and Director of Law

**Council President Connally referred Resolution No. R2013-0126 to the Human Resources, Appointments & Equity Committee.**

- c) R2013-0127: A Resolution directing the County Executive to develop and propose a program to encourage environmentally and economically efficient employee transportation, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

**Council President Connally referred Resolution No. R2013-0127 to the Education, Environment & Sustainability Committee.**

11. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2013-0016: An Ordinance establishing the Council's approval of the County's Non-Bargaining Classification Plan, which shall be accomplished by Resolution and published on the Department of Human Resources' website; and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Council President Connally/Clerk of Council and Director of Law

**Council President Connally referred Ordinance No. O2013-0016 to the Human Resources, Appointments & Equity Committee.**

12. 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. O2013-0013.**

- a) O2013-0013: An Ordinance establishing the Council's annual approval of the County's five-year economic development plans which shall be accomplished by Resolution and published on the County Council's website, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Council President Connally/Clerk of Council and Director of Law

Committee Assignment and Chair: Economic Development & Planning – Schron

**On a motion by Mr. Schron with a second by Mr. Greenspan, Ordinance No. O2013-0013 was considered and adopted by unanimous vote.**

13. 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. R2013-0128.**

- a) R2013-0128: 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

**A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Resolution No. R2013-0128 by replacing "CCA 407 Felony Program" with "CCA 408 Jail/Misdemeanant" in Items "G." and "H." located in Section 1.**

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2013-0128 was considered and adopted by unanimous vote, as amended.**

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

- a) R2013-0129: A Resolution declaring that public convenience and welfare requires replacement of Warrensville Center Road Culvert 05.13 in the City of Shaker Heights; total estimated construction cost \$860,000.00; 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. R2013-0129 to the Public Works, Procurement & Contracting Committee.**

- b) R2013-0130: A Resolution making an award on RQ26257 to Karpinski Engineering, Inc. in the amount not-to-exceed \$1,541,900.00 for architectural and engineering services and construction administration for the Cuyahoga County Data Center; 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

**Council President Connally referred Resolution No. R2013-0130 to the Public Works, Procurement & Contracting Committee.**

- c) R2013-0131: A Resolution authorizing an amendment to Contract No. CE1200346-01 with Applewood Centers, Inc. for Staff Secure Shelter Program and Placement Planning Day Report services for the period 6/1/2012 - 6/30/2013 to extend the time period to 6/30/2014 and for additional funds in the amount not-to-exceed \$731,455.20; 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 on behalf of Juvenile Court

**Council President Connally referred Resolution No. R2013-0131 to the Public Safety & Justice Affairs Committee.**

15. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING

- a) R2013-0090: A Resolution authorizing a Casino Revenue Fund Loan in the amount not-to-exceed \$1,500,000.00 to 1717 East 9<sup>th</sup> LLC for acquisition, renovation, construction and conversion of the East Ohio Gas Building and parking garage to a mixed-use residential complex; 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

**At the request of the Chair of the Economic Development & Planning Committee, Council President Connally referred Resolution No. R2013-0090 to the Economic Development & Planning Committee.**

- b) R2013-0093: A Resolution authorizing the issuance and sale of County of Cuyahoga, Ohio Taxable Economic Development Revenue Bonds, Series 2013 (Flats East Development, LLC Project) in a principal amount not-to-exceed \$17,000,000.00 for the purpose of assisting in financing the costs 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: Tucker Ellis LLP

Committee Assignment and Chair: Economic Development & Planning – Schron

**Clerk Schmotzer read Resolution No. R2013-0093 into the record.**

**This item will move to the July 9, 2013 Council meeting agenda for consideration for third reading adoption.**

16. 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. R2013-0109, R2013-0119, R2013-0120, R2013-0122 and R2013-0123.**

- a) R2013-0091: A Resolution authorizing a Casino Revenue Fund Loan in the amount not-to-exceed \$1,500,000.00 to Flats East Development, LLC for construction of residential and retail components of the Flats East Bank Neighborhood Project – Phase II; 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

**At the request of the Chair of the Economic Development & Planning Committee, Council President Connally referred Resolution No. R2013-0091 to the Economic Development & Planning Committee.**

- b) R2013-0109: A Resolution making an award on RQ26349 to Frank Novak & Sons, Inc. in the amount not-to-exceed \$582,480.00 for interior painting at various County facilities for the period 6/1/2013 - 5/31/2015; 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

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

**On a motion by Mr. Germana with a second by Mr. Schron, Resolution No. R2013-0109 was considered and adopted by unanimous vote.**

- c) R2013-0119: A Resolution adopting the Annual Tax Budget, including the Cuyahoga County Library Budget, for the year 2014; 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 Mr. Rogers, Resolution No. R2013-0119 was considered and adopted by unanimous vote.**

- d) R2013-0120: A Resolution authorizing an amendment to Contract No. CE0800365-01 with Puskarco, LTD for lease of office space located at 11699 Brookpark Road, Parma, for the Employment Connection One-Stop System for use by Department of Workforce Development for the period 6/1/2008 - 5/31/2013 to extend the time period to 5/31/2018 and for additional funds in the amount of \$1,831,060.10; 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. Germana with a second by Mr. Schron, Resolution No. R2013-0120 was considered and adopted by unanimous vote.**

- e) R2013-0122: A Resolution authorizing an Economic Development Fund Loan in the amount not-to-exceed \$650,000.00 to 4400 Carnegie, LLC for redevelopment of a manufacturing facility located at 4400 Carnegie 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

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2013-0122 was considered and adopted by unanimous vote.**

- f) R2013-0123: A Resolution authorizing an Economic Development Fund Large Scale Attraction Loan in the amount not-to-exceed \$3,000,000.00 to 30033 Clemens Road LLC for renovation of a facility located at 30033 Clemens Road, Westlake; 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

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2013-0123 was considered and adopted by unanimous vote.**

17. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING

- a) O2013-0014: An Ordinance establishing a required oath of office or affirmation for County officers, directors and other employees; setting the bonds for County officers, directors, employees and officials; and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Director of Law

Committee Assignment and Chair: Council Operations & Intergovernmental Relations – Greenspan

**Clerk Schmotzer read Ordinance No. O2013-0014 into the record.**

**Council President Connally introduced a proposed substitute on the floor. Discussion ensued. A motion was then made by Ms. Connally, seconded by Mr. Miller and approved by unanimous vote to accept the proposed substitute to Ordinance No. O2013-0014.**

**This item will move to the July 9, 2013 Council meeting agenda for consideration for third reading adoption, as substituted.**

18. MISCELLANEOUS COMMITTEE REPORTS

**Mr. Greenspan reported that the Committee of the Whole will meet on the following dates to hear items referred from the Charter Review Commission:**

- 1) Tuesday, July 9<sup>th</sup> at 3:00 p.m.
- 2) Wednesday, July 10<sup>th</sup> at 1:00 p.m.
- 3) Thursday, July 11<sup>th</sup> at 1:00 p.m.

**Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, July 8<sup>th</sup> and Monday, July 15<sup>th</sup> at 1:00 p.m.**

**Mr. Brady reported that the Health, Human Services & Aging Committee will meet on Wednesday, June 26, 2013 at 1:00 p.m.**

**Mr. Schron reported that the Economic Development & Planning Committee will schedule a meeting for the week of July 1<sup>st</sup>.**

**Ms. Conwell reported that the Human Resources, Appointments and Equity Committee will meet on Tuesday, July 2<sup>nd</sup> at 10:00 a.m.**

**Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, July 3, 2013 at 11:00 a.m.**

**Mr. Rogers reported that the Education, Environment & Sustainability Committee will meet on Wednesday, June 26, 2013 at 3:00 p.m.**

#### 19. MISCELLANEOUS BUSINESS

**Council President Connally announced that she appointed Councilmember Simon to the Dangerous Wild Animal Response Team, as established by the Ohio Dangerous Wild Animal Act.**

#### 20. PUBLIC COMMENT UNRELATED TO AGENDA

**Cleveland City Councilmember Zack Reed addressed Council regarding issues of concern to him relating to the new hotel to be built adjacent to the Convention Center being minority owned and operated.**

#### 21. ADJOURNMENT

**With no further business to discuss, the meeting was adjourned by Council President Connally at 6:02 p.m., without objection.**