



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, AUGUST 23, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
6:00 PM**

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 6:03 p.m.

2. ROLL CALL

Council President Connally asked the Clerk to call the roll. Councilmembers Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers 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 there be a moment of silent meditation.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

a) August 9, 2011 Meeting

A motion was made by Ms. Conwell, seconded by Mr. Schron and approved by unanimous vote to approve the minutes of the August 9, 2011 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- a) **Thanked Council for their consideration of Richard Sensenbrenner as County Treasurer and for expediting the confirmation process;**
- b) **Discussed a Directive issued by the Ohio Secretary of State Jon Husted which now prohibits Boards of Elections from mailing unsolicited absentee ballot request forms to all registered voters in the county. He is researching a solution to continue the program in Cuyahoga County.**

8. CONSIDERATION OF A MOTION OF COUNCIL 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 Motion No. M2011-0043.

- a) M2011-0043: A Motion appointing individuals to serve on the Cuyahoga County Soldiers' and Sailors' Monument Board of Trustees, and declaring the necessity that this Motion become immediately effective.

- 1) Berj Shakarian
- 2) Jerry Young
- 3) William Doyle
- 4) Jon Silvis

Sponsor: Council President Connally

On a motion by Mr. Rogers with a second by Ms. Conwell, Motion No. M2011-0043 was considered and approved by unanimous vote.

9. COMMITTEE REPORT AND CONSIDERATION OF A MOTION 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 No. M2011-0041.

- a) M2011-0041: A Motion confirming the County Executive's appointment of Paul Jurcisin to serve on the Cuyahoga County Corrections Planning Board, 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 Ms. Conwell, Motion No. M2011-0041 was considered and approved by unanimous vote.

10. CONSIDERATION OF A RESOLUTION OF COUNCIL 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 No. R2011-0262.

- a) R2011-0262: A Resolution recognizing the creation of the “Courthouse Centennial Committee” and supporting the Committee’s plans to seek grants and other funding to conduct a year long series of events commemorating the 100th **anniversary** of the Lakeside Courthouse in 2012, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally and County Executive FitzGerald

On a motion by Mr. Greenspan with a second by Ms. Conwell, Resolution No. R2011-0262 was considered and adopted by unanimous vote.

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

- a) O2011-0041: An Ordinance authorizing, enacting and designating an additional five percent of all collections of delinquent real property, personal property, and manufactured and mobile home taxes and assessments to be deposited in the delinquent tax and assessment collection fund for the use of and appropriating such amount to the use of the Cuyahoga County Land Reutilization Corporation, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Brady, Miller, Connally, Jones **and Rogers**

Council President Connally referred Ordinance No. O2011-0041 to the Finance & Budgeting Committee.

- b) O2011-0042: An Ordinance providing for adoption of a policy granting health benefits to domestic partners of County employees, and

declaring the necessity that this Ordinance become immediately effective

Sponsors: Councilmembers Simon, **Miller, Rogers, Connally, Brady and Conwell**

Council President Connally referred Ordinance No. O2011-0042 to the Human Resources, Appointments & Equity Committee and to the Justice Affairs Committee.

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

- a) O2011-0013: An Ordinance providing for adoption of an Open Meetings Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Miller, Greenspan and Brady

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

The Clerk read into the record Ordinance No. O2011-0013; no official action was taken by Council. This item will be placed on the next regular Council meeting agenda for final reading.

- b) O2011-0036: An Ordinance establishing the procedure for adopting a Biennial Operating Budget and Capital Improvements Plan with an annual update, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Miller, Schron, Conwell, Brady, Gallagher, Germana, Greenspan, Rogers, Jones, Simon and Connally

Committee Assignment and Chair: Finance & Budgeting – Miller

The Clerk read into the record Ordinance No. O2011-0036; no official action was taken by Council. This item will be placed on the next regular Council meeting agenda for final reading.

13. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING AND REFERRAL TO COMMITTEE

- a) O2011-0039: An Ordinance establishing procedures governing the use by the County of alternate construction project delivery methods,

including construction manager-at-risk, design-build and general contracting project delivery methods for public construction projects; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Schron and Miller and County Executive FitzGerald

Committee Assignment and Chair: Economic Development & Planning
– Schron

Council President Connally referred Ordinance No. O2011-0039 to the Economic Development & Planning Committee.

14. CONSIDERATION OF A RESOLUTION 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 No. R2011-0263.

- a) R2011-0263: A Resolution amending the 2011 Annual Appropriation Measure 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 Ms. Conwell, Resolution No. R2011-0263 was considered and adopted by unanimous vote.

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

- a) R2011-0264: A Resolution amending Resolution No. R2011-0234 dated 7/26/2011, which authorized an award on RQ19343 to First Energy Solutions in the amount of \$5,500,000.00 for the purchase of electric utility services for County-owned facilities, by changing the time period from 6/1/2011 - 5/31/2012 to 9/1/2011 - 8/31/2013; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

Council President Connally referred Resolution No. R2011-0264 to the Public Works, Procurement & Contracting Committee.

- b) R2011-0265: A Resolution authorizing a Neighborhood Stabilization Program III loan in the amount not-to-exceed \$637,884.00 to Puritas Avenue Associates Limited Partnership for the Hawk's Landing Project, located at 14610 Puritas Avenue, Cleveland; authorizing the Department of Development Deputy Chief or Director to execute all documents required in connection with said loan on behalf of the County Executive; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2011-0265 to the Economic Development & Planning Committee.

- c) R2011-0266: A Resolution authorizing the County Executive to enter into an amendment to Agreement No. AG0900007-01 with City of Cleveland for an Automated Fingerprint Identification System and Mobile Data Needs Assessment for Ohio Homeland Security Region 2 in connection with the FY2007 Law Enforcement Terrorism Prevention Program for the period 7/1/2007 - 3/1/2010 to extend the time period to 12/30/2010 and for additional funds in the amount of \$730,408.94, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Justice Affairs

Council President Connally referred Resolution No. R2011-0266 to the Public Safety Committee.

- d) R2011-0267: A Resolution authorizing the County Executive to enter into an agreement with City of Cleveland in the amount not-to-exceed \$630,558.75 for reimbursement of eligible expenses in connection with the FY2009 State Homeland Security Program-Law Enforcement for the period 8/1/2009 - 4/30/2012.

Sponsor: County Executive FitzGerald/Department of Justice Affairs

Council President Connally referred Resolution No. R2011-0267 to the Public Safety 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. R2011-0247, R2011-0248, R2011-0249, R2011-0250, R2011-0251, R2011-0252, R2011-0253, R2011-0254, R2011-0255 and R2011-0258.

- a) R2011-0247: A Resolution declaring that public convenience and welfare requires repair and resurfacing of Madison Avenue from Riverside Drive to West 117th Street in the City of Lakewood; total estimated construction cost \$2,600,000.00; and authorizing the County Executive to enter into an agreement of cooperation with City of Lakewood in connection with said project.

Sponsors: County Executive FitzGerald/Department of Public Works/
County Engineer and Councilmember Miller

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

On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2011-0247 was considered and adopted by unanimous vote.

- b) R2011-0248: A Resolution authorizing the County Executive to enter into an agreement in an amount equal to the approved appraisal fair market value estimate of \$53,710.00 for settlement of property rights in connection with replacement of Bellaire Road Bridge No. 24 over Big Creek in the City of Cleveland and Village of Linndale for Parcel Nos. 3S (Permanent Sewer Easement) and 3T (Temporary Easement), and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2011-0248 was considered and adopted by unanimous vote.

- c) R2011-0249: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$200.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East

Corporation Line in the City of Solon for Parcel No. 123T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Schron with a second by Ms. Simon, Resolution No. R2011-0249 was considered and adopted by unanimous vote.

- d) R2011-0250: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$8,600.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 58T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Ms. Simon with a second by Mr. Jones, Resolution No. R2011-0250 was considered and adopted by unanimous vote.

- e) R2011-0251: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$250.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 75T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
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. R2011-0251 was considered and adopted by unanimous vote.

- f) R2011-0252: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$590.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 59T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Jones with a second by Ms. Simon, Resolution No. R2011-0252 was considered and adopted by unanimous vote.

- g) R2011-0253: A Resolution authorizing the County Executive to enter into Real Estate Agreement No. 24475 with Ohio Department of Transportation in the amount of \$200,000.00 for partial reimbursement of right-of-way acquisition costs in connection with reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn.

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

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

On a motion by Mr. Germana with a second by Mr. Jones, Resolution No. R2011-0253 was considered and adopted by unanimous vote.

- h) R2011-0254: A Resolution establishing charges payable for connection to the County's sanitary sewerage system in a portion of County Sewer District No. 13 in the City of Brecksville, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
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. R2011-0254 was considered and adopted by unanimous vote.

- i) R2011-0255: A Resolution establishing a capital cost surcharge for construction of a pump station and sanitary sewer lines in Echo Hills Subdivision, located in County Sewer District No. 13, in the City of Brecksville; and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Schron with a second by Mr. Jones, Resolution No. R2011-0255 was considered and adopted by unanimous vote.

- j) R2011-0256: A Resolution authorizing the issuance and sale of self-supporting housing revenue bonds in an amount not-to-exceed \$6,000,000.00 for Puritas Avenue Associates Limited Partnership for the purpose of rehabilitating, improving and equipping a housing facility for low and moderate income families; authorizing the execution and delivery of a loan agreement, bond purchase agreement, trust indenture and tax regulatory agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Bond Counsel: Squire, Sanders & Dempsey, L.L.P.

Committee Assignment and Chair: Economic Development & Planning
– Schron

Resolution No. R2011-0256 was postponed from consideration at the request of the County Executive.

- k) R2011-0257: A Resolution authorizing the issuance and sale of self-supporting housing revenue bonds in an amount not-to-exceed \$5,000,000.00 for Helen S. Brown Apartments, L.P. for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a loan agreement, bond purchase agreement, trust indenture and tax regulatory agreement; authorizing and approving the use and

distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective.

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

Bond Counsel: Roetzel & Andress LPA

Committee Assignment and Chair: Economic Development & Planning
– Schron

Resolution No. R2011-0257 was postponed from consideration at the request of the Economic Development & Planning Committee Chair.

- l) R2011-0258: A Resolution authorizing an award on RQ20109 to Tri Mor Corporation in the amount of \$820,360.00 for the Year Two Pavement Maintenance Program: Apron A1, B reconstruction and Apron A2, C, D1 rehabilitation for the period 8/9/2011 - 6/6/2012; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development/
County Airport

Committee Assignment and Chair: Economic Development & Planning
– Schron

On a motion by Mr. Schron with a second by Mr. Jones, Resolution No. R2011-0255 was considered and adopted by unanimous vote.

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

- a) O2011-0043: An Ordinance providing for adoption of the Cuyahoga County Civil Service Pay Equity Plan, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Human Resource Commission

Council President Connally referred Ordinance No. O2011-0043 to the Human Resources, Appointments & Equity Committee.

18. COMMITTEE REPORT AND CONSIDERATION OF ORDINANCES FOR SECOND READING AND **REFERRAL TO COMMITTEE**

- a) O2011-0034: An Ordinance providing for adoption of administrative rules for the Cuyahoga County Human Resource Commission, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Human Resource Commission

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

Council President Connally referred Ordinance No. O2011-0034 to the Human Resources, Appointments & Equity Committee.

- b) O2011-0038: An Ordinance providing for adoption of various changes to the Cuyahoga County Non-Bargaining Classification Plan, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Human Resource Commission

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

Council President Connally referred Ordinance No. O2011-0038 to the Human Resources, Appointments & Equity Committee.

19. MISCELLANEOUS COMMITTEE REPORTS

Council President Connally reported that there will be a Work Session on Tuesday, September 13, 2011 at 4:00 p.m. to discuss proposed education initiatives connected with the scholarship fund program.

Mr. Germana reported that he will be hosting a forum with the Northeast Ohio City Council Association on Thursday, September 15, 2011 at 7:00 p.m. Public participation is encouraged.

Mr. Jones reported that there will be a Public Works, Procurement & Contracting Committee meeting on Thursday, August 25, 2011 at 11:00 a.m.

Mr. Miller reported that there will be a Finance & Budgeting Committee meeting on Monday, August 29, 2011 at 2:00 p.m.

Mr. Brady reported that there will be a Health, Human Services & Aging Committee meeting on Thursday, September 1, 2011 at 1:00 p.m.

20. MISCELLANEOUS BUSINESS

Council President Connally stated that there will be two County Districting Commission meetings on Wednesday, August 24, 2011 at 10:00 a.m. and at 5:30 p.m. at Cleveland State University. Members of the public are encouraged to attend. Council President Connally then stated that the Cleveland Orchestra will perform a free outdoor concert to commemorate the 10th anniversary of the September 11th attacks on Sunday, September 11, 2011 at 2:30 p.m.

Mr. Gallagher stated that the groundbreaking ceremony for the wind turbine project at the County Fairgrounds will take place on Wednesday, August 24, 2011 at 10:30 a.m.

Mr. Greenspan stated that there will be a Public Safety Charity Softball Tournament to recognize the District 11 public safety forces on August 26, 27 and 28, 2011 at North Olmsted Community Park.

21. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

22. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Miller with a second by Ms. Conwell, the meeting was adjourned at 6:52 p.m., without objection.