



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, JANUARY 24, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
5:00 PM**

1. CALL TO ORDER

In the absence of Council President Connally, Council Vice President Simon presided over the meeting. The meeting was called to order at 5:15 p.m.

2. ROLL CALL

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

A motion was then made by Council Vice President Simon, seconded by Mr. Miller and approved by unanimous vote to excuse Council President Connally from the meeting.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council Vice President Simon requested there be a moment of silent meditation for personal reflection.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

- a) January 10, 2012 Meeting

A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to approve the minutes of the January 10, 2012 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported that state funding for the Inner Belt Bridge Project had been cut and stated his intent to work towards getting the funding restored. He asked Council to join in supporting this effort.

8. 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. M2012-0002 and M2012-0003.

- a) M2012-0002: A Motion confirming the County Executive's appointment of Edna Fuentes-Casiano to serve on the Cuyahoga County Public Library Board of Trustees, 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 Ms. Simon with a second by Ms. Conwell, Motion No. M2012-0002 was considered and approved by unanimous vote.

- b) M2012-0003: A Motion confirming the County Executive's appointment of Barbara J. Thomas to serve on the Office of Homeless Services Advisory Board, and declaring the necessity that this Motion become immediately effective.

Sponsors: Council President Connally and **Councilmembers Rogers and Conwell**

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

On a motion by Mr. Miller with a second by Mr. Rogers, Motion No. M2012-0003 was considered and approved by unanimous vote.

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

- a) R2012-0011: A Resolution proclaiming the month of May of each year as Multiple Chemical Sensitivity Awareness Month in Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Miller, Simon and Conwell

Council Vice President Simon referred Resolution No. R2012-0011 to the Environment & Sustainability Committee.

10. 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. R2012-0012 and R2012-0013.

- a) R2012-0012: 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, 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. R2012-0012 was considered and adopted by unanimous vote.

- b) R2012-0013: A Resolution amending BOCC Resolution No. 103040 dated 7/22/2010, which authorized employment of the law firm of Weston Hurd, LLP, for legal services in connection with United States District Court Case No. 1:08-CV-01339-DCN, Angela Lowe, et al. vs. Cuyahoga County, et al., by changing the amount not-to-exceed from \$330,000.00 to \$363,100.00; authorizing the County Executive to execute all documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Law on behalf of the Prosecutor's Office

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2012-0013 was considered and adopted by unanimous vote.

- c) R2012-0017: A Resolution authorizing a Water Pollution Control Loan Fund Agreement with Ohio Environmental Protection Agency and Ohio Water Development Authority in the amount of \$378,483.00 for the Jefferson Drive Lateral Rehabilitation/Reconstruction Project; 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

At the request of the Law Department, Council Vice-President Simon referred Resolution No. R2012-0017 to the Environment & Sustainability Committee.

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

- a) R2012-0014: A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources and for appropriation transfers between budget accounts, in order to meet the budgetary needs of various County departments, offices and agencies related to year-end close-out activities, in accordance with Resolution No. R2011-0320, and declaring the necessity that this Resolution become immediately effective.

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

Council Vice President Simon referred Resolution No. R2012-0014 to the Finance & Budgeting Committee.

- b) R2012-0015: A Resolution approving the appropriation of funds for Year 2012 based on the Statement of Appropriation Status dated 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

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

Council Vice President Simon referred Resolution No. R2012-0015 to the Finance & Budgeting Committee.

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

[Note: Item No. 12 was taken out of order after Item No. 19 on the agenda.]

A motion was made by Ms. Simon, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2012-0016.

- a) R2012-0016: A Resolution approving an amendment to a Collective Bargaining Agreement with Teamsters Local 436, affiliated with the International Brotherhood of Teamsters, covering approximately 7 employees at the County Airport for the period 12/1/2010 - 11/30/2013; directing that funds necessary to implement the amended Collective Bargaining Agreement be budgeted and appropriated; authorizing the County Executive to execute all documents consistent with this Resolution, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Departments of Development and Law

- b) Purchase/Sale of Real Estate - Discussion

A motion was made by Council Vice President Simon, seconded by Mr. Miller, and approved by unanimous vote to move to Executive Session for the purpose of discussing matters concerning a collective bargaining agreement and the purchase and sale of real estate, and for no other purpose whatsoever. Executive Session was then called to order by Council Vice-President Simon at 6:25 p.m. The following members were present: Councilmembers Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon, Greenspan and Miller. The following additional attendees were present: Deputy Clerk of Council Nikima Barnhill, Director of Law Majeed Makhlof, Assistant Law Director Christopher Russ, Assistant Law Director Ed Morales, Deputy Chief Director of Law Nora Hurley, Director of Human Resources Elise Hara, Council Chief of Staff Joe Nanni and Legislative Budget Advisor Trevor McAleer. At 7:38 p.m., Executive Session was adjourned, without objection, and Council Vice President Simon then reconvened the regular meeting.

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2012-0016 was considered and adopted by unanimous vote.

13. 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. R2012-0004, R2012-0005, R2012-0006, R2012-0007 and R2012-0009.

- a) R2012-0004: A Resolution declaring that public convenience and welfare requires deck sealing of various bridges in connection with the Bridge Deck Sealing Program; total estimated construction costs \$150,000.00; and finding that special assessments are not to be levied and collected to pay any part of the County's costs of said improvements:
- 1) Bassett Road Bridge No. 03.57 over Porter Creek in the City of Bay Village.
 - 2) Bennett Road Bridge No. 01.82 over the East Branch of Rocky River in the City of North Royalton.
 - 3) Harvard Avenue Bridge No. 00.16 over the Cuyahoga River in the City of Cleveland and Village of Cuyahoga Heights.
 - 4) Lewis Road Bridge No. 02.91 over the West Branch of Rocky River in Olmsted Township and City of North Olmsted.
 - 5) Rockside Road Bridge No. 03.41 over the Ohio Canal in the Village of Valley View.
 - 6) Triskett Road Bridge No. 01.34 over the Norfolk Southern Railroad and Greater Cleveland Regional Transit Authority in the City of Cleveland.
 - 7) Whiskey Island Drive Bridge No. 00.93 over the Norfolk Southern Railroad in the City of Cleveland.

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 Mr. Rogers, Resolution No. R2012-0004 was considered and adopted by unanimous vote.

- b) R2012-0005: A Resolution declaring that public convenience and welfare requires replacement of sidewalks on various bridges in connection with

the Bridge Sidewalk Replacement Program; total estimated construction costs \$1,250,000.00; and finding that special assessments are not to be levied and collected to pay any part of the County's costs of said improvements:

1) East Project:

- i) Chagrin River Road Bridge No. 02.40 over Sulphur Springs Creek in the Village of Bentleyville.
- ii) Pleasant Valley Road Bridge No. 09.68 over Cuyahoga River, Canal Road and Ohio Canal in the City of Independence and Village of Valley View.
- iii) Rockside Road Bridge No. 03.23 over CSXT Railroad and Access Road in the City of Independence.
- iv) Rockside Road Bridge No. 03.32 over Cuyahoga River in the City of Independence and Village of Valley View.
- v) Rockside Road Bridge No. 04.80 over former P&LE Railroad Right-of-Way in the Village of Valley View.

2) West Project:

- i) Bagley Road Bridge No. 05.63 over East Branch of Rocky River in the City of Berea.
- ii) Hilliard Road Bridge No. 03.21 over Cahoon Creek in the City of Westlake.
- iii) Hilliard Road Bridge No. 08.57 over Rocky River, Cleveland MetroParks and Valley Parkway in the Cities of Rocky River and Lakewood.

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 Mr. Miller, Resolution No. R2012-0005 was considered and adopted by unanimous vote.

- c) R2012-0006: A Resolution declaring that public convenience and welfare requires various replacements on various bridges; total estimated

construction cost \$150,000.00 each; and finding that special assessments are not to be levied and collected to pay any part of the County's costs of said improvements:

- 1) deck replacement on Lee Road Bridge No. 00.77 over Mill Creek in the City of Maple Heights.
- 2) railing replacement on Memphis Road Bridge No. 00.95 over Countryman's Creek 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. R2012-0006 was considered and adopted by unanimous vote.

- d) R2012-0007: A Resolution approving a Participation and Redevelopment Agreement with Cleveland Housing Network, Inc. for the Emerald Alliance VII Redevelopment Project, located at 9431 Lorain Avenue and 3147 West 95th Street, Cleveland, for the period 10/10/2011 - 10/9/2015 in connection with a Clean Ohio Assistance Fund grant agreement with State of Ohio, Department of Development in the amount of \$656,272.00; 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 Development

Committee Assignment and Chair: Economic Development & Planning –
Schron

On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2012-0007 was considered and adopted by unanimous vote.

- e) R2012-0009: A Resolution approving an amendment to Contract No. CE1100151-02 with Berea Children's Home for Community-based Treatment Center management services for the period 1/1/2011 - 6/30/2011 to extend the time period to 6/30/2012 and for additional funds in the amount of \$1,153,828.80; 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.

Sponsors: County Executive FitzGerald on behalf of Juvenile Court
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Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2012-0009 was considered and adopted by unanimous vote.

14. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE 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 Ordinance No. O2012-0001.

- a) O2012-0001: An Ordinance amending Ordinance No. O2011-0016, as amended, which established the organizational structure of the Department of Law.

Sponsor: County Executive FitzGerald/Departments of Law and Public Works

Committee Assignments and Chairs: Human Resources, Appointments & Equity – Conwell and Justice Affairs – Simon

Council Vice President Simon introduced a substitute to Ordinance No. O2012-0001 on the floor. Discussion ensued.

A motion was then made by Ms. Simon, seconded by Mr. Schron and approved by unanimous vote to accept Ordinance No. O2012-0001, as substituted.

On a motion by Mr. Germana with a second by Mr. Schron, Ordinance No. O2012-0001 was considered and adopted by unanimous vote, as substituted.

15. CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION

- a) O2011-0061: An Ordinance providing for modifications and adoption of the County's Human Resources Personnel Policies and Procedures Manual to be applicable to all County employees, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Human Resources on behalf of Human Resource Commission

On a motion by Mr. Schron with a second by Mr. Rogers, Ordinance No. O2011-0061 was considered and adopted by unanimous vote.

16. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR THIRD
READING ADOPTION

- a) O2011-0049: An Ordinance authorizing the County Executive to establish an Economic Development Fund for the purpose of investing in job growth and economic development in Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and
**Councilmembers Brady, Germana, Gallagher, Schron, Conwell, Jones,
Rogers, Simon and Miller**

Committee Assignment and Chair: Economic Development and Planning
– Schron

**Mr. Schron introduced a substitute to Ordinance No. O2011-0049 on the floor.
Discussion ensued.**

**A motion was made by Ms. Conwell, seconded by Mr. Rogers and approved by
unanimous vote to accept Ordinance No. O2011-0049, as substituted.**

**A motion was then made by Mr. Germana, seconded by Mr. Schron and approved by
unanimous vote to amend Section 4 of Ordinance No. O2011-0049 to state the
following:**

***The Department of Development, CCCIC or the appropriate approving authority shall
have the ability to modify parameters or terms for any individual transaction in the
\$100 Million Economic Development Fund including but not limited to loan amount,
interest rate and time period. Any changes to the parameters or terms shall be
provided to the appropriate approving body as part of the review documents.***

**On a motion by Mr. Schron with a second by Ms. Conwell, Ordinance No. O2011-
0049 was considered and adopted by unanimous vote, as substituted and amended.**

17. MISCELLANEOUS COMMITTEE REPORTS

**Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday,
January 30, 2012 at 1:00 p.m.**

**Mr. Rogers reported that the Environment & Sustainability Committee will meet on
Friday, January 27, 2012 at 1:00 p.m.**

**Mr. Brady reported that the Health, Human Services & Aging Committee will meet
on Thursday, January 26, 2012 at 1:00 p.m.**

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, January 26, 2012 at 11:00 a.m.

Council Vice-President Simon announced that the Committee of the Whole will meet on Tuesday, January 31, 2012 at 4:00 p.m. to discuss the Inner Belt Bridge Project.

Council Vice President Simon stated that on behalf of Council President Connally, all Committee Chairs and Committee members have been reassigned to their respective committees.

18. MISCELLANEOUS BUSINESS

- a) Top Dog Essay Contest Winner Troy Shick

Troy Shick, winner of the Top Dog Essay Contest, read his essay to Council. A slideshow presentation of Councilmembers and staff with their pets followed.

Council Vice President Simon stated that the County Executive's State of the County Address will be held on Wednesday, February 1, 2012 at 12:00 p.m. at the Renaissance Cleveland Hotel.

19. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

20. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Germana with a second by Mr. Greenspan, the meeting was adjourned at 7:39 p.m., without objection.