



## **MINUTES**

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, JULY 12, 2011  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
6:00 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 6:04 p.m.**

### **2. ROLL CALL**

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

**A motion was then made by Council Vice-President Simon, seconded by Mr. Gallagher and approved by unanimous vote to excuse Council President Connally.**

**A motion was then made by Council Vice-President Simon, 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 Vice-President Simon requested a moment of silent meditation in honor of those who have been affected by the heat wave and drought in the Southwest region of the country.**

5. PUBLIC COMMENT RELATED TO AGENDA

**There was no public comment.**

6. APPROVAL OF MINUTES

- a) June 28, 2011 Meeting

**A motion was made by Mr. Greenspan, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the June 28, 2011 meeting.**

7. MESSAGES FROM THE COUNTY EXECUTIVE

- a) Contracts executed by County Executive

**Mr. Bob Ivory, Special Assistant to the County Executive, addressed Council on behalf of County Executive FitzGerald. The contracts executed by the County Executive are in the agenda packet.**

**Mr. David Merriman, Special Assistant to the County Executive, addressed Council regarding findings of The MetroHealth Task Force. Mr. Brady requested that Mr. Merriman testify to the Health, Human Services & Aging Committee.**

8. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Council Vice-President Simon, seconded by Mr. Miller and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion No. M2011-0040.**

- a) M2011-0040: A Motion confirming the County Executive's appointment of J. B. Silvers, Ph.D. to serve on The MetroHealth System Board of Trustees, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Committee Assignments and Chairs: Human Resources, Appointments & Equity – Conwell and Health, Human Services & Aging – Brady

**On a motion by Mr. Greenspan with a second by Ms. Conwell, Motion No. M2011-0040 was considered and approved by unanimous vote.**

9. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Mr. Miller, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2011-0220 and R2011-0221.**

- a) R2011-0220: 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 Council Vice-President Simon, Resolution No. R2011-0220 was considered and adopted by unanimous vote.**

- b) R2011-0221: A Resolution authorizing awards on RQ19761 to various appraisers for 2012 sexennial reappraisal and annual maintenance; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective:

1) each in the amount of \$42,900.00 for the period 5/23/2011 - 12/31/2012:

- a) Daniel P. Forrester
- b) Edward D. Horton
- c) Wayne F. Levering
- d) Rosemary A. Schneider

2) for the period 7/5/2011 - 12/31/2012:

- e) Daniel F. Bubb Jr. in the amount of \$104,000.00
- f) John Q. Ebert in the amount of \$96,000.00
- g) James Robert Wardell in the amount of \$124,000.00

3) each in the amount of \$48,000.00 for the period 8/15/2011 - 12/31/2012:

- h) John Andrews
- i) George Gerald Burke
- j) Mark A. Butler
- k) Richard W. Carey
- l) Anthony Colabianchi
- m) Gregory W. Conte

- n) James P. Evans
- o) Timothy A. Finkler
- p) Thomas P. Hogan
- q) Christina L. Kapusi
- r) Paul Kinczel
- s) John Koz
- t) John F. Lenehan
- u) Christopher J. Loftus
- v) Bruce J. Mamer
- w) Paul McLaughlin
- x) Maria Joanne Neal
- y) Judith Patriski
- z) Stanley R. Patriski
- aa) Debbie A. Pattie
- ab) Ronald C. Retych
- ac) Daniel Rocco
- ad) Andrea Jo Roff
- ae) Kristin Sarkisian
- af) Thomas W. Shepard
- ag) David W. Ward
- ah) Crystal A. Williams
- ai) Gregory P. Zimmer

Sponsor: County Executive FitzGerald/Fiscal Officer

**On a motion by Mr. Miller with a second by Council Vice-President Simon, Resolution No. R2011-0221 was considered and adopted by unanimous vote.**

10. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER  
SUSPENSION OF RULES/EXECUTIVE SESSION

**[Note: Item No. 10 was taken out of order after Item No. 17 on the agenda.]**

**A motion was made by Ms. Conwell, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2011-0222.**

- a) R2011-0222: A Resolution **accepting** findings and recommendations of a Fact-finder concerning negotiations between the County and the Service Employees International Union, District 1199, for 2011 wage re-opener negotiations covering approximately 123 employees in nine classifications in the Department of Public Works, and declaring the necessity that this Resolution become immediately effective.

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

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 with the Law Director matters concerning findings of a Fact-finder, and for no other purpose whatsoever. Executive Session was then called to order by Council Vice-President Simon at 6:55 p.m. The following members were present: Councilmembers Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana and Gallagher. The following additional attendees were present: Clerk of Council Jeanne Schmotzer, Law Director Majeed Makhlof, Director of Public Works Bonnie Teeuwen, Special Assistant to the County Executive David Merriman and Deputy Clerk of Council Nikima Barnhill. At 7:10 p.m., a motion was made by Mr. Miller, seconded by Mr. Gallagher and unanimously approved to adjourn Executive Session. Council Vice-President Simon then reconvened the regular meeting.

A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to amend Resolution No. R2011-0222 to "accept" the Fact-finder report.

On a motion by Council Vice-President Simon with a second by Mr. Germana, Resolution No. R2011-0222 was considered and adopted by unanimous vote, as amended on the floor.

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

- a) R2011-0223: A Resolution declaring that public convenience and welfare requires resurfacing of Taylor Road from Euclid Avenue to the East Cleveland South Corporation Line in the City of East Cleveland; total estimated construction cost \$1,375,000.00; finding that special assessments are not to be levied and 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 City of East Cleveland in connection with said project.

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

**Council Vice-President Simon referred Resolution No. R2011-0223 to the Public Works, Procurement & Contracting Committee.**

- b) R2011-0224: A Resolution authorizing the County Executive to enter into an agreement of cooperation with Village of Bratenahl for replacement of Lakeshore Boulevard Bridge No. 188.

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

**Council Vice-President Simon referred Resolution No. R2011-0224 to the Public Works, Procurement & Contracting Committee.**

- c) R2011-0225: A Resolution authorizing the County Executive to enter into a Local Public Agency agreement with Ohio Department of Transportation for local replacement and rehabilitation of the following bridges: Miles Road Bridge over the Chagrin River in the City of Bentleyville, Monticello Boulevard Bridge over the Rocky River in the City of North Olmsted, Hilliard Road Bridge over the Rocky River in the City of Lakewood and Cedar Point Road Bridge over the West Branch of Euclid Creek in the City of South Euclid; and declaring the necessity that this Resolution become immediately effective.

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

**A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to amend Resolution No. R2011-0225 to correct technical errors.**

**Council Vice-President Simon then referred Resolution No. R2011-0225 to the Public Works, Procurement & Contracting Committee.**

- d) R2011-0226: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$150.00 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. 113T, and declaring the necessity that this Resolution become immediately effective.

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

**Council Vice-President Simon referred Resolution No. R2011-0226 to the Public Works, Procurement & Contracting Committee.**

- e) R2011-0227: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$310.00 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. 129T, and declaring the necessity that this Resolution become immediately effective.

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

**Council Vice-President Simon referred Resolution No. R2011-0227 to the Public Works, Procurement & Contracting Committee.**

- f) R2011-0228: A Resolution authorizing an award on RQ19570 to Town Center Construction, LLC, in the amount of \$360,900.00 for construction of an Energy Center at the Cuyahoga County Fairgrounds in connection with the Fairgrounds Wind Turbine Project; 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 Public Works

**Council Vice-President Simon referred Resolution No. R2011-0228 to the Economic Development & Planning Committee and to the Environment & Sustainability Committee.**

- g) R2011-0229: A Resolution amending Resolution No. R2011-0034 dated 1/25/2011, which authorized an economic development loan in the amount not-to-exceed \$800,000.00 for construction of a facility to be located on Cornell Road, Cleveland, to change the name of the borrower from SDC University Circle Developer LLC to SDC University Circle LL LLC; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council Vice-President Simon referred Resolution No. R2011-0229 to the Economic Development & Planning Committee.**

- h) R2011-0230: A Resolution authorizing a Brownfields Redevelopment Fund loan in the amount not-to-exceed \$1,000,000.00 to Miceli-Lograsso Development III LLC for a Phase II Expansion Project, located at 2800 East 90<sup>th</sup> Street, Cleveland; authorizing the Director or Deputy Chief of Staff to execute all documents required in connection with said loan; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council Vice-President Simon referred Resolution No. R2011-0230 to the Economic Development & Planning Committee.**

- i) R2011-0231: A Resolution authorizing the County Executive to enter into a contract with Toshiba Business Solutions - OH in the amount of \$4,000,000.00 for Countywide enterprise digital and print management services using "green" friendly technology for the period 7/1/2011 - 6/30/2016, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Information Services Center

**Council Vice-President Simon referred Resolution No. R2011-0231 to the Finance & Budgeting Committee.**

- j) R2011-0232: A Resolution authorizing the County Executive/Office of Procurement & Diversity to participate in the Ohio Department of Transportation Cooperative Purchasing Program for the period 5/1/2011 - 4/30/2013, in accordance with Ohio Revised Code Section 5513.01(B); and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

**Council Vice-President Simon referred Resolution No. R2011-0232 to the Public Works, Procurement & Contracting Committee.**

- k) R2011-0233: A Resolution authorizing the County Executive to enter into a contract with Berea Children's Home in the amount not-to-exceed \$507,600.00 for Community-based Treatment Center management services for the period 1/1/2011 - 6/30/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald and Juvenile Court

**Council Vice-President Simon referred Resolution No. R2011-0233 to the Justice Affairs Committee.**

- l) R2011-0234: A Resolution authorizing 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 for the period 6/1/2011 – 5/31/2012; 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 Public Works

**Council Vice-President Simon referred Resolution No. R2011-0234 to the Public Works, Procurement & Contracting Committee.**

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



**A motion was made by Council Vice-President Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2011-0212, R2011-0218 and R2011-0219.**

- a) R2011-0212: A Resolution amending Resolution No. R2011-0087 dated 3/8/2011, which amended the 2011 Annual Appropriation Measure by approving additional appropriation decreases, to rescind a decrease in appropriations; 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 Council Vice-President Simon with a second by Ms. Conwell, Resolution No. R2011-0212 was considered and adopted by unanimous vote.**

- b) R2011-0218: A Resolution adopting the Annual Tax Budget, including the Cuyahoga County Library Budget, for the year 2012, 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 Ms. Conwell, Resolution No. R2011-0218 was considered and adopted by unanimous vote.**

- c) R2011-0219: A Resolution authorizing the County Executive to enter into a contract with Emerald Development and Economic Network, Inc. in the amount not-to-exceed \$1,325,520.00 for the Shelter Plus Care Sponsor-based Rental Assistance Program in connection with the FY2009 Continuum of Care Homeless Assistance Programs for the period 12/1/2010 - 11/30/2015, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Office of Homeless Services

Committee Assignment and Chair: Health, Human Services & Aging – Brady

**On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2011-0219 was considered and adopted by unanimous vote.**

13. CONSIDERATION OF ORDINANCES FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2011-0029: An Ordinance amending Ordinance No. O2011-0016 to establish the organizational structure of the Department of Law.

Sponsor: County Executive FitzGerald/Department of Law

**Council Vice-President Simon referred Ordinance No. O2011-0029 to the Justice Affairs Committee.**

- b) O2011-0030: An Ordinance amending Ordinance No. O2011-0014 establishing the Board of Control, establishing procedures governing the making of County contracts and the purchasing of County supplies and equipment, providing procedures for the making of public improvements, establishing procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald and Councilmember Miller

**Council Vice-President Simon referred Ordinance No. O2011-0030 to the Public Works, Procurement & Contracting Committee.**

14. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Council Vice-President Simon, seconded by Mr. Brady and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2011-0027.**

- a) O2011-0027: An Ordinance amending Ordinance No. O2011-0010 to establish divisions and sections within the Department of Public Works.

Sponsor: County Executive FitzGerald/Department of Public Works

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

**On a motion by Council Vice President Simon with a second by Mr. Jones, Ordinance No. O2011-0027 was considered and adopted by unanimous vote.**

15. MISCELLANEOUS COMMITTEE REPORTS

**Mr. Miller provided an update regarding the midyear budget process. There will be a Finance & Budgeting Committee meeting on Wednesday, July 13, 2011 at**

**10:00 a.m. and two more budget hearings will be held this week in the Health, Human Services & Aging Committee meeting scheduled for Thursday, July 14, 2011 at 1:00 p.m. and in the Justice Affairs Committee meeting scheduled for Friday, July 15, 2011 at 11:30 a.m. The Finance & Budgeting Committee meeting scheduled for Monday, July 18, 2011 has been changed from 1:00 p.m. to noon.**

**Mr. Greenspan reported that the next Rules, Charter Review, Ethics & Council Operations Committee meeting is scheduled for Tuesday, August 9, 2011 at 1:00 p.m. The agenda will include discussion regarding the public meetings ordinance and pending campaign finance legislation coming out of the Law Department.**

**Mr. Rogers reported that the next Environment & Sustainability Committee meeting is scheduled for Friday, July 15, 2011 at 1:00 p.m. Mr. Rogers continued by reporting that he as well as other members of Council and the Administration met with the Emerald Cities Collaborative, a national non-profit organization that encourages retrofitting government and private sector buildings to become energy efficient, which in turn provides workforce development opportunities.**

**Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, July 14, 2011 at 11:00 a.m.**

**Council Vice-President Simon reported that the Justice Affairs Committee will meet on Friday, July 15, 2011 at 11:30 a.m.**

#### **16. MISCELLANEOUS BUSINESS**

**Ms. Conwell reported that she spent the day at Young Audiences ArtWorks, a six-week multi-disciplinary, arts-based job-training program for Northeast Ohio high school students that provides training in the arts while developing skills for the workplace.**

#### **17. PUBLIC COMMENT UNRELATED TO AGENDA**

**There was no public comment.**

#### **18. ADJOURNMENT**

**With no further business to discuss and on a motion by Council Vice President Simon with a second by Mr. Germana, the meeting was adjourned at 7:16 p.m., without objection.**