



MINUTES

**CUYAHOGA COUNTY COUNCIL SPECIAL MEETING
MONDAY, AUGUST 29, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
4:00 PM**

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 4:00 p.m.

2. ROLL CALL

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

A motion was then made by Council President Connally, seconded by Mr. Germana and approved by unanimous vote to excuse Mr. Schron from the meeting due to business-related reasons.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Connally requested that a moment of silent meditation be dedicated to the victims of Hurricane Irene as well as to the first responders who are assisting in the rescue efforts.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

- a) August 23, 2011 Regular Meeting

A motion was made by Ms. Conwell, seconded by Mr. Brady and approved by unanimous vote to approve the minutes of the August 23, 2011 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- a) Attended the final mediation session between the Northeast Ohio Regional Sewer District and suburban mayors. An agreement was not reached; therefore, the matter will go to trial, which is scheduled for October 31, 2011;**
- b) Thanked Council for their expeditious review and consideration of Mr. Richard Sensenbrenner's nomination as County Treasurer.**

8. COMMITTEE REPORT AND 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 Rule 9D and to place on final passage Motion No. M2011-0044.

- a) M2011-0044: A Motion confirming the County Executive's appointment of Richard W. Sensenbrenner upon his taking the oath of office as the Treasurer of Cuyahoga County, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Committee Assignment and Chair: Committee of the Whole – Connally

On a motion by Mr. Rogers with a second by Ms. Simon, Motion No. M2011-0044 was considered and approved by unanimous vote.

9. 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. R2011-0268, R2011-0269, R2011-0270 and R2011-0271.

- a) R2011-0268: A Resolution fixing sewer maintenance and/or sewerage treatment rates for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 20, 21, 22 and 24 and for the City of Pepper Pike, in accordance with Ohio Revised Code Chapter 6117; and declaring the necessity that this Resolution become immediately effective.

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

On a motion by Ms. Simon with a second by Mr. Greenspan, Resolution No. R2011-0268 was considered and adopted by unanimous vote.

- b) R2011-0269: A Resolution approving and confirming the 2012 sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 20, 21, 22 and 24 and for the City of Pepper Pike, in accordance with Ohio Revised Code Chapter 6117; and declaring the necessity that this Resolution become immediately effective.

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

On a motion by Mr. Germana with a second by Ms. Simon, Resolution No. R2011-0269 was considered and adopted by unanimous vote.

- c) R2011-0270: A Resolution determining and declaring that the County's engagement in the effort to maximize voter participation and voting by mail is a public purpose and authorizing the County Executive to undertake all acts necessary to engage the County in the effort to maximize voter participation and voting by mail, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald and Councilmembers Connally, Brady, Jones, Simon, Rogers, Conwell, Gallagher **and Miller**

County Executive FitzGerald stated that he was in receipt of a letter from Ohio Auditor of State David Yost and requested a brief recess by Council in order to review the letter with the Law Director. A recess was then taken by Council from 4:45 p.m. to 5:03 p.m.

Mr. Greenspan offered a written amendment on the floor. A motion was then made by Mr. Greenspan and seconded by Mr. Gallagher to amend Section 2.2 to state, "*The County shall provide a self-addressed return envelope with the application addressed to the Cuyahoga County Board of Elections.*" Discussion ensued. The motion failed on a vote of 3 yeas and 7 nays with Councilmembers Greenspan, Gallagher and Germana voting in the affirmative and Councilmembers Miller, Brady, Conwell, Jones, Rogers, Simon and Connally casting dissenting votes.

Mr. Majeed Makhoulf, Director of Law, offered an amendment on the floor to state the following:

WHEREAS, the Ohio Secretary of State and the Ohio Attorney General argued in the Vanzant v. Brunner case, U.S.

District Court for the Southern District of Ohio Case No. 1:10-cv-596, that urban counties have a compelling public interest to mail applications for voting by mail to their citizens with postage-prepaid return envelopes; and,

WHEREAS, the Ohio Secretary of State and the Ohio Attorney General argued in the Vanzant case that such practice was constitutional and did not violate equal protection or due process; and,

WHEREAS, U.S. District Court Chief Judge Susan J. Dlott of the U.S. District Court for the Southern District of Ohio agreed with the State and denied entry of a temporary restraining order in the Vanzant case based on equal protection and due process claims; and,

WHEREAS, this Council relies on the State's argument and the U.S. District Judge Dlott's opinion in the Vanzant case in taking this action today and adopting this Resolution; and,

On a motion by Ms. Simon with a second by Ms. Conwell, the amendment as read into the record was unanimously approved.

On a motion by Mr. Rogers with a second by Ms. Simon, Resolution No. R2011-0270, as amended, was considered and adopted by unanimous vote.

- d) R2011-0271: 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.

Sponsors: County Executive FitzGerald/Office of Budget & Management

On a motion by Ms. Conwell with a second by Mr. Brady, Resolution No. R2011-0271 was considered and adopted by majority vote, with Mr. Greenspan casting a dissenting vote.

10. CONSIDERATION OF AN ORDINANCE FOR FIRST READING AND REFERRAL TO COMMITTEE 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 refer Ordinance No. O2011-0044 to committee.

- a) O2011-0044: An Ordinance amending Ordinance No. O2011-0014, as amended in Ordinance Nos. O2011-0030 and O2011-0033, which enacted a Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald and Councilmembers Miller and Jones

Council President Connally referred Ordinance No. O2011-0044 to the Public Works, Procurement & Contracting Committee.

11. MISCELLANEOUS COMMITTEE REPORTS

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.

12. MISCELLANEOUS BUSINESS

- a) Mr. Marcus Glover, General Manager, Horseshoe Casino Cleveland, will address Council regarding the Casino's upcoming hiring program/process.

Mr. Marcus Glover was unable to attend the meeting. A meeting will be scheduled with members of Council at a later date.

Council President Connally 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. at Public Square.

13. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

14. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Miller with a second by Ms. Simon, the meeting was adjourned at 5:35 p.m., without objection.