

**AGENDA**  
**CUYAHOGA COUNTY COUNCIL SPECIAL MEETING**  
**TUESDAY, MARCH 1, 2011**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**4:30 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SILENT MEDITATION
4. ROLL CALL
5. PUBLIC COMMENT RELATED TO AGENDA
6. APPROVAL OF MINUTES
  - a) February 22, 2011 Meeting
7. MESSAGES FROM THE COUNTY EXECUTIVE
  - a) Contracts executed by County Executive
8. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES
  - a) **R2011-0072**: A Resolution opposing the State of Ohio's plan to recapture and reallocate American Recovery and Reinvestment Act of 2009 Home Weatherization Assistance Program funds from the County of Cuyahoga and other similarly situated subgrantees; requesting the State of Ohio to reconsider and reverse its action; and urging all State Senators, State Representatives, Congressional Representatives and US Senators representing Cuyahoga County to oppose this action; and declaring the necessity that this Resolution become immediately effective.  
  
Sponsor: Rogers and County Executive FitzGerald
9. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES
  - a) **R2011-0073**: A Resolution authorizing the County Executive or his designee to enter into a temporary construction license agreement among Gateway Park, LLC, and Ferrous Realty Limited, an Ohio limited

partnership, and City of Brooklyn for the purpose of modifying the Memphis Industrial Parkway for the period 2/28/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

- b) **R2011-0074**: A Resolution authorizing the County Executive or his designee to grant a permanent easement and right-of-way to The Cleveland Electric Illuminating Company dba The Illuminating Company in the amount of \$1.00 to erect, construct, operate, maintain for transmission and distribution of electricity for public and private use poles, wires, equipment and appliances on and over County-owned property located at 10991 Memphis Avenue, Brooklyn, in connection with construction of the Memphis Industrial Parkway, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

#### 10. CONSIDERATION OF AN ORDINANCE FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

- a) **O2011-0016**: An Ordinance authorizing the creation of a Law Department under the supervision of the Director of Law as provided for in Section 5.06 of the Charter of Cuyahoga County to serve as the legal advisor to and representative of the County Executive and County Council, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald

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

- a) **R2011-0075**: A Resolution authorizing the County Executive or his designee to enter into an agreement of cooperation with City of Cleveland Heights for rehabilitation of Taylor Road from Euclid Heights Boulevard to Cleveland Heights North Corporation Line.

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

- b) **R2011-0076**: A Resolution authorizing the County Executive or his designee to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000315-01 with Perk Company, Inc. for rehabilitation of West

**130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma for a decrease in the amount of (\$226,457.98).**

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

- c) **R2011-0077: A Resolution authorizing the County Executive or his designee to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000334-01 with Burton Scot Contractors, LLC, for repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township for a decrease in the amount of (\$20,941.27).**

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

- d) **R2011-0078: A Resolution authorizing the County Executive or his designee to prepare an amendment to Contract No. CE12377-01 with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. dba GPD Associates for consultant engineering services for replacement of Bellaire Road Bridge No. 24 over Big Creek and replacement of West 130th Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale for additional funds in the amount of \$243,541.66.**

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

- e) **R2011-0079: A Resolution authorizing the County Executive or his designee to enter into an agreement for settlement of property rights in connection with repair of the Stumph Road Sewer Improvement, located in the City of Parma Heights, County Sewer District No. 1, in an amount equal to the approved appraisal fair market value estimate of \$9,150.00 for Parcel Nos. 473-21-002S & 473-21-029S (Permanent Sanitary Sewer Easements), 6330 Pearl Road, Cleveland, Ohio 44130.**

**Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division**

- f) **R2011-0080: A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works or her designee to execute said licenses.**

**Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division**

- g) **R2011-0081:** A Resolution authorizing the County Executive or his designee to enter into a revenue generating agreement with LifeBanc for lease of space at the County Coroner's Building, located at 11001 Cedar Avenue, Cleveland, for the period 12/1/2010 - 12/31/2013 for a fee to the County in the amount of \$27,600.00 per annum.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

- h) **R2011-0082:** A Resolution approving a loan in the amount not-to-exceed \$1,000,000.00 to Blue Sky Campus, Inc. for a Brownfield Redevelopment Fund Project, located at 9501 Granger Road, Garfield Heights; authorizing the County Executive or his designee(s) to execute all documents required in connection with said loan.

Sponsor: County Executive FitzGerald/Department of Development

- i) **R2011-0083:** A Resolution authorizing the County Executive or his designee to enter into a contract with Educational Service Center of Cuyahoga County in the amount not-to-exceed \$926,071.00 for administrative and fiscal agent services to expend funds provided through the American Recovery and Reinvestment Act of 2009 for qualitative Help Me Grow Part C early intervention services to eligible families for the period 7/1/2010 - 6/30/2011.

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

- j) **R2011-0084:** A Resolution authorizing the County Executive or his designee to enter into a contract with the Office of the Prosecuting Attorney of Cuyahoga County in the amount not-to-exceed \$2,264,000.00 for legal services for the period 1/1/2011 - 12/31/2011.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Department of Children & Family Services

## **12. MISCELLANEOUS COMMITTEE REPORTS**

- a) **Justice Affairs Committee: Presentation on Cuyahoga County Juvenile Justice Center Project.**

## **13. MISCELLANEOUS BUSINESS**

**14. PUBLIC COMMENT UNRELATED TO AGENDA**

**15. ADJOURNMENT**

NEXT MEETINGS

COMMITTEE OF THE  
WHOLE/CONFIRMATION  
HEARING FOR EXECUTIVE  
APPOINTMENT OF DIRECTOR  
OF HEALTH AND HUMAN  
SERVICES:

THURSDAY, MARCH 3, 2011  
10:00 AM / COUNCIL CHAMBERS

COUNCIL WORK SESSION:

TUESDAY, MARCH 8, 2011  
4:00 PM / COUNCIL CHAMBERS

REGULAR MEETING:

TUESDAY, MARCH 8, 2011  
6:00 PM / COUNCIL CHAMBERS

**AGENDA ACTIONS**  
CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, FEBRUARY 22, 2011  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
6:00 PM

1. CALL TO ORDER

**The meeting was called to order by Council President Connally at 6:12 p.m.**

2. PLEDGE OF ALLEGIANCE

**The Pledge of Allegiance was recited.**

3. SILENT MEDITATION

**Council President Connally requested there be a moment of silent meditation.**

4. ROLL CALL

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

5. PUBLIC COMMENT RELATED TO AGENDA

**No public comments were given.**

6. APPROVAL OF MINUTES

a) February 15, 2011 Meeting

**Mr. Miller asked that the February 15, 2011 meeting minutes be amended to include the names of Councilmembers and others in attendance at the Executive Session. On a motion by Ms. Simon with a second by Ms. Conwell, the amended minutes of the February 15, 2011 meeting were unanimously approved.**

7. MESSAGES FROM THE COUNTY EXECUTIVE

**On behalf of County Executive FitzGerald, Mr. Bob Ivory announced that Council will receive official notification that Mr. Rick Werner has been appointed by the County Executive as Director of the Department of Health & Human Services for Cuyahoga County.**

8. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution No. R2011-0068.**

- a) R2011-0068: A Resolution providing for the appointment of Joanne Gross as Senior Policy Advisor, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0068 was considered and adopted by unanimous vote.**

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

- a) O2011-0012: An Ordinance amending the Public Records Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Miller and Greenspan

**Council President Connally referred Ordinance No. O2011-0012 to the Rules, Charter Review, Ethics & Council Operations Committee.**

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

Sponsors: Miller and Greenspan

**Council President Connally referred Ordinance No. O2011-0013 to the Rules, Charter Review, Ethics & Council Operations Committee.**

- c) O2011-0014: An Ordinance 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 providing the terms upon which the County may cooperate or join by contract with any municipality, county, state or political

subdivision or agency thereof in making public improvements or providing common services.

Sponsors: Miller and Jones

**Council President Connally referred Ordinance No. O2011-0014 to the Public Works, Procurement & Contracting Committee.**

**10. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**

**A motion was made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolutions No. R2011-0069, No. R2011-0070 and No. R2011-0071.**

- a) R2011-0069: A Resolution approving the appropriation of funds for the Year 2011 based on the Statement of Appropriation Status dated 12/31/2010, and declaring the necessity that this Resolution become immediately effective:
- 1) free balances for grants and capital projects.
  - 2) encumbrances for grants and capital projects.
  - 3) encumbrances for all other funds.

Sponsor: County Executive FitzGerald/Office of Budget & Management

**On a motion by Mr. Schron with a second by Mr. Greenspan, Resolution No. R2011-0069 was considered and adopted by unanimous vote.**

- b) R2011-0070: A Resolution amending the 2011 Annual Appropriation Measure by providing 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/Office of Budget & Management

**On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2011-0070 was considered and adopted by unanimous vote.**

- c) R2011-0071: A Resolution authorizing the County Executive to enter into an agreement with Ohio Department of Health in the amount not-to-exceed \$395,000.00 for the State AIDS Drug Assistance Program for the Ryan White HIV/AIDS Treatment Extension Act Part A for the period



1/1/2011 - 2/28/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health & Human Services

**On a motion by Mr. Miller with a second by Mr. Jones, Resolution No. R2011-0071 was considered and adopted by unanimous vote.**

11. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution No. R2011-0067.**

- a) R2011-0067: A Resolution authorizing an Advanced Energy Forgivable Loan in the amount not-to-exceed \$350,000.00 to the Lincoln Electric Company for a Wind Turbine Project, located at 22801 Saint Clair Avenue, Euclid; authorizing the County Executive and/or Director of Development 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

Committee Chairs: Economic Development & Planning – Schron  
Environment & Sustainability – Rogers

**On a motion by Mr. Schron with a second by Mr. Rogers, Resolution No. R2011-0067 was considered and adopted by unanimous vote.**

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

- a) O2011-0015: An Ordinance to expire on or before 6/30/2011 providing for the approval and adoption of Human Resources Policies and Procedures for Cuyahoga County.

Sponsor: County Executive FitzGerald/Department of Human Resources

**Council President Connally referred Ordinance No. O2011-0015 to the Human Resources, Appointments & Equity Committee.**

13. MISCELLANEOUS COMMITTEE REPORTS

**No committee reports were given.**

14. MISCELLANEOUS BUSINESS

**No miscellaneous business was discussed.**

15. PUBLIC COMMENT UNRELATED TO AGENDA

**Ms. Susan Child, representing Just Like Family Home Care, addressed Council regarding issues of concern to her as it relates to Qualified Medicare Beneficiary Medicaid payments to Medicare Part B clients.**

16. ADJOURNMENT

**With no further business to discuss and on a motion by Mr. Greenspan with a second by Ms. Conwell, the meeting was adjourned at 7:04 p.m., without objection.**



**EDWARD FITZGERALD**  
Cuyahoga County Executive

February 15, 2011

C. Ellen Connally  
Council President  
County Administration Building  
1219 Ontario Ave  
Cleveland, Ohio 44113

Madame President Connally,

As required by Cuyahoga County Ordinance O2011-0002, I am providing notice of the contracts that I executed during the week of February 7, 2011. The attached document lists the contracts by requestor and has a brief description of each contract.

Please contact David Merriman at (216) 263-4606 if you would like additional information on any of these contracts.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward FitzGerald', is written over a faint, larger version of the same signature.

Edward FitzGerald  
County Executive

Contracts approved the week of February 7, 2011:

Requestor	Description
Common Pleas Court/Corrections Planning Board	Recommending an award on RQ18845 to Psychiatric and Psychological Services in the amount not-to-exceed \$180,000.00 for sex offender counseling services for the period 3/1/2011 - 2/28/2014. (Resolution No. 105058 - authority to seek proposals.)
Common Pleas Court/Corrections Planning Board	Submitting amendments to contracts with various providers for assessment and intensive treatment services for adult sex offenders for the period 10/1/2007 - 12/31/2010 to extend the time period to 2/28/2011: 1) Contract No. CE0701017-04 with Lumen Counseling Services, Inc. for decrease in the amount of (\$9,340.00). 2) Contract No. CE0701034-06 with Psychiatric and Psychological Services; no additional funds required. 3) Contract No. CE0800040-06
County Coroner	Submitting a grant agreement with State of Ohio, Office of Criminal Justice Services in the amount of \$102,419.17 for the Professional Education / Accrediting Project for the FY2010 Paul Coverdell Forensic Science Improvement Grants Program for the period 10/1/2010 - 9/30/2011.
Department of Development,	Submitting various Addenda to the specifications on RQ18962 for heating unit replacement and associated energy conservation activities for the Villa Serena Apartments Project, located at 6800 Mayfield Road, Mayfield Heights, in connection with the Home Weatherization Assistance Program for the period 1/1/2011 - 3/31/2011: a) No. 1 to change the bid due date from 12/27/2010 to 1/19/2011. b) No. 2 to make clarifications and to change the bid due date from 1/19/2011 to 1/28/2011, and to change the time period from 1/1/2011 - 3/31/2011 to 4/1/2011 - 6/30/2011.
Department of Justice Affairs	Submitting a grant agreement with Ohio Emergency Management Agency in the amount of \$1,039,182.00 for the FY2010 State Homeland Security Grant Program for the period 8/1/2010 - 3/31/2013; requesting authority for the Director or Paula Young, Manager, to execute all fiscal and programmatic reports required in connection with said grant.
Department of Justice	Submitting a grant agreement with Ohio Emergency

Affairs	Management Agency in the amount of \$762,319.00 for the FY2010 State Homeland Security-Law Enforcement Grant Program for the period 8/1/2010 - 3/31/2013; requesting authority for the Director or Paula Young, Manager to execute all fiscal and programmatic reports required in connection with said grant.
Department of Justice Affairs	Submitting a grant agreement with Ohio Emergency Management Agency in the amount of \$5,094,390.00 for the FY2010 Urban Area Security Initiative Grant Program for the period 8/1/2010 - 7/31/2013; requesting authority for the Director to execute all fiscal and programmatic reports required in connection with said grant.
Department of Justice Affairs	Department of Justice Affairs, submitting a grant agreement with Ohio Emergency Management Agency in the amount of \$141,225.00 for the FY2010 Interoperable Emergency Communications Grant Program for the period 6/1/2010 - 12/31/2012; requesting authority for the Director to execute all fiscal and programmatic reports required in connection with said grant.
Department of Justice Affairs	Submitting a grant award in the amount of \$263,251.00 from Ohio Department of Youth Services for the FY2010 Juvenile Accountability Block Grant Program for the period 1/1/2011 - 6/30/2012.
Department of Justice Affairs	Submitting a grant award in the amount of \$286,072.00 from Ohio Department of Youth Services for the FY2010 Juvenile Justice and Delinquency Prevention Program for the period 1/1/2011-06/30/2012.
Department of Justice Affairs	Submitting a grant application to Ohio State Emergency Response Commission in the amount of \$121,418.00 for planning and training activities for the Cuyahoga County Local Emergency Planning Committee for the period 7/1/2010 - 6/30/2011.
Department of Public Works	Recommending a payment in the amount not-to-exceed \$2,418.37 to S.A. Shipley for relocation services in connection with construction of a grade separation on Fitch Road over the Norfolk Southern Railroad in the City of Olmsted Falls and Olmsted Township.
Department of Public Works	Submitting an amendment to a license agreement with Cleveland Postal Employee's Credit Union for installation and maintenance of automated teller machines located at various County buildings to change the scope of services, effective 1/18/2011.

Department of Public Works	Recommending a payment of a claim from the County's Self-Insurance Fund in the amount of \$1,464.96 to M. Parmigian for vehicle damage.
Department of Senior and Adult Services	Submitting an amendment with Provider Gateway, Inc., sole source, in the amount not-to-exceed \$53,600.00 for maintenance on the Long Term Care System for the period 2/1/2011-1/31/2012.
Department of Senior and Adult Services	Awarded by Resolution No. 1049106 dated 11/10/2010 for the Community Social Services Program for the Department of Senior & Adult Services for the period 1/1/2011 - 12/31/2012: 1) Contract No. CE1100036-01, 02 with Catholic Charities Community Services
Department of Senior and Adult Services	Awarded by Resolution No. 1049106 dated 11/10/2010 for the Community Social Services Program for the Department of Senior & Adult Services for the period 1/1/2011 - 12/31/2012: 1) Contract No. CE1100032-01, 02 with City of Maple Heights in the amount not-to-exceed \$68,877.00.
Department of Senior and Adult Services	Awarded by Resolution No. 1049106 dated 11/10/2010 for the Community Social Services Program for the Department of Senior & Adult Services for the period 1/1/2011 - 12/31/2012: 1) Contract No. CE1100037-01, 02 with City of Parma Heights in the amount not-to-exceed \$179,655.00.
Information Services Center	Submitting an amendment to Contract No. CE0600069-01 with International Business Machines Corporation for software migration, system upgrade and support services for the zSeries/zOS System for the period 1/1/2006 - 12/31/2010 to extend the time period to 5/31/2011; no additional funds required.
Information Services Center	Submitting a contract with CGI Technologies and Solutions Inc., sole source, in the amount not-to-exceed \$87,200.00 for maintenance on the AMS BRASS Advantage System for the Office of Budget & Management for the period 8/1/2010 - 7/31/2011.
Information Services Center	Information Services Center, submitting a state contract with Texcel, Inc. in the amount not-to-exceed \$12,388.80 for maintenance on Cisco SmartNet Voice over Internet Protocol phones and equipment for the period 9/11/2010 - 9/10/2011.
Office of Early Childhood	Submitting a grant award in the amount of \$50,000.00 from The Treu-Mart Fund for operational support for the Hospital Based Child Find Specialists Program for the Invest in Children Program for the period 1/1/2011 - 12/31/2011.

Office of Procurement & Diversity	Office of Procurement & Diversity, recommending to reject all bids received on RQ18490 for 1- Two-Color Offset Press for the Department of Central Services.
Office of Procurement & Diversity	Requesting authority to dispose of surplus County property no longer needed for public use by internet auction for the period 1/1/2011 - 12/31/2011; requesting authority for the Director to advertise, post notice and conduct the internet auctions via its representative GovDeals, Inc., in accordance with Ohio Revised Code Section 307.12(E).
Office of Procurement & Diversity	Submitting specifications and estimate of cost; requesting authority for the Director of the Office of Procurement & Diversity to advertise for bids: a) on RQ19548 for 2 Digital X-Ray Systems for the Department of Justice Affairs for an estimated cost in the amount not-to-exceed \$63,018.89.
Office of Procurement and Diversity	Recommending an award to RQ 18843, MNJ Technologies Direct, Inc. (1-1) in the amount of \$42,331.03 for computer hardware for the County Treasurer (State Contract No. 533268-2/ORC 125.125.04 (B)).

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0072

<p>Sponsored by: <b>Councilman Julian Rogers and County Executive FitzGerald</b></p>	<p><b>A Resolution</b> opposing the State of Ohio's plan to recapture and reallocate American Recovery and Reinvestment Act of 2009 Home Weatherization Assistance Program funds from the County of Cuyahoga and other similarly situated subgrantees; requesting the State of Ohio to reconsider and reverse its action; and urging all State Senators, State Representatives, Congressional Representatives and US Senators representing Cuyahoga County to oppose this action; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the State of Ohio was the recipient of approximately \$266 million of Home Weatherization Assistance Program ("HWAP") funding through the American Recovery and Reinvestment Act of 2009 ("ARRA"), and

WHEREAS, following receipt of the ARRA HWAP funds, the State of Ohio allocated the same to the HWAP provider subgrantees located throughout the State, including the sum of \$9,410,315.00 for the County of Cuyahoga Department of Development; and

WHEREAS, the ARRA HWAP allocation was provided to the State of Ohio to be spent during the timeframe of April 1, 2009 to March 31, 2012, and the funds were allocated to subgrantees to be spent during this timeframe; and

WHEREAS, as recently as December 2010, the State of Ohio advised the County of Cuyahoga that it would be able to use its ARRA HWAP funds through March 31, 2012, and to plan its budget accordingly; and

WHEREAS, in reliance upon the award of the ARRA HWAP funds and the representations made by the State of Ohio that the County would be able to use its ARRA HWAP funds through March 31, 2012, the County has developed a plan and entered into agreements to provide home weatherization improvements to hundreds of low and moderate income individuals; and

WHEREAS, on Tuesday, February 8, 2011, the State of Ohio advised the County of Cuyahoga and several other subgrantees, that the State would recapture any unspent ARRA HWAP funds from those subgrantees as of March 31, 2011, and redistribute those funds to other subgrantees; and



WHEREAS, the plan of the State of Ohio to recapture and redistribute this funding will result in (i) the loss of more than \$5 million in HWAP funds for Cuyahoga County, (ii) the loss, for hundreds of low-income and disabled residents in the County, of weatherized and more efficient housing, and (iii) the loss of revenue to several Cuyahoga County-based weatherization contractors; and

WHEREAS, this Council finds and determines that it is necessary to oppose the State's plan to recapture and reallocate ARRA HWAP funds from the County and other similarly situated subgrantees for distribution to other ARRA HWAP subgrantees, and to request the State of Ohio to reconsider and reverse its action, and to urge all State Senators, State Representatives, Congressional Representatives and US Senators representing Cuyahoga County to oppose this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1:** This Council hereby opposes the State of Ohio's plan to recapture and reallocate American Recovery and Reinvestment Act of 2009 Home Weatherization Assistance Program funds from the County of Cuyahoga and other similarly situated subgrantees, requests the State of Ohio to reconsider and reverse its action, and urges all State Senators, State Representatives, Congressional Representatives and US Senators representing Cuyahoga County to oppose this action.

**SECTION 2:** The Clerk of Council is hereby directed to send a certified copy of this Resolution to all State Senators, State Representatives, Congressional Representatives and US Senators representing Cuyahoga County, the Ohio Office of Community Services and Governor John Kasich.

**SECTION 3:** It is necessary that this Resolution become immediately effective in the interest of the health, safety and welfare of the citizens and employees of the County of Cuyahoga and for the further purpose of immediately opposing the aforementioned action of the State and seeking action to oppose and reverse the State's action prior to the State's action taking effect.

**SECTION 4:** Provided this Resolution receives the affirmative vote of eight (8) members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise it shall take effect and be in force at the earliest time provided by law.

**SECTION 5:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal CC001  
March 1, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0073

<b>Sponsored by: County Executive FitzGerald/ Department of Public Works</b>	<b>A Resolution</b> authorizing the County Executive or his designee to enter into a temporary construction license agreement among Gateway Park, LLC, and Ferrous Realty Limited, an Ohio limited partnership, and City of Brooklyn for the purpose of modifying the Memphis Industrial Parkway for the period 2/28/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Public Works/County Engineer has recommended the grant of a temporary construction license to the City of Brooklyn for the purpose of modifying the Memphis Industrial Parkway; and,

WHEREAS, the County of Cuyahoga owns property at 10991 Memphis Avenue, Brooklyn, Ohio that is used by the Cuyahoga County Board of Developmental Disabilities; and,

WHEREAS, the County property, together with Ferrous Realty Limited, and Ohio Limited Partnership, located at 11103 Memphis Avenue, and Gateway Safety, LLC, located at 11111 Memphis Avenue, share a means of ingress and egress, described as a gravel-grade pathway, which has deteriorated over time; and,

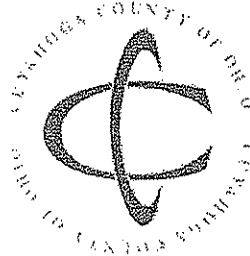
WHEREAS, the new Memphis Industrial Parkway will run off Memphis Avenue and replace a deteriorating gravel pathway which currently handles, truck, school bus, commercial and industrial vehicles, and commuter care traffic in the area and this privately owned gravel pathway will become a dedicated public road, providing access for the businesses in the complex; and,

WHEREAS, in order for the construction of the roadway to take place, it is necessary to grant to the City of Brooklyn, Ohio a Temporary Construction License over the County-owned property for access to, and performance of, the construction; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County department.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**





**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Jamal Husani, P.E.
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Fred Whatley	<b>Telephone No.</b>	348-3840

**SUMMARY OF REQUESTED ACTION:**

County engineer recommending the grant of a temporary construction license to the City of Brooklyn for the purpose of modifying the Memphis Industrial Parkway.

The County of Cuyahoga, Ohio, owns property at 10991 Memphis Ave., Brooklyn, Ohio, used by the Cuyahoga County Board of Developmental Disabilities. The County property, together with Ferrous Realty Limited, an Ohio Limited Partnership, 11103 Memphis Ave., Brooklyn, Ohio, and Gateway Safety, LLC, 11111 Memphis Ave., Brooklyn, Ohio, share a means of ingress and egress, described as a gravel-grade pathway, which has deteriorated over time. Through a public/private partnership, a new, publicly dedicated concrete roadway will be constructed for these entities to use. See, Exhibit D, "Scope of Work" attached to the "Grant of Temporary Construction License to the City of Brooklyn for the Sole Purpose of Modifying the Memphis Industrial Parkway" which is attached hereto, for a more detailed description of the work to be done.

In order for the construction of the roadway to take place, it is necessary to grant to the City of Brooklyn, Ohio a Temporary Construction License over the County property for access to, and performance of, the construction. The exact location of the area of the License is described in the attached "Grant of Temporary Construction License to the City of Brooklyn for the Sole Purpose of Modifying the Memphis Industrial Parkway" and exhibits attached thereto.

**PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):**

Purpose - To grant to the City of Brooklyn a construction license over County property for access to and performance of the construction of a roadway.

**Explanation for late submittal:**

**Contract/Agreement Information:**

[Empty box for Contract/Agreement Information]

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0074

<p>Sponsored by: <b>County Executive FitzGerald/ Department of Public Works</b></p>	<p><b>A Resolution</b> authorizing the County Executive or his designee to grant a permanent easement and right-of-way to The Cleveland Electric Illuminating Company dba The Illuminating Company in the amount of \$1.00 to erect, construct, operate, maintain for transmission and distribution of electricity for public and private use poles, wires, equipment and appliances on and over County-owned property located at 10991 Memphis Avenue, Brooklyn, in connection with construction of the Memphis Industrial Parkway, and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the Department of Public Works/County Engineer has recommended the grant of a permanent easement for \$1.00 to The Cleveland Electric Illuminating Company in connection with County property located at 10991 Memphis Avenue, Brooklyn, Ohio and the grant of an aerial easement for the overhead wires that cross County property associated with the construction of the Memphis Industrial Parkway in the City of Brooklyn; and,

WHEREAS, the proposed easement would grant The Cleveland Electric Illuminating Company a right-of-way to erect, construct, operate, and maintain for the transmission and distribution of electricity for public and private use poles, wires, anchor guys, fixtures, equipment and appliances and with all rights of access thereto over said described land as contained in the "Legal Description of Electric Easement across CCDD;" and,

WHEREAS, the proposed easement is necessary for the relocation of a signal pole, utility pole, crosswalk signal, control box and traffic pull box that is required for the development to proceed; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County department.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive or his designee is hereby authorized to execute the grant of a permanent easement and right-of-way for \$1.00 to The Cleveland Electric Illuminating Company dba The Illuminating Company to erect, construct, operate, and maintain for transmission and distribution of electricity for public and private use poles, wires, equipment and appliances on County property located at 10991 Memphis Avenue, Brooklyn, Ohio as described in the "Legal Description of Electric Easement across CCDD."

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

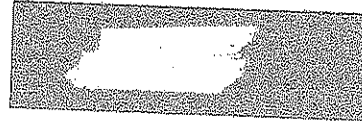
\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date



**Item Details:**

<b>Agency/Dept. Name:</b>	<b>Agency/Dept. Head Name:</b>
<b>Type of Request:</b> Other	<b>Telephone No.</b>
<b>Request Prepared by:</b>	
<b>SUMMARY OF REQUESTED ACTION:</b>	
<p>County Engineer recommending the grant of a permanent easement for \$1.00 to the Cleveland Electric Illuminating Company for a guy anchor and for the overhead wires associated with the construction of Memphis Industrial Parkway in the City Brooklyn, Ohio. As set forth on the "Exhibit for: ELECTRIC EASEMENT across CCDD" accompanying the "Pole Line Easement - Corporation" attached hereto, a "guy anchor" will be placed on County property [address: 10991 Memphis, Brooklyn, Ohio]. Additionally, an aerial easement will be given for the relocated wires going across County property. According to the "Exhibit," the relocated signal pole, relocated utility pole, relocated crosswalk signal, relocated control box, and relocated traffic pull box will be located in the existing right-of-way.</p> <p>In order for the construction of Memphis Industrial Parkway to begin, this easement must be granted to CEI and recorded.</p>	
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>	
<p>Purpose - The grant of an easement to CEI to relocate a guy anchor and wires in order to allow for the construction of Memphis Industrial Parkway.</p>	
<b>Explanation for late submittal:</b>	

**Contract/Agreement Information:**

<b>Procurement Method:</b>
<b>Explanation for Increase/Decrease in \$ Amount for current request:</b>

**Financial Information:**

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# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0016

Sponsored by: <b>County Executive FitzGerald</b>	<b>An Ordinance</b> authorizing the creation of a Law Department under the supervision of the Director of Law as provided for in Section 5.06 of the Charter of Cuyahoga County to serve as the legal advisor to and representative of the County Executive and County Council, and declaring the necessity that this Ordinance become immediately effective.
--	---

WHEREAS, Article V, entitled "Appointed Officers," specifically enumerates a set of officers of the County who are appointed by the County Executive, subject to confirmation by Council, and who serve at the pleasure of the County Executive, and,

WHEREAS, Section 5.06 of the Charter of Cuyahoga County creates the office of the Director of Law and provides that the Director shall be the legal advisor to and representative of the County Executive and County Council; and,

WHEREAS, Section 3.09(2) of the Charter grants Council the power to establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in the Charter, as the Council determines to be necessary for the efficient administration of the County; and,

WHEREAS, The Council of Cuyahoga County has determined that the creation of a Department of Law is necessary for the efficient administration of the County; and,

WHEREAS, Section 3.09(5) of the Charter of Cuyahoga County grants Council the power to adopt and amend the County's annual tax budget, operating budget and capital improvements program to make appropriations for the County; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County department.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** A Department of Law under the supervision of the Director of Law is hereby established to assist with the mandate of Charter Section 5.06 which states that the Director shall be the legal advisor to and representative of the County Executive and County Council.

**SECTION 2.** The specific goals, duties and activities of the Department of Law, which shall be consistent with Section 5.06 of the Charter, shall be further determined by the Director of Law who shall employ and supervise such number of deputies, assistants and employees as shall be reasonably necessary to assist the Director of Law in carrying out his/her powers and duties as provided under the Charter and is consistent with approved budgetary parameters as determined by Council.

**SECTION 3.** Pursuant to Section 3.09(2) of the Charter, Council shall establish, with input provided by the County Executive and the Director of Law, such divisions and sections within the Department of Law as Council determines to be necessary for the efficient administration of the County within 90 days following the passage of this ordinance.

**SECTION 4.** A proposed operating budget shall be presented to Council for approval at such time as the Director of Law and the County Executive are able to create a schedule of estimated revenues and proposed expenditures for the Department of Law.

**SECTION 5.** It is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

**SECTION 6.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal CC001  
March 1, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0075

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> authorizing the County Executive or his designee to enter into an agreement of cooperation with City of Cleveland Heights for rehabilitation of Taylor Road (CR-26) from Euclid Heights Boulevard to Cleveland Heights north corporation line.
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WHEREAS, the City of Cleveland Heights requested funding assistance from the County Engineer to resurface and rehabilitate a segment of Taylor/North Taylor Road (CR-26) between Euclid Heights Boulevard and the City's north corporation line to apply towards the local match for federal funding received by the City for the project.

WHEREAS, the Department of Public Works has submitted a an agreement of cooperation with the City of Cleveland Heights to carry out the resurfacing and improvement of Taylor Road (CR-26) from Euclid Heights Blvd. to the Cleveland Heights north corporation line; and,

WHEREAS, funding for the costs of the project is as follows:

Federal share: \$4,116,266.00

County share: \$250,000.00

Municipal share: \$779,067.00;

Total estimated construction costs: \$5,145,333.00; and,

WHEREAS, the project is expected to be bid in 2011.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive or his designee is hereby authorized to enter into an agreement of cooperation with the City of Cleveland Heights for the re-surfacing and rehabilitation of Taylor Road (CR-26) from Euclid Heights Boulevard to the Cleveland Heights north corporation line.

**SECTION 2.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that

resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

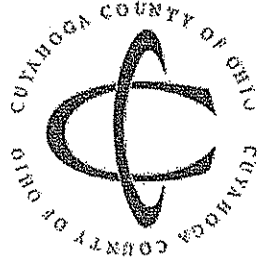
\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Jamal H. Husani
<b>Type of Request:</b>	Agreement/Amendment		
<b>Request Prepared by:</b>	Monique A. Schulte	<b>Telephone No.</b>	216-348-3823
<b>SUMMARY OF REQUESTED ACTION:</b>			
County Engineer, submitting an agreement of cooperation with the City of Cleveland Heights, for approval for the rehabilitation of Taylor Road (CR-26) from Euclid Heights Blvd. to the Cleveland Heights NCL. Funding for the construction cost of said project is as follows:			
Federal Share .....\$4,116,266.00			
County Share .....\$ 250,000.00			
Municipal Share .....\$ 779,067.00			
Total estimated construction cost \$5,145,333.00			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
Purpose: To obtain municipal cooperation for the above-described project.			
Outcome: Project will be bid in 2011.			
<b>Explanation for late submittal:</b>			

**Contract/Agreement Information:**

<b>Procurement Method:</b>
<b>Explanation for Increase/Decrease in \$ Amount for current request:</b>

**Financial Information:**

<b>Funding source:</b>	<b>Explanation:</b>
	Road and Bridge

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0076

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	A <b>Resolution</b> authorizing the County Executive or his designee to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000315-01 with Perk Company, Inc. for rehabilitation of West 130 <sup>th</sup> Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma for a decrease in the amount of (\$226,457.98).
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WHEREAS, the Department of Public Works has recommended approval of an amendment to Contract No. CE100315-01 with the Perk Company for rehabilitation of West 130<sup>th</sup> Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma for a decrease in the amount of (\$226,457.98); and,

WHEREAS, the original contract was in the amount of \$1,641,141.72 and the amendment will be for a reduction in the amount of (\$226,457.98), bringing the revised contract amount to \$1,414,683.74.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive or his designee is hereby authorized to enter into an amendment to Contract No. CE1000315-01 with the Perk Company, Inc. for rehabilitation of West 130<sup>th</sup> Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma for a decrease in the amount (\$226,457.98).

**SECTION 2.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011





**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Thomas P. Sotak, P.E.
<b>Type of Request:</b>	Contract/Amendment		
<b>Request Prepared by:</b>	Juliann Conway	<b>Telephone No.</b>	216-348-3838
<b>SUMMARY OF REQUESTED ACTION:</b>			
County Engineer, submitting the final amendment (Subsidiary No. 1) to Contract CE1000315-01 with the Perk Company for the Rehabilitation of West 130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma for a decrease in the amount of (\$226,457.98) declaring that this Resolution become effective immediately.			
The project was staffed with the following CCE employees:			
Thomas P. Sotak, P.E., Chief Construction Engineer Michael Tworzydlo, P.E., Construction Area Engineer Todd Zima, Project Supervisor Chris Nader, Project Inspector			
<u>Original Contract Amount: \$1,641,141.72</u>			
<u>Amendment #1 (Final): (\$226,457.98)</u>			
<u>Rev. Contract Amount: \$1,414,683.74</u>			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
The purpose of this amended agreement is to finalize this project and have accepted as complete by all required personnel.			
Principal Owner (s): Joseph Cifani, President and Anthony Cifani, Secretary/Treasurer			
<b>Explanation for late submittal:</b>			

**Contract/Agreement Information:**

--

**Procurement Method:**

Competitive Bid

**Explanation for Increase/Decrease in \$ Amount for current request:**

The attached plan quantity adjustments are based on final field measurements and calculations. The new plan item was the result of a plan error omitting the item on the original plan and determined to be necessary to complete project per plan intent.

**Financial Information:**

**Funding source:**

Other

**Explanation:**

20% County/20% Municipalities/60% Issue 1

**Total Amount Requested:**

(\$226,457.98)

**ATTACHMENTS:**

Click to download

- [History Log](#)
- [Cvr - Req. Signatures](#)
- [Amd - Req. Signatures](#)

**History**

**Time**

**Who**

Office of Procurement &  
Diversity

**Approval**

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0077

<b>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> authorizing the County Executive or his designee to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000334-01 with Burton Scot Contractors, LLC, for repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township for a decrease in the amount of (\$20,941.27).
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WHEREAS, the Department of Public Works has recommended approval of an amendment to Contract No. CE1000334-01 with Burton Scot Contractors, LLC, for repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township for a decrease in the amount of (\$20,941.27); and,

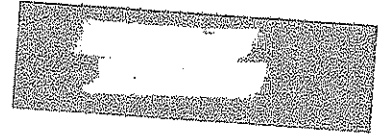
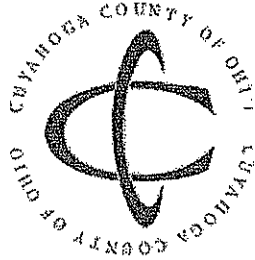
WHEREAS, the original contract was in the amount of \$1,211,850.00 and the amendment will be for a reduction in the amount of (\$20,941.27), bringing the revised contract amount to \$1,190,908.73.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive or his designee is hereby authorized to enter into an amendment to Contract No. CE1000334-01 with Burton Scot Contractors, LLC, for repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township for a decrease in the amount of (\$20,941.27).

**SECTION 2.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.





**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Thomas P. Sotak, P.E.
<b>Type of Request:</b>	Contract/Amendment		
<b>Request Prepared by:</b>	Juliann Conway	<b>Telephone No.</b>	216-348-3838
<b>SUMMARY OF REQUESTED ACTION:</b>			
County Engineer, submitting the final amendment (Subsidiary No. 1) to Contract CE1000334-01 with Burton Scot Contractors, LLC for the repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township for a decrease in the amount of (\$20,941.27) and hereby declaring the necessity that this Resolution become effective immediately.			
The project was staffed with the following CCE employees:			
Thomas P. Sotak, P.E., Chief Construction Engineer Jaoudat S. Charif, P.E., Construction Area Engineer Terry Cain, Project Supervisor Tim Burson, Project Inspector			
<u>Original Contract Amount: \$1,211,850.00</u> <u>Amendment #1 (Final): (\$20,941.27)</u> <u>Rev. Contract Amount: \$1,190,908.72</u>			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
The purpose/outcome of this amendment is to process the necessary documentation to finalize this project.			
Principal Owner (s): David Paulitsch, President			
<b>Explanation for late submittal:</b>			

**Contract/Agreement Information:**

**Procurement Method:**

Competitive Bid

**Explanation for Increase/Decrease in \$ Amount for current request:**

The plan quantity adjustments are based on final measurements and calculations. The new plan items were added to cover the cost of downtime due to an unmarked gas line and to add a new drainage system to avoid flooding on residential property.

**Financial Information:**

**Funding source: Explanation:**

Other \$7.50 License Tax Fund (100% County)

**Total Amount Requested:**

(\$20,941.27)

**ATTACHMENTS:**

Click to download

- [History Log](#)
- [Amd 1 Req Signatures](#)
- [BB](#)
- [Voucher](#)

**History**

**Time**

**Who**

Office of Procurement &  
Diversity

**Approval**

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0078

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</p>	<p>A Resolution authorizing the County Executive or his designee to prepare an amendment to Contract No. CE12377-01 with Glaus, Pyle, Schomer, Burns &amp; DeHaven, Inc. dba GPD Associates for consultant engineering services for replacement of Bellaire Road Bridge No. 24 over Big Creek and replacement of West 130<sup>th</sup> Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale for additional funds in the amount of \$243,541.66.</p>
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WHEREAS, the Department of Public Works has recommended approval for authority to prepare an amendment to Contract No. CE12377-01 with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. dba GPD Associates for consultant engineering services for the replacement of Bellaire Road Bridge No. 24 over Big Creek and the replacement of West 130<sup>th</sup> Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale for additional funds in the amount of \$243,541.66; and,

WHEREAS, additional funds are needed for the redesign of the project due to the Ohio Environmental Protection Agency (EPA) ruling that the additional culverting of this urban stream, as previously proposed for addressing slope failure along Kensington Avenue, will not be permitted; and,

WHEREAS, the original contract was in the amount of \$329,092.00 and the amendment will increase the contract total to \$564,566.62 and the Department of Public Works is attesting that these funds are necessary to complete the plans and specifications for the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive or his designee is hereby authorized to prepare an amendment to Contract No. CE12377-01 with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. dba GPD Associates for consultant engineering services for the replacement of Bellaire Road Bridge No. 24 over Big Creek and the replacement of West 130<sup>th</sup> Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale for additional funds in the amount of \$243,541.66.

**SECTION 2.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

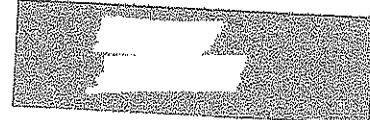
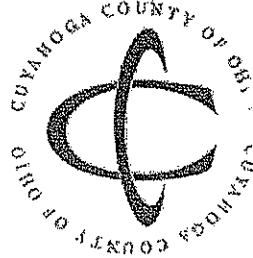
\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011





**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Jamal H. Husani
<b>Type of Request:</b>	Contract/Amendment		
<b>Request Prepared by:</b>	Ernest F. Zadell	<b>Telephone No.</b>	216-348-3815
<b>SUMMARY OF REQUESTED ACTION:</b>			
Requesting authority to prepare an amendment to contract CE12377-01 with GPD Group for consultant services for the Bellaire Road Bridge No. 24 Project for additional funds in the amount of \$243,541.66.			
Additional funds are needed for the redesign of the project due to the Ohio Environmental Protection Agency (EPA) ruling that the additional culverting of this urban stream, as previously proposed for addressing slope failure along Kensington Avenue, will <u>not</u> be permitted.			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
Will be able to complete the plans and specifications for the project.			
<b>Explanation for late submittal:</b>			

**Contract/Agreement Information:**

<b>Procurement Method:</b>
<b>Explanation for Increase/Decrease in \$ Amount for current request:</b>
See summary of requested action

**Financial Information:**

<b>Funding source:</b>	<b>Explanation:</b>
<b>Total Amount Requested:</b>	
\$	

**CONTRACT/AGREEMENT EVALUATION FORM**  
(To be completed in its entirety by user department for  
all contract/agreement renewals or amendments.)

**Contractor:** *GPD Group*

**Contract/Agreement No.:** *CE12377-02*      **Time Period:** *N/A*

**Service Description:** *Consultant Engineering Services for the replacement of Bellaire Road Bridge No. 24 and the replacement of West 130<sup>th</sup> Street Bridge No. 64*

**Original Contract/Agreement Amount:** *\$329,092.00*

**Prior Amendment(s) Amount(s):** *Resolution #081745 (April 24, 2008) for Assignment of Interest and Resolution #081948 (May 8, 2008) for additional funds in the amount of \$235,474.62*

**Performance Indicators:** *GPD Group has provided the County with high quality of engineering services and thorough design services of all tasks on this project.*

**Actual performance versus performance indicators (include statistics):** *GPD Group has had a 95% success rate in meeting performance for all tasks*

**Rating of Overall Performance of Contractor (Check One):**

- Superior
- Above Average
- Average
- Below Average
- Poor

**Justification of Rating:** *All of the engineers that have worked on this project have been superior in their field.*

*Ernest F Zadell*  
User Department

*February 9, 2011*  
Date

## Glaus, Pyle, Schomer, Burns &amp; DeHaven, Inc.

## Owner's

(Principals are highlighted in blue)

ANDERSON, DAVID
ARNFIELD, CHARLES
BADER, CHRIS
BARCHANOWICZ, ANTHONY
BARKER, LEE
BERNDSSEN, ROBERT
BIONDICH, ROBERT
BLANKENSHIP, LEONARD
BLOCK, EDWARD
BOWMAN, TRAVIS
BOYEA, MICHAEL
BROWN, GREG
BUKOWSKI, KENNETH
BURDICK, JOHN
BURGOYNE, ROBERT
CASTRONOVA, DANTE
CERRETA, LUANN
CHERONIS, JASON
CIUNI, JOSEPH
CLEMENTS, KEVIN
COMPTON, MARTY
COTTRELL, JOHN
CRAMER, BRADLEY
CUMMINGS, KEVIN
DARWISH, MOHAMED
DAVIS, KYLE
DETTMER, DEBORAH
DONATO, DORIS POLLY
EBLEN, JOSHUA
ELGIN, CHRISTOPHER
ELLERMAN, AUSTIN
EVANS, JEFFREY
FINI, NICHOLAS
FISHEL, KAREN
FORD, ASHLEY
FRANK, DAVID
FRANKS, EDWARD
FROST, ROSEMARIE
GEMAYEL, WALID
GIULIANI, BETH
GRANGER, DAVID

GRANGER, SUSAN
GRIME, JOSEPH
GROSSMAN, MARK
HADJOWAY, HAROLD
HEIERMANN, ELIZABETH
HENDRICKS, NATHAN
HERBERT, THOMAS
HERRIOTT, DAVID
HILL, EUGENE
HILL, TIM
HIRSCH, MARK
HITCHCOCK, DAVID
HOBBS, MICHAEL
HOGSTON, MICHAEL
HOLZ, DOUGLAS
HUNTINGTON, TODD
HUPCEJ, TERRA
HYDE, MICHAEL
JANKE, LARRY
JOHNSON, JUSTIN
JOLIAT, MARTIN
JOSEY, JOHN
JOY, KEIR
KABAK, JOHN
KABO, KIRA
KAPUT, TIMOTHY
KARING, JAMES
KECK, SAMUEL
KIDDER, JOSEPH
KING, RODWELL
KLECHA, DANIEL
KONIECZYNSKI, RICK
KOTECKI, DARRIN
KRAHL, BEVERLY
LADNER, SHANE
LASCOLA, MATTHEW
LAWSON, TAMISHA
LEWIS, CHAD
LOPICCOLO, JAMES
LUCIANO, CHRISTIAN
LUZIER, CHRISTOPHER

LYONS, JOSHUA
MARTIN, DAVE
MARZ, MICHAEL
MARZLEY, BRANDON
MCADAMS, REBECCA
MCCARTY, TRAVIS
MCCLURE, MILES
MCILROY, JOHN
MCLEOD, SHELDON
MCMANAMON, DEBRA
MEGGYESY, KAREN
MILLER, EMIL
MONTGOMERY, SHARON
MOORE, AMY
MORRISON, MICHAEL
MOSKOS, NICK
MYERS, GAYLE
NG, DAVIN
NIEDERKOFER, DWIGHT
NOSS, JEFFREY
NOVAK, RICK
O'CONNOR, JOHN
OLECHNOWICZ, NICHOLAS
OSMAN, DAN
OWENS, JEAN
OYSTER, RYAN
PALKOVIC, DANIEL
PEMBERTON, CHARLOTTE
PETERSON, BRIAN
PETERSON, JOHN
PLEASANT, JOANNE
POWERS, TREVOR
PREBLE, TRACI
PROVOST, ANDREW
RENNICK, ANDREA
REPKO, WAYNE
RICE, BRIAN
RIENZI, AMY
RITCHEY, DANIEL
RODEBAUGH, AARON
RODIA, DANIEL

ROLLAND, ALBERT
ROSSI, CECILIA
RUBINO, MICHAEL
RUFENER, JESSE
RYMER, RONALD
SAHR, TIMOTHY
SAKOTAS, CYNTHIA
SALOPEK, MARK
SAUNIER, TRAVIS
SCHAUB, STEVEN
SCHIFFER, BROME
SCHREIBER, STEPHEN
SELBY, MICHAEL
SFERRA, LEONARDO
SHEETS, ZACHERY
SHIPE, NICOLE
SHIVES, JAMES
SMITH, JASON
SMITH, PETER
SPAHR, ERIN
STIMSON, DIANA
STOIBER, DENNIS
STOKES, JAMES
STORSIN, KEITH
STRICKLER, KELLY
THOMPSON, JAMES
THOMPSON, LAVERNE
TOMIC, PAUL
TONDRA, BRIAN
TRAUTMAN, FREDERICK
TROYER, DEREK
TURNER, PAUL
VARRECCHIA, SARAH
WASHKO, THOMAS
WEAVER, LISA
WEISSBERG, CARL
WELLS, ANGELA
WOOD, KRISTINE
WOODS, JEFFREY
WOYCITZKY, ROBERT

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0079

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division</b>	<b>A Resolution</b> authorizing the County Executive or his designee to enter into an agreement for settlement of property rights in connection with repair of the Stumph Road Sewer Improvement, located in the City of Parma Heights, County Sewer District No. 1, in an amount equal to the approved appraisal fair market value estimate of \$9,150.00 for Parcel Nos. 473-21-002S & 473-21-029S (Permanent Sanitary Sewer Easements), 6330 Pearl Road, Cleveland, Ohio 44130.
---	--

WHEREAS, the Department of Public Works/Sanitary Engineer has determined it necessary to construct, maintain, operate and repair the Stumph Road Improvement Sewer, located in the City of Parma Heights, County Sewer District No.1; and,

WHEREAS, the Department of Public Works/Sanitary Engineer has determined it necessary to acquire permanent maintenance easements to enable the County to install a new sanitary sewer to discharge to the Northeast Ohio Regional Sewer District connection of Parma Heights relief sewer that will eliminate a 1920's era siphon ender to the Big Creek.

WHEREAS, the proposed sewer easements are in connections with Parcel Nos. 473-21-002 & 473-21-029 and the agreed upon purchase price is \$9,150.00, an amount equal to the approved fair market value estimate as determined by an appraiser certified by the Ohio Department of Transportation; and,

WHEREAS, the Department of Public Works/Sanitary Engineer recommends that this agreement be approved.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive or his designee is hereby authorized to enter into a settlement agreement for property rights in connection with the repair of the Stumph Road Sewer Improvement, located in the City of Parma Heights, County Sewer District No. 1, equal to the approved fair market value estimate as determined by an appraiser certified by the Ohio Department of Transportation.

**SECTION 2.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that

resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer/Sanitary Engineering Division	<b>Agency/Dept. Head Name:</b>	Robert C. Klaiber Jr.,
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Rana Sakr	<b>Telephone No.</b>	(216) 443-8199
<b>SUMMARY OF REQUESTED ACTION:</b>			
Accepting and approving permanent maintenance easement from the owner of the property is required for access to the Stumph Road Improvement in the City of Parma Heights, Ohio, by the County of Cuyahoga for the continued maintenance of the Sewer District No. 1.			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
Attached herewith is an agreement signed by a property owner for the above named project. The settlement amount in the enclosed agreement is <b>equal</b> to the approved fair market value estimate as determined by an Ohio Department of Transportation certified appraiser. A summary of the property rights required, damage and compensation by item is set forth in the enclosed value analysis form for the parcel.			
The affected Parcels are:			
<b><u>Parcel No. (s) : 473-21-002 &amp; 473-21-029 (Permanent Sanitary Sewer Easement)</u></b>			
<b><u>Iren Cseko</u></b>			
<b><u>Recommended Offer of Settlement : \$ 9,150.00</u></b>			
This office recommends this agreement be approved. If the Board acts favorably on this recommendation, it is requested that the Clerk file the attached voucher (and W-9 Federal Tax Form) in the amount of the offer of settlement Agreement with the County Auditor . This office will then receipt the warrant and take the necessary steps to conclude this matter. The original recorded conveyance instruments will be forwarded to the Clerk of the Board for your records.			

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**  
**Explanation for Increase/Decrease in \$ Amount for current request:**

**Financial Information:**

**Funding source:    Explanation:**  
**Total Amount Requested:**  
\$

**ATTACHMENTS:**

Click to download

- [Stumph Road](#)
- [Stumph Road](#)
- [Stumph Road](#)
- [Stumph Road](#)
- [Stumph Road](#)
- [Stumph Road](#)

**History**  
**Time**

**Who**  
Clerk of the Board

**Approval**

31/01/2009 10:40:00 AM

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0080

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division</b>	<b>A Resolution</b> authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works or her designee to execute said licenses.
---	--

WHEREAS, the Department of Public Works has received applications for sewer building licenses for the Year 2011 and has requested the authority to execute licenses; and,

WHEREAS, Sewer builders provide new sewer services for connecting homes and commercial developments to main line sewers and construct main line sewer systems in residential developments; and,

WHEREAS, the Sanitary Engineer licenses and renews licenses for sewer contractors to protect the general public by requiring that the contractors provide:

1. a \$5,000 bond and Power of Attorney for the bond.
2. proof of Public Liability and Property Damage Insurance in the amount of \$100,000/\$500,000 minimum; and,

WHEREAS, the Department of Public Works has determined that good and sufficient bond indemnifying the County of Cuyahoga accompanies such applications; and,

WHEREAS, new licensees are also required to provide evidence of experience and a \$60.00 annual fee, which is a source of revenue for the Sanitary Engineer.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the Director of Public Works or her designee is hereby authorized to execute 2011 sewer building licenses to the following license applicants that shall be effective through December 31, 2011:

1. AAA FLEXIBLE PIPE CORP., 7277 BESSEMER AVENUE, CLEVELAND, OHIO 44127
2. A.B.V. CORPORATION, 36315 READING AVENUE, WILLOUGHBY, OHIO 44094



3. ANTHONY ALLEGA CEMENT CONTRACTOR, INC., 5585 CANAL ROAD, VALLEY VIEW, OHIO 44125
4. APPROVED PLUMBING CO., 770 KEN MAR INDUSTRIAL PARKWAY, BROADVIEW HTS., OHIO 44147
5. THE BEAVER EXCAVATING COMPANY, 2000 BEAVER PLACE S.W., CANTON, OHIO 44706
6. C.A. AGRESTA CONSTRUCTION CO., 4186 GREENVALE ROAD, SOUTH EUCLID, OHIO 44121
7. CAMINO CONSTRUCTION, INC., 1548 EAST 367TH STREET, EASTLAKE, OHIO 44095
8. CARMEN CANZONA, 10861 WILSON MILLS ROAD, CHARDON, OHIO 44024
9. CARRON ASPHALT PAVING, INC., 7615 BOND ST., SOLON, OHIO 44139
10. CIRO'S SEWER CLEANING, INC., 37100 RESEARCH DRIVE, EASTLAKE, OHIO 44095
11. CUNNINGHAM PAVING CO., 20814 AURORA ROAD, CLEVELAND, OHIO 44146-1006
12. D. FARINACCI EXCAVATING CO., INC., 34980 LAKELAND BOULEVARD, EASTLAKE, OHIO 44095
13. DOMENICK ELECTRIC SEWER CLEANING CO., INC., 35886 LAKELAND BOULEVARD, EASTLAKE, OHIO 44095
14. FANTOZZI & SON GENERAL CONTRACTORS, INC., 5627 WILSON MILLS ROAD, HIGHLAND HEIGHTS, OHIO 44143
15. FECHKO EXCAVATING, 865 W. LIBERTY STREET, MEDINA, OHIO 44256
16. FERRETTI PLUMBING, 6638 COMMONWEALTH BLVD, PARMA HTS, OHIO 44130
17. FORTUNA CONSTRUCTION COMPANY, INC., 3133 WATERFALL WAY, WESTLAKE, OHIO 44145
18. THE GREAT LAKES CONSTRUCTION CO., 2608 GREAT LAKES WAY, HINCKLEY, OHIO 44233

19. GWINN BROTHERS CONSTRUCTION, P.O. BOX 150, 1453 KINSMAN ROAD, NORTH BLOOMFIELD, OHIO 44450
20. H. JACKS PLUMBING & HEATING CO. OF MENTOR, INC., 29930 LAKELAND BOULEVARD, WICKLIFFE, OHIO 4409
21. HALLMARK EXCAVATING, INC., 482 BLACKBROOK ROAD, PAINESVILLE, OHIO 44077
22. HARVEY PLUMBING, INC., 4191 MAHONING ROAD, P.O. BOX 278, DIAMOND, OHIO 44412
23. J.R. SBROCCO PLUMBING INC., 29299 WILLOW LANE, WILLOUGHBY HILLS, OHIO 44092, MAILING ADDRESS P.O. BOX 43354, RICHMOND HTS., OHIO 44143
24. J.S. PARIS EXCAVATING, INC., 11550 MAHONING AVENUE, NORTH JACKSON, OHIO 44451
25. THE JOHN F. GALLAGHER, CO., 36360 LAKELAND BLVD., EASTLAKE, OHIO 44095
26. KENMORE CONSTRUCTION CO., INC., 700 HOME AVENUE, AKRON, OHIO 44310
27. KENT'S EXCAVATING SERVICES, INC., 9002 RYAN ROAD, SEVILLE, OHIO 44273
28. KING EXCAVATING CO., 35080 LAKELAND BOULEVARD, EASTLAKE, OHIO 44095
29. KMU TRUCKING & EXCAVATING, INC., 4436 CENTER ROAD, AVON, OHIO 44011
30. KODIAK CONSTRUCTION, INC., 4431 STONEY RIDGE, AVON, OHIO 44011
31. KRUMROY-COZAD CONSTRUCTION CORPORATION, 376 W. EXCHANGE ST., AKRON, OHIO 44302
32. LAKE COUNTY SEWER COMPANY, INC., 32900 LAKELAND BLVD., WILLOWICK, OHIO 44095
33. LASSNICK EXCAVATING, 7841 PROCTOR ROAD, PAINESVILLE, OHIO 44077
34. MARK SCHAFFER EXCAVATING & TRUCKING, INC., 1623 OLD STATE ROAD, NORWALK, OHIO 44857

35. MARRA SERVICES, INC., 31300 SOLON ROAD, STE. 12, SOLON, OHIO 44139
36. MODERN POURED WALLS, INC., 41807 ST. RT. 18, WELLINGTON, OHIO 44090
37. MONTE CONSTRUCTION CO., INC., 9290 AMBER WOOD DRIVE, KIRTLAND, OHIO 44094
38. MR. EXCAVATOR, INC. 8616 EUCLID-CHARDON RD, KIRTLAND OH 44094
39. NORHIO PLUMBING, INC., 11342 CHAMBERLAIN ROAD, AURORA, OHIO 44202
40. NORTHEAST OHIO TRENCHING SERVICE INC., 17900 MILES ROAD, WARENSVILLE HEIGHTS, OHIO 44128
41. OTTO FALKENBERG EXCAVATING INC., 9350 COIT ROAD, MANTUA, OHIO 44255
42. PRECISION EXCAVATING & GRADING CO., 2570 PRESSLER ROAD, AKRON, OHIO 44312
43. PROGRESSIVE POURED WALLS, LLC., 11280 AVON-BELDEN ROAD, GRAFTON, OHIO 44044
44. PRO-TRADES, 8281 Chardon Road, Suite D, Kirtland, Ohio 44094
45. R.J. PLATTEN CONTRACTING CO., 14490 YORK ROAD, NORTH ROYALTON, OHIO 44133
46. SCI INC., 7011 ST RT 45 P.O. BOX 306, ORWELL OH 44076
47. SITETECH, INC., 35700 E. ROYALTON ROAD, GRAFTON, OHIO 44044
48. SITEWORK DEVELOPING, INC., 9940 WATERFORD TRAIL, CHAGRIN FALLS, OHIO 44023
49. SOEHNLEN PIPING COMPANY, 4620 JOHNSTON PARKWAY, CLEVELAND, OHIO 44128
50. TERRACE CONSTRUCTION COMPANY, INC., 3965 PEARL ROAD, CLEVELAND, OHIO 44109
51. TONY & SON PLUMBING CO., 5308 CORTLAND RESERVE DRIVE, NORTH ROYALTON, OHIO 44133

- 52. TRIAD ENGINEERING & CONTRACTING CO., 7575 NORTHFIELD ROAD, WALTON HILLS, OHIO 44146
- 53. VALENTINO CAMARDO, 4911 MILLWOOD DRIVE, BROADVIEW HEIGHTS, OHIO 44147
- 54. THE VALLEJO COMPANY, INC., 4429 STATE ROAD, STE. 24, CLEVELAND, OHIO 44109
- 55. UNITED MECHANICAL CONTRACTORS, INC., 26660 LAKELAND BOULEVARD, EUCLID, OHIO 44132
- 56. UTILITIES CONSTRUCTION COMPANY, 645 SOUTH GREEN ROAD, SOUTH EUCLID, OHIO 44121

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

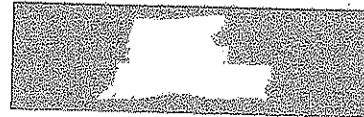
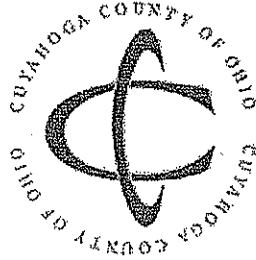
\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer/Sanitary Engineering Division	<b>Agency/Dept. Head Name:</b>	Robert C. Klaiber Jr.,
<b>Type of Request:</b>	Authority To Submit		
<b>Request Prepared by:</b>	Rana Sakr	<b>Telephone No.</b>	(216) 443-8199
<b>SUMMARY OF REQUESTED ACTION:</b>			
Sanitary Engineering Division, submitting Sewer Builder's Licenses for the Year 2011.			
Sewer builders provide new sewer services for connecting homes and commercial developments to main line sewers. They also construct main line sewer systems in residential developments. The Sanitary Engineer licenses and renews licenses for sewer contractors to protect the general public by requiring that the contractors provide:			
<ol style="list-style-type: none"><li>1. A \$5,000 bond and Power of Attorney for the bond.</li><li>2. Furnish proof of Public Liability and Property Damage Insurance in the amount of \$100,000/\$500,000 minimum as per Board Resolution No. 524306.</li></ol>			
New licensees are also required to provide evidence of experience. The \$60.00 annual license fees are a source of revenue for the Sanitary Engineer's Office. If you have any questions, please call James Johnson, Jr., Supervisor, Permits & Inspection, at ext. 8208 or William Schneider, P.E., Chief Engineer, at ext. 8205.			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
56 License applications with the Request For Board Action 56 Total processed for 2011 to date			
AAA FLEXIBLE PIPE CORP., ERNEST B. FISCO, PRESIDENT A.B.V. CORPORATION, BRUNO FRABOTTA, PRESIDENT ANTHONY ALLEGA CEMENT CONTRACTORS, INC., JOHN ALLEGA, PRESIDENT APPROVED PLUMBING CO., DENNIS M. SCHLEKIE, PRESIDENT			

THE BEAVER EXCAVATING COMPANY, W. MARK STERLING, PRESIDENT  
C.A. AGRESTA CONSTRUCTION CO., JOHN AGRESTA, PRESIDENT  
CAMINO CONSTRUCTION, INC., DOMENIC S. CAMINO, OWNER  
CARMEN CANZONA, CARMEN CANZONA, SOLE PROPRIETOR  
CARRON ASPHALT PAVING, INC., ROBERT A. LOTARSKI, PRESIDENT  
CIRO'S SEWER CLEANING, INC., ANTHONY GRANDINI, C.E.O.  
CUNNINGHAM PAVING COMPANY, TIMOTHY J. CUNNINGHAM PRESIDENT  
D. FARINACCI EXCAVATING CO., INC., JOSEPH FARINACCI, OWNER  
DOMENICK ELECTRIC SEWER CLEANING CO., INC., DOMENICK DIFRANCO, PRESIDENT  
FANTOZZI & SON GENERAL CONTRACTORS, INC., MARIA A. FANTOZZI, PRESIDENT  
FECHKO EXCAVATING, JOHN FECHKO, PRESIDENT  
FERRETTI PLUMBING, ROBERT FERRETTI, OWNER  
FORTUNA CONSTRUCTION COMPANY, INC., JOYCE FORTUNA, PRESIDENT  
THE GREAT LAKES CONSTRUCTION CO., GEORGE J. PALKO, PRESIDENT  
GWINN BROTHERS CONSTRUCTION, DAN GWINN, PRESIDENT  
H. JACKS PLUMBING & HEATING CO. OF MENTOR, INC., JOHN H. LANGER,  
OWNER/PRESIDENT  
HALLMARK EXCAVATING, INC., RALPH HARRISON, PRESIDENT  
HARVEY PLUMBING, INC., JOHN HARVEY, PRESIDENT  
J.R. SBROCCO PLUMBING INC., JOHN R. SBROCCO, PRESIDENT  
J.S. PARIS EXCAVATING, INC., JAMES S. PARIS, OWNER  
THE JOHN F. GALLAGHER COMPANY, MICHAEL J. GALLAGHER, PRESIDENT  
KENMORE CONSTRUCTION CO., INC., WILLIAM A. SCALA, PRESIDENT  
KENT'S EXCAVATING SERVICES, INC., W. KENT PHILLIPS, PRESIDENT  
KING EXCAVATING CO., EUGENE J. MAROUS JR., PRESIDENT  
KMU TRUCKING & EXCAVATING, INC., KEVIN URIG, PRESIDENT  
KODIAK CONSTRUCTION, INC., MELANIE HRICOVEC, PRESIDENT  
KRUMROY-COZAD CONSTRUCTION CORP., DANIEL J. COZAD, PRESIDENT  
LAKE COUNTY SEWER CO., INC., RICK MARUCCI, OWNER-SECRETARY  
LASSNICK EXCAVATING, GEORGE LASSNICK, PRESIDENT  
MARK SCHAFFER EXCAVATION & TRUCKING, INC., MARK A. SCHAFFER, PRESIDENT  
MARRA SERVICES, INC., CIARA MARRA, PRESIDENT  
MODERN POURED WALLS, INC., WILLIAM SCOTT SMITH, PRESIDENT  
MONTE CONSTRUCTION CO., INC., ARDUINO MONTOUTI, PRESIDENT  
MR. EXCAVATOR, INC., THOMAS J. FLESHER, VICE PRESIDENT/OWNER  
NORHIO PLUMBING, INC., HERMAN BOHINC, OWNER/PRESIDENT  
NORTHEAST OHIO TRENCHING SERVICE INC., GEORGE GORUP, PRESIDENT  
OTTO FALKENBERG EXCAVATING, INC., OTTO FALKENBERG, PRESIDENT  
PRECISION EXCAVATING & GRADING CO., RODNEY M. MYERS, PRESIDENT  
PROGRESSIVE POURED WALLS, LLC., ROB PIETRUSZKA, OWNER  
R.J. PLATTEN CONTRACTNG CO., DANIEL J. PLATTEN, OWNER  
S.C.I. INC., MARK STACKHOUSE, PRESIDENT  
SITETECH, INC., FRANK JARAM, PRESIDENT  
SITEWORK DEVELOPING, INC., JOHN L. BLAKEY, OWNER/PRESIDENT  
SOEHNLEN PIPING COMPANY, ERIC D. SEIFERT, PRESIDENT  
TERRACE CONSTRUCTION, JEFFREY E. NOCK, PRESIDENT  
TONY & SON PLUMBING CO., TONY FERRETTI, JR., OWNER  
TRIAD ENGINEERING & CONTRACTING CO., CLIFFORD J. KASSOUF, PRESIDENT



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0081

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Central Services</b>	<b>A Resolution</b> authorizing the County Executive or his designee to enter into a revenue generating agreement with LifeBanc for lease of space at the County Coroner's Building, located at 11001 Cedar Avenue, Cleveland, for the period December 1, 2010 through December 31, 2013 for a fee to the County in the amount of \$27,600.00 per annum.
--	--

WHEREAS, the Department of Public Works has recommended approval of a lease agreement with LifeBanc, a non-profit corporation located at 4775 Richmond Road, Cleveland, Ohio 44128 for approximately 600 square feet of space identified in the basement or ground floor of the Coroner's Building located at 11001 Cedar Avenue, Cleveland, Ohio; and,

WHEREAS, if approved the term of the lease shall be for three (3) years and one month commencing December 1, 2010 to December 31, 2013 in the amount of \$2,300.00 per month for an annual total of \$27,600.00 with the option to extend the lease agreement for an additional two (2) years at a cost to be negotiated; and,

WHEREAS, there is language in the proposed lease agreement that reserves the right for either party to terminate the lease at any time with written 90 days notice; and,

WHEREAS, LifeBanc currently leases 277 square feet of space at the Coroner's Building and this lease has been in effect since 2009, generating \$18,000 annually for the County; and,

WHEREAS, LifeBanc has requested additional space and the Coroner is able to accommodate this request which will bring the total square footage leased by LifeBanc to 600 square feet, generating \$27,600 annually; and,

WHEREAS, LifeBanc provides a valuable service for many patients in need of organ donation and their location in the Coroner's Building allows them to act quickly in support of their mission.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**



**SECTION 1.** That the County Executive or his designee is hereby authorized to enter into an agreement with LifeBanc for lease of space at the County Coroner's Building, located at 11001 Cedar Avenue, Cleveland, for the period December 1, 2010 through December 31, 2013 for a fee in the amount of \$27,600.00 per annum.

**SECTION 2.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

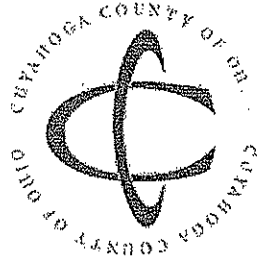
\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011



**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Central Services	<b>Agency/Dept. Head Name:</b>	Jay Ross
<b>Type of Request:</b>	Agreement/Amendment		
<b>Request Prepared by:</b>	Wanda Graves	<b>Telephone No.</b>	(216) 443-7095
<b>SUMMARY OF REQUESTED ACTION:</b>			
<p>Submitting a revenue generating agreement with LifeBanc, a non-profit Corporation located at 4775 Richmond Road, Cleveland, Ohio 44128 for approximately 600 square foot of space identified in the basement or ground floor in the Coroner's Building located at 11001 Cedar Avenue, Cleveland, Ohio.</p>			
<p>The term of this lease shall be for three (3) years and one month commencing December 01, 2010 to December 31, 2013 in the amount of \$2,300.00 per month for a annual total of \$27,600.00, with the OPTION to extend for additional two (2) years at a cost to be negotiated. Either party reserves the right at any time to terminate this lease with a written 90 day notice.</p>			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
<p>Lifebanc currently leases 277 square feet at the Coroner's Building in support of its mission to harvest human organs for donations. This lease has been in effect since 2009, generating \$18,000 annually for the County. Lifebanc has requested additional space and the Coroner's Office is able to accomodate their request in the basement of the building. The additional space will bring the total square footage to 600 square feet, generating \$27,600 annually for the County.</p>			
<p>This organization provides a valuable service for many patients in need of organs, and their location in the Coroner's Building allows them to act quickly in support of their mission.</p>			
<b>PRINCIPAL OWNER (S):</b>			

LifeBanc, Gordon Bowen, CEO

**Explanation for late submittal:**

Receiving signed paperwork from vendor

**Contract/Agreement Information:**

**Procurement Method:**

**Explanation for Increase/Decrease in \$ Amount for current request:**

**Financial Information:**

**Funding source:    Explanation:**

**Total Amount Requested:**

\$

**ATTACHMENTS:**

Click to download

- [Lease](#)
- [Exhibit A](#)
- [Auditor of State](#)
- [DMA](#)
- [CC](#)
- [SOS](#)
- [W-9](#)
- [Resolution #084842](#)

**History**

Time

Who

Clerk of the Board

Approval

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0082

<b>Sponsored by: County Executive FitzGerald/Department of Development</b>	<b>A Resolution</b> approving a loan in the amount not-to-exceed \$1,000,000.00 to Blue Sky Campus, Inc. for a Brownfield Redevelopment Fund Project, located at 9501 Granger Road, Garfield Heights; authorizing the County Executive or his designee(s) to execute all documents required in connection with said loan.
--	---

WHEREAS, the Department of Development is recommending approval of a Brownfield Redevelopment Fund Loan to Blue Sky Campus, Inc., in the amount not-to-exceed \$1,000,000.00; and,

WHEREAS, the loan request was reviewed by the County Economic Development Loan Review Committee on November 10, 2010 and was recommended for approval; and,

WHEREAS, Blue Sky Campus, Inc, an affiliate of OverDrive, Inc., has purchased the former Nestaway facility in Garfield Heights and plans to redevelop the property as the headquarters for OverDrive, Inc., a digital security firm for audio books, eBooks, music and videos; and,

WHEREAS, OverDrive, Inc. currently has over 100 employees and anticipates creating over 100 new jobs over the next few years with annual salaries ranging from \$35,000.00 to \$60,000.00; and,

WHEREAS, Section 7.01 of the Charter, County Economic Development, declares that the County shall have as a primary responsibility the promotion and enhancement of the economic well-being and prosperity of the County and all of its residents.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive or his designee(s) are hereby authorized to execute all documents required in connection with a loan in the amount not-to-exceed \$1,000,000.00 to Blue Sky Campus, Inc. for a Brownfield Redevelopment Fund Project, located at 9501 Granger Road, Garfield Heights.

**SECTION 2.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that

resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

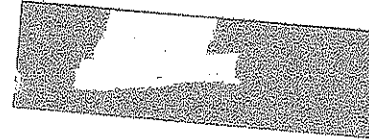
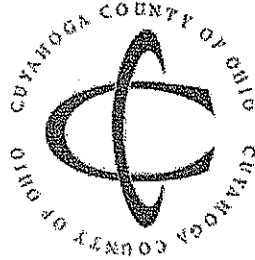
\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011



**Item Details:**

<b>Agency/Dept. Name:</b>	Department Development	of Agency/Dept. Head Name:	Baunach
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Laura Clark	<b>Telephone No.</b>	698.2575
<b>SUMMARY OF REQUESTED ACTION:</b>			
Requesting approval of a Brownfield Redevelopment Fund loan to Blue Sky Campus, Inc. in the amount not-to-exceed \$1,000,000, and authorizing the Director of Development or Deputy Chief of Staff for Development to execute the loan documents, amendments, subordination agreements and other instruments and agreements, with such parties that may be required or appropriate to effectuate the loan. Total project costs are estimated at \$7,185,893 and the County subsidy is estimated at \$450,000.			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
The loan request was reviewed by the County Economic Development Loan Review Committee on November 10, 2010 and was recommended for approval by the Board of Cuyahoga County Commissioners. The BOCC approved this loan on December 2, 2010 as documented in Resolution No. 105127.			
Blue Sky Campus, Inc., an affiliate of OverDrive, Inc. has purchased the former Nestaway facility in Garfield Heights. The property will be redeveloped as the headquarters for OverDrive, Inc., a digital security firm for audio books, eBooks, music and videos. OverDrive currently has over 100 employees and anticipates creating over 100 new jobs over the next few years. Annual salaries will range form \$35,000 to \$60,000.			
Principal Owners: A complete breakdown of the ownership structure for both Blue Sky Campus, Inc. and OverDrive, Inc. is attached.			
<b>Explanation for late submittal:</b>			

**Contract/Agreement Information:**

--

**Procurement Method:**

**Explanation for Increase/Decrease in \$ Amount for current request:**

**Financial Information:**

**Funding source:    Explanation:**

General Fund

**Total Amount Requested:**

\$1,000,000.00

**ATTACHMENTS:**

Click to download

- [Principal Owners](#)
- [Loan Summary](#)
- [Previous approval reso](#)

**History**

**Time**

**Who**

Clerk of the Board

**Approval**

Blue Sky Campus  
PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information for all owners associated with the above named entity:

Member Name	Title	Percentage of Ownership
<i>SUN DRIVE, INC.</i>	<i>a Delaware Corporation</i>	<i>100%</i>



The Cuyahoga County Brownfield Redevelopment Fund

Community Assessment Initiative Application

**Attachment B**

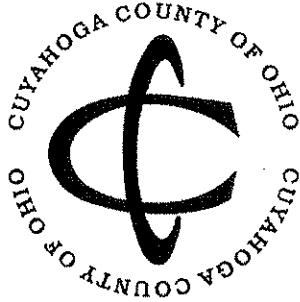
**OverDrive, Inc.- Current Members**

Steve Potash, CEO & President

Mike Vantusko, CFO

Jeff Sterling, CTO

Lori Soukup, COO



COMMISSIONERS  
Jimmy Dimora  
Timothy F. Hagan  
Peter Lawson Jones

**BROWNFIELD REDEVELOPMENT FUND  
LOAN PRESENTATION PACKAGE**

**Blue Sky Campus, Inc.  
Future OverDrive, Inc. Headquarters**

<b><u>SECTION</u></b>	<b><u>PAGES</u></b>
<b>1. Blue Sky Proforma</b>	<b>Attachment A</b>
<b>2. OverDrive, Inc. Financials</b>	<b>Attachment B</b>
<b>3. OverDrive, Inc. Proforma</b>	<b>Attachment C</b>
<b>4. Real Estate Appraisal</b>	<b>Attachment D</b>

**Prepared By:**  
**Laura Clark**  
**Senior Development Finance Analyst**  
**(216) 698.2575**  
**lclark@cuyahogacounty.us**

**BROWNFIELD REDEVELOPMENT FUND  
LOAN REQUEST SUMMARY**

**Project Applicant:**

Blue Sky Campus, Inc. is requesting a \$1 million Brownfield Redevelopment Fund loan for the Former Nestaway Building, which is located at 9501 Granger Road in the City of Garfield Heights (the Property). The Property will be redeveloped as the headquarters for OverDrive, Inc., which provides world-class infrastructure for distributing premium digital content.

Founded in 1986, OverDrive, Inc. (OverDrive) empowers publishers, enterprises, libraries, schools, and retailers to maximize their presence in the digital world by enabling them to securely manage, protect, and lend or sell digital audio books, eBooks, music, and videos. Approximately 80% of their customers are public libraries around the world (10,000 in US alone); the other 20% is retail – Barnes & Noble, Waterstones, W.H. Smith, Borders, etc.

Blue Sky Campus, Inc. (Blue Sky) is a Delaware Corporation that is a wholly owned subsidiary of OverDrive, Inc. The ownership structure and principals involved are:

**Blue Sky Campus, Inc. Ownership Structure and Principals**

OverDrive, Inc. – 100%

- Steve Potash – CEO and President - 22%
- Mike Vantusko – CFO
- Jeff Sterling - CTO
- Lori Soukup – COO
- Multiple Investors with 2-3% interest

**Project Summary:**

Blue Sky is proposing to redevelop the 121,090 sf Nestaway Building as the headquarters for OverDrive. The Property was vacant for over a year; Blue Sky has completed the acquisition. The building will have office and warehouse space for the burgeoning digital media services company. OverDrive, which currently employs 100, anticipates creating over 100 jobs in the next few years. The Property encompasses over 12 acres.

The project has received a municipal resolution of support from the City of Garfield Heights. In addition, OverDrive has secured a \$50,000 Rapid Outreach Grant from the State of Ohio, as well as a \$200,000 629 Roadway Grant from the State for the Property.

Blue Sky is applying for \$1,000,000 from the Brownfield Redevelopment Fund (BRF) to finance project costs associated with asbestos abatement, removal of an underground storage tank, environmental oversight, filing an environmental covenant, and obtaining a No Further Action (NFA) Letter from a Certified Professional.

The Property currently generates \$30,129.81 in annual property taxes. The redevelopment will generate an additional \$50,000 per year in property taxes for years one through seven, as Garfield Heights has offered a 75% abatement on improvements for that period. From year eight through ten, it is projected to generate an additional \$150,000 in property taxes annually, as the abatement will be only 25% on improvements. After the abatements have expired, the Property is projected to generate \$200,000 annually in property taxes.

Further, the projected job creation, which includes positions in development, sales and marketing, administrative services, content production, support, and management, is expected to exceed 100 new employees. The annual salaries will range from \$35,000 to \$60,000.

**Historic Use:**

The Property was initially developed in 1957 by Midwest Metallic Products, a wire products manufacturer. Wire shopping carts and dishwashing racks were among the products produced at the Property. Midwest Metallic eventually became Nestaway, Inc. Flexible Handling Materials also operated at the Property from 2003 through 2008, producing flexible conveyors, truck loading conveyors, and telescopic and rigid drive-out belted conveyors.

The Property has been vacant since 2009. Former operations included spray painting, plating, machining, cutting, and usage of dip tanks, parts washers, hydraulic equipment and compressors. An underground storage tank associated with the former coating operations is believed to still be located on the Property.

**Environmental Issues:**

Partners Environmental conducted an Ohio Voluntary Action Program Phase I Property Assessment, which determined there are four Identified Areas associated with the Property.

- IA 1 – Former Industrial Use of Property
- IA 2 – Potential Fill Materials on Property
- IA 3 – Offsite Adjoining Property to East
- IA 4 – Offsite Adjoining Property to North

In addition, asbestos-containing materials have been identified at the Property. Multiple types of floor tile, pipe fittings, pipe

insulation, drywall ceiling systems, window glazing, window caulk, roofing, boiler insulation, and dampers all require proper removal and disposal prior to the renovations. The asbestos abatement costs are expected to range from \$286,100 to \$432,000.

The Phase II environmental site assessment indicated there is an underground storage tank that requires proper removal and closure.

The Remedial Action Plan prepared by Partners Environmental also recommends that the floor be pressure washed and cleaned to remove any oil or built up paint residue. Additional sampling also needs to be conducted to determine if there are potential volatile organic compounds (VOC's) beneath the floor slab that could lead to vapor migration to the indoor air. Lastly, Site-Specific Modeling, a Human Health Risk Assessment and an Operations and Maintenance Plan along with updating the Phase II report will be conducted for potential soil and groundwater issues.

**Project Cost:**

The total cost of the redevelopment project is estimated to be over \$7,000,000. The \$1,000,000 Brownfield Redevelopment Fund loan will be primarily used for asbestos remediation, removal of an underground storage tank, acquisition, and completion of the No Further Action process through the VAP. These costs total \$1,245,650.

OverDrive, Inc. will fund the remainder of the project through operating cash flow.

**PROFORMA:**

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**Sources:**

County BRF	\$ 1,000,000
State of Ohio Rapid Outreach Grant	\$ 50,000
State of Ohio DOD 629 Grant	\$ 200,000
OverDrive Cash Flow	<u>\$ 6,050,543</u>
<b>Total Sources</b>	<b>\$ 7,185,893</b>

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**Uses:**

Land Acquisition	\$ 1,400,000
Renovations	\$ 4,954,350
Environmental	\$ 631,000
Soft Costs	<u>\$ 200,543</u>
<b>Total Uses</b>	<b>\$ 7,185,893</b>

**FINANCING TERMS:**

Up to One Million Dollar (\$1,000,000) Brownfield Redevelopment Fund Loan (the "Loan"). Fifty-Five percent (55%) of the Loan must be repaid as described below (the "Non-Forgivable Loan Portion"). Forty percent (40%) of the Loan will be forgiven in five equal amounts (the "Forgivable Loan Portion"). If the project obtains LEED Certification or completes at least two green/sustainable initiatives, an additional five percent (5%) loan forgiveness may be allowed by the County. Any loan forgiveness will be conditioned upon the following items being and remaining satisfied: (i) the Loan is then in full force and effect, (ii) no default has occurred under any of the loan documents and then remains uncured, and (iii) a No Further Action Letter (NFA) has been issued for the Project under the Ohio Voluntary Action Program and has not subsequently been revoked. In the event the conditions above do not remain satisfied, all amounts forgiven shall be reinstated and recoverable.

The rate of interest will be fixed at two percent (2%) per annum for both the Forgivable and Non-Forgivable Portions of the Loan (the "Interest Rate").

**TERM / REPAYMENT:**

As to both the Forgivable Loan Portion and the Non-Forgivable Portion of the Loan, quarterly interest-only payments for a two-year period, at which time the principal amount shall be due and payable in full. The loan may be extended for a period of thirteen (13) years, at the option of Borrower, it being understood, however, that (i) installments of interest on the unpaid principal balance, and (ii) fixed payments of principal sufficient to fully amortize the principal balance of the loan, will be required during the extension period.

**USE OF PROCEEDS:** The Loan proceeds will be used for asbestos abatement, removal of an underground storage tank, acquisition, and the costs of receiving a “No Further Action Letter” from a State of Ohio Certified Professional pursuant to Section 3746.11 of the Ohio Revised Code and the rules promulgated thereunder.

**GUARANTOR(S):** Corporate Guaranty from OverDrive, Inc.

**COLLATERAL:** County to have a first lien position.

**APPRAISED VALUE:** The “as-is” appraisal estimates the value of the property at \$1,400,000 and the “as built” at \$5,825,000. Therefore, the loan-to-value, based on the “as-is” appraisal, is 71% which more than satisfies the programmatic requirement of 90%. There will be no other debt on the project.

**RECOMMENDATIONS:** The Department of Development staff believes providing financial assistance to Blue Sky Campus, Inc. is a worthwhile risk that will leverage additional investment. The Department of Development, therefore, recommends approval of the Brownfield Redevelopment Fund loan as presented with conditions to be met prior to closing and/or disbursement.

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0083

Sponsored by: <b>County Executive FitzGerald/Department of Health and Human Services/Office of Early Childhood</b>	<b>A Resolution</b> authorizing the County Executive or his designee to enter into a contract with Educational Service Center of Cuyahoga County in the amount not-to-exceed \$926,071.00 for administrative and fiscal agent services to expend funds provided through the American Recovery and Reinvestment Act of 2009 for qualitative Help Me Grow Part C early intervention services to eligible families for the period July 1, 2010 through June 30, 2011.
--	--

WHEREAS, the State of Ohio applied for and received federal stimulus funds under the American Recovery and Reinvestment Act of 2009 (ARRA) for the Help Me Grow program Part C; and,

WHEREAS, the State of Ohio provided ARRA funds to Cuyahoga County to offset state funds for the Part C program; and,

WHEREAS, this is the second installment of ARRA funds to Cuyahoga County and is for the State Fiscal Year (SFY) 2011 (July 1, 2010 through June 30, 2011); and,

WHEREAS, the Office of Early Childhood has recommended the approval of a contract with the Educational Service Center of Cuyahoga County in amount not-to-exceed \$926, 071.00 and is for administrative and fiscal agent services to expend funds provided through the American Recovery and Reinvestment Act of 2009 for qualitative Help Me Grow Part C early intervention services to eligible families for the period July 1, 2010 through June 30, 2011.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive or his designee is hereby authorized to enter into a contract with the Educational Service Center of Cuyahoga County in the amount not-to-exceed \$926,071.00 and is for administrative and fiscal agent services to expend funds provided through the American Recovery and Reinvestment Act of 2009 for qualitative Help Me Grow Part C early intervention services to eligible families for the period July 1, 2010 through June 30, 2011.

**SECTION 2.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the



Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

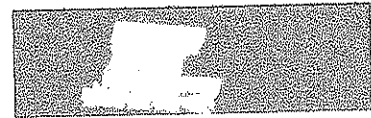
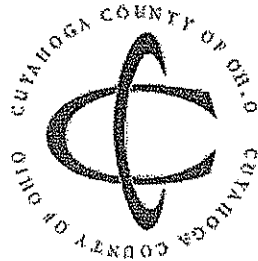
\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal \_\_\_\_\_  
March 1, 2011



**Item Details:**

**Agency/Dept. Name:** Administrator's Office/Office of Early Childhood  
**Agency/Dept. Head Name:** Rebekah Dorman

**Type of Request:** Contract/Amendment

**Request Prepared by:** Helen McCoy, Business Services Manager  
**Telephone No.:** 216 698-2214

**SUMMARY OF REQUESTED ACTION:**

Administrator's Office/Office of Early Childhood is submitting a contract with the Educational Service Center of Cuyahoga County, a political subdivision of the State of Ohio, on behalf of Help Me Grow (HMG), to support the HMG Part C program in the amount not-to-exceed \$926,071.00 for the period beginning July 1, 2010 through June 30, 2011.

American Recovery and Reinvestment Act of 2009 (ARRA) funding from the Federal Government awarded by the Ohio Department of Health (ODH) and approved via resolution #104851 will be used to pay for services rendered against this contract.

**PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):**

**BACKGROUND:** Beginning in 2009, the State of Ohio had an opportunity to apply for Federal Stimulus dollars under the American Recovery and Reinvestment Act of 2009 (ARRA). Ohio applied for, and received, ARRA funds for the Part C program. The State chose to use these funds to offset state dollars for the Part C program, instead of using them to increase overall spending on the program. Consequently, total program funding remained at the reduced levels established by the State for the 2008 - 09 biennial budget. Thus, none of the reductions in staff nor the cuts in programming implemented in the 2008 - 09 budget were restored with the Federal ARRA Funds.

This is the second installment of ARRA funds to Cuyahoga County and it is for the State Fiscal Year (SFY) 2011 (July 1, 2010 through June 30, 2011). The first installment, in the amount of \$885,986 was received last year for SFY 2010, July 1, 2009 through June 30, 2010.

**PURPOSE:**

This contract is entered into with the Educational Service Center of Cuyahoga County, which serves and the fiscal and administrative agent for Help Me Grow (HMG), to expend ARRA funds in accordance with state and federal laws, and to provide qualitative Help Me Grow Part C early intervention services to eligible families.

Enter into contracts with HMG-approved community-based providers to deliver HMG Part C ARRA services and procurement of other goods and services for eligible children 0 to 3 with a suspected or diagnosed developmental delay or disability.

ESC will also bill OEC for all contracts and services' costs associated with this contract and assure that the following services and business-related functions are provided.

Part C early intervention services are provided in Cuyahoga County for the 2,000 Part C eligible children currently identified as well as all other infants and children to age three who may become program eligible. These funds will be used in conjunction with base level funding for the Part C Program.

This source of funding will also allow HMG of Cuyahoga County's provider agencies to retain 15.5 full time equivalents (FTEs) or approximately 22 employees at two contracted service provider agencies. These 15.5 FTE Part C service coordinators are part of an early intervention delivery system with 67.5 other service coordinators providing Part C and At Risk services based at nine contracted service provider agencies as well as all the schools, Cuyahoga County Board of Developmental Disabilities (CCBDD), other public systems serving young children and their families, and the community.

More specifically, ARRA Part C funding will be used to pay for direct client-related services such as evaluation and service coordination for children 0 to 3 with a suspected or diagnosed developmental delay or disability. Services provided through ARRA Part C funds shall include but not limited to the following:

- 1) Service coordination including meeting the 45 day time line for intake and development of an Individualized Family Service Plan (IFSP); timely receipt of client services; completion of Child Outcome Summary Forms (COSF) for service evaluation; and transition to Part B or other appropriate services at age three.
- 2) Child Find mandates.
- 3) Completion of Part C evaluations for program eligibility.
- 4) Administrative functions such as intake, timely and accurate data entry for reporting, billing and compensation for contracted service providers, and service monitoring and evaluation.
- 5) Quality assurance to ensure services are provided according to ODH's policies and procedures.

Contractually, the Educational Service Center (ESC) serves as the fiscal and administrative agent for HMG of Cuyahoga County. ESC shall expend funds and invoice OEC for all contracts and services associated with this award.

**OUTCOMES:**

Retention of a qualitative Part C early intervention system in Cuyahoga County and prevent reductions in essential Part C services for an estimated 2,000 children receiving Part C services.

Achievement is expected of the Ohio Department of Health's performance plan goals given the support and retention of 15.5 FTEs or 22 staff members who will continue to make the following service coordination and child find mandates of a quality Part C early intervention system possible:

- 1) 45 day time line at or above 95% of compliance.
- 2) Timely receipt of services at or above 95% compliance.
- 3) Transition services at or above 95% compliance.

ESC will provide monthly and quarterly fiscal and programmatic reports to ODH and OEC relative to expenditures against this contract and to document the use of Part C ARRA funds.

**Explanation for late submittal:**

Additional time was needed to obtain the grant award, obtain BOCC approval of the award, establish the grant budgetary structure, appropriate funds for this contract, and develop and execute the contract prior to submission approval.

**Contract/Agreement Information:****Procurement Method:**

Exempt from Competitive Bid Requirements

**Explanation for Increase/Decrease in \$ Amount for current request:**

\$40,085.00 or 5% increase

**Financial Information:****Funding source:      Explanation:**

Federal	American Recovery and Reinvestment Act (ARRA) of 2009 - Federal Stimulus Funds were made available thru the OH Dept of Health
---------	---

**Total Amount Requested:**

\$926,071.00

**ATTACHMENTS:**

Click to download

- [ESC SFY11 ARRA Contract](#)
- [ESC ARRA Contract - Exhibit A Budget](#)
- [ESC ARRA Contract - Evaluation Form](#)
- [ESC ARRA Contract History Log](#)
- [ESC Contract Auditor of State Unresolved Findings Form](#)
- [BB](#)
- [Voucher](#)

History

**BOARD OF CUYAHOGA COUNTY COMMISSIONERS**  
**CONTRACT/AGREEMENT EVALUATION FORM**  
(To be completed in its entirety by user department for  
all contract/agreement renewals or amendments.)

**Contractor:** Educational Service Center of Cuyahoga County

**Contract/Agreement No.:** CE1000186-01  
**Time Period:** November 1, 2009 thru June 30, 2010

**Service Description:** The Educational Service Center of Cuyahoga County, which serves as the fiscal and administrative agent for Help Me Grow (HMG), to expend ARRA funds in accordance with state and federal laws, and to provide qualitative Help Me Grow Part C early intervention services to eligible families. The Educational Services Center will provide Part C ARRA services and procurement of other goods and services for eligible children 0 to 3 with a suspected or diagnosed developmental delay or disability.

**Original Contract/Agreement Amount:** \$885,986.00

**Prior Amendment(s) Amount(s):** N/A

**Performance Indicators:**

Retention of a qualitative Part C early intervention system in Cuyahoga County and prevent reductions in essential Part C services for an estimated 1,411 children receiving Part C services.

Achievement is also expected of the Ohio Department of Health's (ODH) performance plan goals given the support and retention of 13.89 FTEs or 22 staff members who will continue to make the following service coordination and child find mandates of a quality Part C early intervention system possible:

- 1) 45 day time line at or above 95% of compliance.
- 2) Timely receipt of services at or above 95% compliance.
- 3) Transition services at or above 95% compliance.

In SFY10 Cuyahoga County retained a qualitative Part C early intervention system and provided services for 3,100 Part C eligible children in SFY10 using these Part C ARRA funds combined with other Part C funding resources.

Cuyahoga County Help Me Grow achieved its performance plan goals for these SFY10 Part C ARRA funds as it retained 24.27 FTEs Service Coordinators at its eight contracted service provider agencies.

Plus, Cuyahoga County Help Me Grow's records for SFY10 show the following Part C compliance results, all surpassing the 95 percent target:

- 1) 45 day time line at 98 percent
- 2) Timely receipt of services at 99.5 percent
- 3) Transition services at 100 percent.

**Rating of Overall Performance of Contractor (Check One):**

- Superior
- Above Average
- Average
- Below Average
- Poor

**Justification of Rating:**

Help Me Grow of Cuyahoga County adequately fulfilled the scope of work as set forth in their contract. Through the Part C ARRA funding HMG was able to serve additional youth with a suspected or diagnosed developmental disability and HMG was able to maintain 24.27 FTEs Service Coordinators within their provider agencies. Additionally, HMG surpassed all necessary compliance requirements with a 98% or better average.

  
User Department

  
Date

s: evaluation

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0084

<b>Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Department of Children &amp; Family Services</b>	<b>A Resolution</b> authorizing the County Executive or his designee to enter into a contract with the Office of the Prosecuting Attorney of Cuyahoga County in the amount not-to-exceed \$2,264,000.00 for legal services for the period January 1, 2011 through December 31, 2011.
---	--

WHEREAS, the Department of Health and Human Services/Children and Family Services is requesting authorization to enter into a contract for legal services provided by the Office of the Prosecuting Attorney of Cuyahoga County for a total not-to-exceed \$2,264,000.00 for the period January 1, 2011 through December 31, 2011; and,

WHEREAS, the proposed contract is for legal services as undefined under R.C. Chapter 309 in matters related to the adjudication and disposition of children within the jurisdiction of R.C. Chapter 2151, and to perform such other duties that may be required by operation of Title IV-E, including, but not limited to, representing Children and Family Services in court proceedings, legal research, preparation of pleadings, briefs and other legal documents for court proceedings involving Children and Family Services and attendance at organized and formal training activities to improve the capacity of attendees to represent Children and Family Services.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive or his designee is authorized to enter into a contract for legal services to be provided by the Office of the Prosecuting Attorney of Cuyahoga County to the Department of Health and Human Services/Children and Family Services in the amount not-to-exceed \$2,264,000.00 for the period January 1, 2011 through December 31, 2011.

**SECTION 2.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

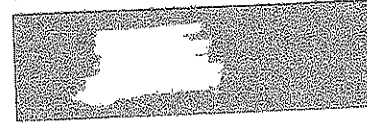
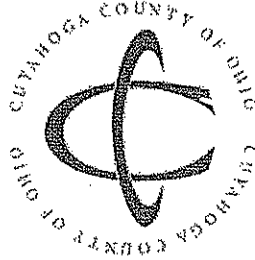
\_\_\_\_\_  
County Council President                      Date

\_\_\_\_\_  
County Executive                                      Date

\_\_\_\_\_  
Clerk of Council                                      Date

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011





**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Children and Family Services	<b>Agency/Dept. Head Name:</b>	Deborah Forkas
<b>Type of Request:</b>	Contract/Amendment		
<b>Request Prepared by:</b>	David Latsko	<b>Telephone No.:</b>	216-432-2621
<b>SUMMARY OF REQUESTED ACTION:</b>			
The Cuyahoga County Department of Children and Family (CFS) is requesting authorization from the Cuyahoga County of Ohio to enter into a contract for legal services provided by the Office of the Cuyahoga County Prosecuting Attorney for a total not to exceed \$2,264,000.00 for the period January 1, 2011 through December 31, 2011.			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
This agreement is for legal services as defined under Chapter 309 of the Revised Code in matters related to the adjudication and disposition of children within the jurisdiction of Chapter 2151 of the Revised Code, and to perform such other duties that may be required of it by the operation of Title IV-E. Functions include representing the CFS in all court proceedings, preparation, including necessary legal research, for such representation role; the preparation, including necessary legal research, of pleadings, briefs, and other legal documents for court proceedings involving the CFS, and attendance at organized and formal training activities the purpose of which is to improve the capacity of attendees to provide legal services to the CFS. 2. History - The County Prosecutor, also called the Prosecuting Attorney, is the State of Ohio's attorney for Cuyahoga County, serving a population of more than 1.4 million people living in and around the City of Cleveland. Criminal Division prosecutors seek justice for victims of crime, punishment of those individuals who break our laws, and safer streets and neighborhoods for all citizens. They protect the health and safety of our county's children; they represent children's interests in abuse, neglect and dependency cases; and they work to establish paternity and collect court-ordered child support.			
<b>OUTCOMES/EXPECTATIONS:</b> 3. Provide counsel to CFS on all matters as requested.			

Once CFS has reviewed recommendation(s) and developed a plan which is in the best interest of a child and in accordance with law, provide legal representation to secure approval from the court in order to carry out the plan.4. When the Juvenile Court grants custody to CFS, if a journal entry is not forwarded, facilitate securing one.

Office of the Cuyahoga County Prosecuting Attorney

This agreement is for legal services as defined under Chapter 309 of the Revised Code in matters related to the adjudication and disposition of children within the jurisdiction of Chapter 2151 of the Revised Code, and to perform such other duties that may be required of it by the operation of Title IV-E.

**Explanation for late submittal:**

2011 Budget

**Contract/Agreement Information:**

**Procurement Method:**

Other

**Explanation for Increase/Decrease in \$ Amount for current request:**

**Financial Information:**

**Funding source:**

Other

**Explanation:**

Health and Human Services Levy

**Total Amount Requested:**

\$2,264,000.00

**ATTACHMENTS:**

Click to download

- [Cuyahoga County Prosecutor's Office 2011 Contract SD.pdf](#)
- [Cuyahoga County Prosecutor's Office 2011 Contract FR.pdf](#)
- [Cuyahoga County Prosecutors Office 2010 historylog.xls](#)
- [2010 - County Prosecutor Eval\[1\].doc](#)
- [Blue Back](#)
- [Voucher](#)

**History**

Time	Who	Approval
1/5/2011 2:09 PM	Clerk of the Board	Yes
1/14/2011 12:51 PM	County Auditor	Yes
1/24/2011 4:13 PM	County Prosecutor Civil	Yes
	Clerk of the Board	

**CUYAHOGA COUNTY**  
**CONTRACT/AGREEMENT EVALUATION FORM**  
(To be completed in its entirety by user department for  
all contract/agreement renewals or amendments.)

**Contractor:** Office of the Cuyahoga County Prosecuting Attorney

**Contract/Agreement No.:**  
CE1000198-01

**Time Period:**  
January 1, 2010-December 31, 2010

**Service Description:** Custody Representation, General Civil Representation, Appeals Representation and Parent-Relative Locator Services

**Original Contract/Agreement Amount:** \$2,264,000.00

**Prior Amendment(s) Amount(s):**

**Performance Indicators:** County Prosecutor is to provide counsel to CFS on all matters as requested. Once CFS has reviewed recommendations and developed a plan which is in the best interest of a child and in accordance with law, provide legal representation to secure approval from the court in order to carry out the plan. Additionally, when the Juvenile Court grants custody to CFS, if a journal entry is not forwarded, they will facilitate securing one.

**Actual performance versus performance indicators (include statistics):**  
The County Prosecutor's Office has represented CFS on all matters as outlined above.

**Rating of Overall Performance of Contractor (Check One):**

- Superior
- Above Average
- Average
- Below Average
- Poor

**Justification of Rating:** The County Prosecutor's Office has fulfilled its objectives and has represented the agency in a positive and proactive manner.

Cynthia Weiskittel/ Ongoing Services  
**User Department**

10/26/10  
**Date**