

**MINUTES**  
CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, MARCH 8, 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 6:08 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 for the people of Libya and for the family of Mohamed Eddeb, a County employee whose family lives in Libya.**

4. ROLL CALL

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

**On a motion by Mr. Rogers with a second by Mr. Jones, the agenda was amended by changing the heading for Item No. 17 to read "Consideration of an Ordinance of Council for first reading adoption under suspension of Rules" and by adding Ms. Simon as a sponsor to Ordinance No. O2011-0018. The motion was then considered and approved by unanimous vote.**

5. PUBLIC COMMENT RELATED TO AGENDA

**Ms. Lynda Mayer, representing the Code of Ethics Transition Workgroup, addressed Council regarding issues of concern to her relating to Ordinance No. O2011-0008, an Ordinance adopting a permanent Code of Ethics.**

6. APPROVAL OF MINUTES

a) March 1, 2011 Meeting

**On a motion by Mr. Gallagher with a second by Ms. Simon, the minutes of the March 1, 2011 meeting were unanimously approved.**

7. MESSAGES FROM THE COUNTY EXECUTIVE

**County Executive Ed FitzGerald reported the following:**

- a) **Federal cuts to Project Safe Surrender should not affect Cuyahoga County;**
- b) **“Open Government” web site is now on line;**
- c) **American Greetings Corporation will be staying in Ohio; however, unsure at this time as to whether it will remain in Brooklyn;**
- d) **Council will soon receive nominee for Director of Development;**
- e) **Census data is expected to be announced soon; staff will provide data to Council;**
- f) **State budget information will be available on March 15<sup>th</sup>; departments are already planning for budget shortfall; unfortunately, there will be more personnel cuts in the future.**

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

**A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 7E, 9D and 13A and to place on final passage Motion Nos. M2011-0011, M2011-0012, M2011-0013, M2011-0014 and M2011-0015.**

- a) M2011-0011: A Motion confirming the County Executive’s appointment of Richard Werner upon his taking the oath of office as the Director of Health and Human Services of Cuyahoga County.

Sponsor: Council President Connally

**On a motion by Mr. Brady with a second by Mr. Schron, Motion No. M2011-0011 was considered and approved by unanimous vote.**

- b) M2011-0012: A Motion confirming the County Executive’s appointment of Bonita Teeuwen, Director of Public Works, to serve on the Cuyahoga County Solid Waste District Board of Trustees.

Sponsor: Council President Connally

**On a motion by Mr. Miller with a second by Mr. Germana, Motion No. M2011-0012 was considered and approved by unanimous vote.**

- c) M2011-0013: A Motion confirming the County Executive’s appointment of individuals to serve on the Cuyahoga County Human Resources Commission:

- 1) Robert Wolff for the period of 3/8/2011 – 3/7/2017.

- 2) Angela Simmons for the period 3/8/2011 – 3/7/2015.
- 3) Kathleen Palmer for the period 3/8/2011 – 3/7/2013.

Sponsor: Council President Connally

**On a motion by Mr. Schron with a second by Mr. Gallagher, Motion No. M2011-0013 was considered and approved by majority vote with Mr. Greenspan recusing himself from the vote.**

- d) M2011-0014: A Motion confirming the County Executive's appointment of Carol Dayton to serve on the Western Reserve Area Agency on Aging Board of Trustees.

Sponsor: Council President Connally

**On a motion by Mr. Greenspan with a second by Ms. Simon, Motion No. M2011-0014 was considered and approved by unanimous vote.**

- e) M2011-0015: A Motion confirming the County Executive's appointment of Karen Butler to serve on the Cuyahoga Regional HIV Health Services Planning Council.

Sponsor: Council President Connally

**On a motion by Mr. Schron with a second by Mr. Gallagher, Motion No. M2011-0015 was considered and approved by unanimous vote.**

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

- a) M2011-0016: A Motion confirming the County Executive's appointment of individuals to serve on the Greater Cleveland Regional Transit Authority Board of Trustees:

- 1) Gary Norton (for the unexpired term ending 3/31/2012).
- 2) Karen Gabriel Moss (for the unexpired term ending 3/31/2013).

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2011-0016 to the Human Resources, Appointments & Equity Committee.**

10. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL FOR SECOND READING

- a) M2011-0007: A Motion adopting permanent Rules of Cuyahoga County Council.

Sponsors: Miller, Greenspan, Conwell, Jones and Rogers

**The Clerk read into the record Motion No. M2011-0007; no official action was taken by Council. This item will be placed on the March 22, 2011 Council meeting agenda for final reading.**

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

- a) R2011-0085: A Resolution objecting to Senate Bill 5, which would sharply curtail collective bargaining rights of Ohio public employees.

Sponsor: Conwell, Rogers, Jones, Miller and County Executive FitzGerald

**Council President Connally referred Resolution No. R2011-0085 to the Human Resources, Appointments & Equity Committee.**

12. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Mr. Brady, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Ordinance No. O2011-0017.**

- a) O2011-0017: An Ordinance establishing a *per diem* compensation rate for members of the Human Resources Commission as required by Section 9.01 of the Charter of Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Council President Connally

**On a motion by Mr. Miller with a second by Mr. Schron, Ordinance No. O2011-0017 was considered and adopted by unanimous vote.**

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

**A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by majority vote to suspend Rules 9D and 13A and to place on final passage Resolution No. R2011-0002. Mr. Greenspan and Mr. Schron cast dissenting votes.**

- a) **R2011-0002: A Resolution opposing House Bill 3 of the 129<sup>th</sup> Ohio General Assembly that would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after ~~1/1/2011~~ **1/1/2013**, and declaring the necessity that this Resolution become immediately effective.**

Sponsors: Conwell, Miller and Germana

**A motion was made by Mr. Germana, seconded by Ms. Simon and approved by unanimous vote to suspend the Rules by allowing an unwritten amendment to Resolution No. R2011-0002 to change the date from 1/1/2011 to 1/1/2013.**

**A motion was then made by Mr. Schron, seconded by Mr. Greenspan and defeated by a vote of 3 yeas and 8 nays to amend Resolution No. R2011-0002 by adding the following language: "The Cuyahoga County Council requests that the proposed HB3 be amended to provide for additional phase in time beyond the current transition date of 1/1/2013 in order to provide for a longer phase in for cities, villages and townships throughout the State of Ohio." Councilmembers Gallagher, Schron and Greenspan voted in the affirmative with Councilmembers Miller, Brady, Germana, Conwell, Jones, Connally, Rogers and Simon casting dissenting votes.**

**A second motion was then made by Mr. Schron, seconded by Mr. Greenspan and defeated by a vote of 4 yeas and 7 nays to amend Resolution No. R2011-0002 by adding the following language: "And to further amend that during this period of transition the amount of the exemption currently in place be changed to reflect an exemption more in line with that which is in place in 16 states which have estate tax requirements." Councilmembers Germana, Gallagher, Schron and Greenspan voted in the affirmative with Councilmembers Miller, Brady, Conwell, Jones, Connally, Rogers and Simon casting dissenting votes.**

**A final motion was made by Mr. Miller and seconded by Mr. Rogers to suspend the Rules by allowing an unwritten amendment to Resolution No. R2011-0002 by adding the following language: "It is necessary that this Resolution become immediately effective in order to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of at least eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive." Discussion ensued. A motion to table Resolution No. R2011-0002 was then made by Mr. Germana, seconded by Mr. Schron and approved by majority vote. Councilmembers Miller, Germana, Gallagher, Schron, Conwell, Jones, Connally, Rogers and Greenspan voted in the affirmative with Councilmembers Brady and Simon casting dissenting votes.**

**Mr. Germana requested the item be placed on the March 22, 2011 Council meeting agenda for further consideration.**

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

- a) O2011-0008: An Ordinance adopting a permanent Code of Ethics.

Sponsors: Greenspan, Miller and Conwell

**The Clerk read into the record Ordinance No. O2011-0008; no official action was taken by Council. This item will be placed on the April 5, 2011 special Council meeting agenda for final reading.**

- b) O2011-0012: An Ordinance amending the Public Records Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective. (Pending referral from Committee.)

Sponsors: Miller and Greenspan

**The Clerk read into the record Ordinance No. O2011-0012; no official action was taken by Council. This item will be placed on the March 22, 2011 Council meeting agenda for final reading.**

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

**A motion was made by Mr. Germana, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution Nos. R2011-0086 and R2011-0087.**

- a) R2011-0086: A Resolution approving plans for reconstruction of Ridge Road from Interstate 480 to Memphis Road in the City of Brooklyn; ordering that surveys, plans, profiles, cross-sections, right of way plans and plat for the project be filed in the Office of the Clerk of Council; setting the date and time of a public hearing, and declaring the necessity that this Resolution become immediately effective.

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

**On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2011-0086 was considered and adopted by unanimous vote. The Clerk of Council recommended the public hearing be set for April 12, 2011 at 6:30 p.m. in Council Chambers at the Justice Center.**

- b) R2011-0087: 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. Schron with a second by Mr. Gallagher, Resolution No. R2011-0087 was considered and adopted by unanimous vote.**

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

- a) R2011-0088: A Resolution accepting the rehabilitation of County parking lots and driveways located at the York Road maintenance yard in the City of North Royalton and the Fitch Road maintenance yard in Olmsted Township as complete and in accordance with plans and specifications; requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63.

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

**Council President Connally referred Resolution No. R2011-0088 to the Public Works, Procurement & Contracting Committee.**

- b) R2011-0089: A Resolution authorizing the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$2,009,091.22 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights.

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

**Council President Connally referred Resolution No. R2011-0089 to the Public Works, Procurement & Contracting Committee.**

- c) R2011-0090: A Resolution approving specifications and estimate of cost in the amount not-to-exceed \$1,800,000.00 for rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the Village of Gates Mills;

authorizing the Department of Purchasing to advertise for bids on RQ19651.

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

**Council President Connally referred Resolution No. R2011-0090 to the Public Works, Procurement & Contracting Committee.**

- d) R2011-0091: 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

**Council President Connally referred Resolution No. R2011-0091 to the Public Works, Procurement & Contracting Committee.**

- e) R2011-0092: A Resolution authorizing the County Executive to prepare and enter into an amendment (Subsidiary No. 1) to Contract No. CE1000111-01 with Suburban Maintenance & Construction, Inc. for replacement of Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville for additional funds in the amount of \$82,720.99.

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

**Council President Connally referred Resolution No. R2011-0092 to the Public Works, Procurement & Contracting Committee.**

- f) R2011-0093: A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000568-01 with Perk Company, Inc. for scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville for a decrease in the amount of (\$17,081.83).

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

**Council President Connally referred Resolution No. R2011-0093 to the Public Works, Procurement & Contracting Committee.**

- g) R2011-0094: A Resolution approving an award on RQ18812 to Fabrizi Trucking & Paving Co., Inc. in the amount of \$6,696,970.75 for



improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights; authorizing the County Executive to enter into a contract consistent with said award.

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

**Council President Connally referred Resolution No. R2011-0094 to the Public Works, Procurement & Contracting Committee.**

- h) R2011-0095: A Resolution approving an award on RQ18997 to Longo Sewer Construction, Inc. in the amount of \$378,993.00 for replacement of storm and sanitary sewers in Grannis Road and Thraves Road, located in the City of Garfield Heights, County Sewer District No. 9; authorizing the County Executive to enter into a contract consistent with said award.

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

**Council President Connally referred Resolution No. R2011-0095 to the Public Works, Procurement & Contracting Committee.**

- i) R2011-0096: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 1) to Contract No. CE0900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$570,439.00 to \$699,239.00 and for additional funds in the amount of \$128,800.00.

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

**Council President Connally referred Resolution No. R2011-0096 to the Justice Affairs Committee.**

- j) R2011-0097: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$699,239.00 to \$837,239.00 and for additional funds in the amount of \$138,000.00.

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

**Council President Connally referred Resolution No. R2011-0097 to the Justice Affairs Committee.**

- k) R2011-0098: A Resolution approving an award on RQ19354 to CourtSmart Digital Systems, Inc. in the amount of \$625,277.00 for digital audio recording equipment for Juvenile Court in connection with the Cuyahoga County Juvenile Justice Center Project; authorizing the County Executive to enter into a contract consistent with said award. (State Contract No. 7706600209/ORC 125.04(B)).

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

**Council President Connally referred Resolution No. R2011-0098 to the Justice Affairs Committee.**

- l) R2011-0099: A Resolution approving a Rental Rehabilitation loan in the amount not-to-exceed \$150,000.00 to Cleveland Housing Network for the Independence Place Project, located at 4019 Prospect Avenue, Cleveland; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2011-0099 to the Economic Development & Planning Committee.**

- m) R2011-0100: A Resolution approving an economic development loan in the amount not-to-exceed \$100,800.00 to DBS Property Management, LLC, for renovation of property, located at 5061 West 161st Street, Brook Park; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2011-0100 to the Economic Development & Planning Committee.**

- n) R2011-0101: A Resolution authorizing the issuance and sale of Self-supporting Housing Revenue Bonds in an amount not-to-exceed \$6,500,000.00 for Famicos Doan Classroom LLC for the purpose of

rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a Loan Agreement, Bond Purchase Agreement, Trust Indenture and Tax Regulatory Agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development  
**Bond Counsel:** Squire, Sanders & Dempsey

**Council President Connally referred Resolution No. R2011-0101 to the Economic Development & Planning Committee. A public hearing related to this item will be held on March 21, 2011 at 3:00 p.m. in Council Chambers at the Justice Center in conjunction with the Economic Development & Planning Committee meeting.**

- o) R2011-0102: A Resolution authorizing Juvenile Court through the County Executive to enter into an agreement with Cuyahoga County Department of Justice Affairs, Office of Mediation in the amount not-to-exceed \$400,000.00 for the Juvenile Court Custody Mediation Project for the period 2/1/2011 - 1/31/2012.

Sponsor: Juvenile Court through County Executive FitzGerald

**Council President Connally referred Resolution No. R2011-0102 to the Justice Affairs Committee.**

- p) R2011-0103: A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE1000249-01 with Oriana House, Inc. for operation of a Neighborhood Reentry Resource Center for the period 2/1/2010 - 1/31/2011 to exercise an option to extend the time period to 1/31/2012, to change the scope of services and the terms, effective 2/1/2011, and for additional funds in the amount of \$287,000.00.

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

**Council President Connally referred Resolution No. R2011-0103 to the Health, Human Services & Aging Committee.**

- q) R2011-0104: A Resolution authorizing the County Executive to enter into Title IV-D Cooperative Agreement contracts with various providers for child support services for the period 1/1/2011 - 12/31/2011:

- 1) Court of Common Pleas/Division of Domestic Relations in the amount of \$2,082,307.49.
- 2) Court of Common Pleas/Division of Juvenile Court in the amount of \$2,218,669.89.
- 3) Office of the Prosecuting Attorney of Cuyahoga County in the amount of \$2,257,588.70.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Child Support Enforcement Agency

**Council President Connally referred Resolution No. R2011-0104 to the Justice Affairs Committee.**

- r) R2011-0105: A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE0800734-02 with Educational Service Center of Cuyahoga County for the Help Me Grow component of the Invest in Children Program for the period 7/1/2008 - 6/30/2011 for additional funds in the amount not-to-exceed \$316,416.00.

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

**Council President Connally referred Resolution No. R2011-0105 to the Health, Human Services & Aging Committee.**

**The agenda was previously amended to change the heading for Item No. 17 and to add Councilwoman Simon as a sponsor to Ordinance No. O2011-0018.**

**17. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING  
ADOPTION UNDER SUSPENSION OF RULES**

**A motion was made by Ms. Simon, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Ordinance No. O2011-0018.**

- a) O2011-0018: An Ordinance amending Section 7, Grants and Loans, of Ordinance No. O2011-0006 dated 1/11/2011, which amended Ordinance No. O2011-0002 dated 1/3/2011, providing certain procedures for the purchase of goods, supplies and interests in real estate and other contracts necessary for the continuation of the usual and daily operations of Cuyahoga County government to permit the County Executive and/or the Director of the Department of Development to make loans not-to-exceed \$200,000.00 for the purpose

of implementing the Federal Neighborhood Stabilization Program 2 (NSPII); and declaring the necessity that this Ordinance become immediately effective.

Sponsor: **Councilwoman Simon and** County Executive FitzGerald/  
Department of Development

**On a motion by Mr. Schron with a second by Ms. Simon, Ordinance No. O2011-0018 was considered and adopted by unanimous vote.**

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

- a) O2011-0019: An Ordinance authorizing the creation of an Agency of Inspector General that shall be an independent agency dedicated to promoting honesty and integrity among the officers and employees of the County by detecting, investigating and deterring fraud, corruption, waste, mismanagement, abuse, misfeasance, malfeasance and nonfeasance in County government.

Sponsor: County Executive FitzGerald

**Council President Connally referred Ordinance No. O2011-0019 to the Rules, Charter Review, Ethics & Council Operations Committee.**

19. MISCELLANEOUS COMMITTEE REPORTS

**The following Committee Chairs reported on various Committee activities:**

- a) **Mr. Jones: Public Works, Procurement & Contracting**
- b) **Ms. Simon: Justice Affairs Committee**
- c) **Ms. Conwell: Human Resources, Appointments & Equity Committee**
- d) **Mr. Miller: Finance & Budgeting Committee**

20. MISCELLANEOUS BUSINESS

**Council President Connally announced the following Councilmember appointments:**

- a) **Mr. Miller to the Cuyahoga County Investment Advisory Committee**
- b) **Mr. Rogers to the Cuyahoga County Solid Waste District Board of Trustees**
- c) **Mr. Brady to the Cuyahoga County Land Reutilization Corporation Board of Directors**
- d) **Mr. Germana to the Northeast Ohio Areawide Coordinating Agency Governing Board**

21. PUBLIC COMMENT UNRELATED TO AGENDA

**No public comments were given.**

22. ADJOURNMENT

**With no further business to discuss and on a motion by Mr. Greenspan with a second by Mr. Miller, the meeting was adjourned at 8:02 p.m., without objection.**