



## **MINUTES**

**CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING**

**THURSDAY, JULY 17, 2014**

**CUYAHOGA COUNTY JUSTICE CENTER**

**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**

**1:00 PM**

### **1. CALL TO ORDER**

**The meeting was called to order by Council President Connally at 1:06 p.m.**

### **2. ROLL CALL**

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

**Council President Connally requested a moment of silent meditation be dedicated to the memory of Mae Germana, mother of Councilmember Charles Germana, who passed away recently. She then extended Council's deepest sympathies to the Germana family.**

### **3. PUBLIC COMMENT RELATED TO AGENDA**

**The following citizens addressed Council regarding issues of concern to them relating to Resolution No. R2013-0170, a Resolution making an award on RQ24534 to Halle Industrial Park, LLC for lease of space:**

- a) Ms. Nora McNamara**
- b) Ms. Helen K. Smith**
- c) Ms. Mary Rose Oakar**
- d) Mr. Martin Hauserman**

**The following citizens addressed Council regarding issues of concern to them relating to various proposed amendments to the Charter:**

- a) The Honorable Bruce Akers, Chair of the Charter Review Commission**
- b) Mr. Homer Taft**
- c) Mr. William Tarter**
- d) Ms. Lynda Mayer**
- e) Ms. Nancy Dietrich**

#### 4. ITEMS REFERRED TO COMMITTEE

- a) R2013-0170: A Resolution making an award on RQ24534 to Halle Industrial Park, LLC in the amount of \$10,069,265.64 for lease of space for the period anticipated to be 6/1/2014 - 6/30/2024; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions, and authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

**Clerk Schmotzer read Resolution No. R2014-0170 into the record.**

**Ms. Bonnie Teeuwen, Director of the Department of Public Works; Mr. James Fischer, Process Center Manager; and Mr. Ryan Jeffers, First Vice President at CBRE, addressed Council regarding Resolution No. R2013-0170. Discussion ensued.**

**Councilmembers asked questions of Ms. Teeuwen, Mr. Fischer and Mr. Jeffers pertaining to the item, which they answered accordingly.**

**On a motion by Mr. Gallagher with a second by Mr. Germana, Resolution No. R2013-0170 was considered and approved by unanimous vote to be referred to the full Council agenda for consideration for third reading adoption.**

**Council President Connally then turned the gavel over to Councilmember Greenspan, Chair of the Council Operations & Intergovernmental Relations Committee, to chair the remainder of the meeting.**

**[Note: The following Resolutions were considered at this meeting in the following order: Resolution Nos. R2014-0165, R2014-0164, R2014-0160, R2014-0162, R2014-0161 and R2014-0166. Resolutions No. R2014-0141 and R2014-0163 were not discussed.]**

- b) R2014-0141: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to add Article XIV to the Cuyahoga County Charter to provide that the right to vote is a fundamental right in the County and authorize the County to take action to protect and promote the right to vote, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald and Councilmembers Simon **and** Hairston

**Resolution No. R2014-0141 was not discussed and no legislative action was taken.**

- c) R2014-0160: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.01 and Article III, Section 3.03 of the Charter of Cuyahoga County modifying the residency requirements for the offices of County Executive and County Council; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Miller, Conwell, Germana and Gallagher

**Clerk Schmotzer read Resolution No. R2014-0160 into the record.**

**Mr. Miller addressed Council regarding Resolution No. R2014-0160. Discussion ensued.**

**Mr. Schron then introduced a proposed substitute to Resolution No. R2014-0160. Discussion ensued.**

**A motion was made by Mr. Schron and seconded by Mr. Miller to substitute Resolution No. R2014-0160. The motion failed by a roll-call vote of 3 yeas and 8 nays with Councilmembers Miller, Schron and Greenspan voting in the affirmative and Councilmembers Conwell, Jones, Hairston, Simon, Connally, Brady, Germana and Gallagher casting dissenting votes.**

**Mr. James Boyle, Special Assistant to County Executive FitzGerald, addressed Council regarding Resolution No. R2014-0160. Discussion ensued.**

**Councilmembers asked questions of Mr. Boyle pertaining to the item, which he answered accordingly.**

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2014-0160 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.**

- d) R2014-0161: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article V, Section 5.01 Appointment and Confirmation of Officers and Section 5.08 Sheriff: Powers, Duties, and Qualifications establishing the term of appointment and process for removal of the Sheriff; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Councilmember Greenspan

**Clerk Schmotzer read Resolution No. R2014-0161 into the record.**

**Mr. Greenspan addressed Council regarding Resolution No. R2014-0161. Discussion ensued.**

**Ms. Simon then introduced a proposed substitute to Resolution No. R2014-0161. Discussion ensued.**

**A motion was made by Ms. Simon, seconded by Mr. Hairston and approved by a majority roll-call vote of 8 yeas and 3 nays to substitute Resolution No. R2014-0161 with Councilmembers Conwell, Jones, Hairston, Simon, Connally, Miller, Brady and Gallagher voting in the affirmative and Councilmembers Germana, Schron and Greenspan casting dissenting votes.**

**Mr. Michael King, Special Counsel, and Ms. Ruchi Asher, Assistant Law Director, addressed Council regarding Resolution No. R2014-0161. Discussion ensued.**

**Councilmembers asked questions of Mr. King and Ms. Asher pertaining to the item, which they answered accordingly.**

**A motion was then made by Mr. Greenspan, seconded by Mr. Schron and approved by a majority roll-call vote of 8 yeas and 3 nays to amend Resolution No. R2014-0161 by inserting *“The Sheriff shall also have such powers and duties as shall be established by ordinance that are not inconsistent with those provided by general law.”* in Section 5.08(1) with Councilmembers Hairston, Simon, Miller, Brady, Germana, Gallagher, Schron and Greenspan voting in the affirmative and Councilmembers Conwell, Jones and Connally casting dissenting votes.**

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2014-0161 was considered and approved by a majority roll-call vote of 6 yeas and 5 nays to be referred to the full Council agenda for second reading as substituted and amended, with Councilmembers Conwell, Hairston, Brady, Germana, Schron and Greenspan voting in the affirmative and Councilmembers Jones, Simon, Connally, Miller and Gallagher casting dissenting votes.**

- e) R2014-0162: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article XII, Section 12.09 of the Charter of Cuyahoga County accelerating the timeline for the appointment process and commencement of the term of the Charter Review Commission for the year in which the appointment is made; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Miller, Conwell, Germana and Connally

**Clerk Schmotzer read Resolution No. R2014-0162 into the record.**

**Mr. Miller addressed Council regarding Resolution No. R2014-0162. Discussion ensued.**

**On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2014-0162 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.**

**A short recess was taken by the Committee after which Mr. Greenspan then reconvened the meeting.**

- f) R2014-0163: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment enacting Article XIV of the Charter of Cuyahoga County establishing the Agency of Inspector General in the Charter; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Greenspan, Miller **and Germana**

**Resolution No. R2014-0163 was not discussed and no legislation action was taken.**

- g) R2014-0164: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment adding Article VI, Section 6.03 of the Charter of Cuyahoga County establishing the Investment Advisory Committee in the Charter; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Councilmember Greenspan

**Clerk Schmotzer read Resolution No. R2014-0164 into the record.**

**Mr. Greenspan addressed Council regarding Resolution No. R2014-0164. Discussion ensued.**

**Mr. King, Ms. Asher and Mr. Boyle addressed Council regarding Resolution No. R2014-0164. Discussion ensued.**

**Councilmembers asked questions of Mr. King, Ms. Asher and Mr. Boyle pertaining to the item, which they answered accordingly.**

**A motion was made by Mr. Greenspan and seconded by Ms. Conwell to substitute Resolution No. R2014-0164. The motion failed on a roll-call vote of 5 yeas and 6 nays with Councilmembers Conwell, Jones, Miller, Germana and Greenspan voting in the affirmative and Councilmembers Hairston, Simon, Connally, Brady, Gallagher and Schron casting dissenting votes.**

**A motion was then made by Mr. Schron and seconded by Mr. Greenspan to amend Resolution No. R2014-0164 by deleting *“the Prosecuting Attorney”* and replacing with *“three residents of the County appointed by the County Executive and confirmed by***

**Council for terms ending one year, two years, and three years, respectively, following the end of the term of the office of the then County Executive**” in Section 6.03. The motion failed on a roll-call vote of 2 yeas and 9 nays with Councilmembers Schron and Greenspan voting in the affirmative and Councilmembers Conwell, Jones, Hairston, Simon, Connally, Miller, Brady, Germana and Gallagher casting dissenting votes.

A motion was made by Mr. Greenspan and seconded by Ms. Conwell to refer Resolution No. R2014-0164 to the full Council agenda for second reading. The motion failed on a roll-call vote of 1 yeas and 10 nays with Councilmember Greenspan casting the only affirmative vote.

- h) R2014-0165: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article VI, Sections 6.01 and 6.02 and Article XI, Section 11.01 of the Charter of Cuyahoga County changing the composition of various County Boards and Commissions to ensure independence of judgment of all members; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Greenspan and Miller

Clerk Schmotzer read Resolution No. R2014-0165 into the record.

Mr. Greenspan introduced a proposed substitute to Resolution No. R2014-0165. Discussion ensued.

A motion was made by Mr. Greenspan, seconded by Ms. Conwell and approved by unanimous vote to substitute Resolution No. R2014-0165.

Ms. Connally addressed Council regarding Resolution No. R2014-0165. Discussion ensued.

On a motion by Ms. Connally with a second by Mr. Schron, Resolution No. R2014-0165 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading, as substituted.

- i) R2014-0166: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article III, Sections 3.05 and 3.06; enacting Article XIV, Section 14.01 of the Charter of Cuyahoga County to remove party affiliation from elected County offices; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Councilmember Schron

Clerk Schmotzer read Resolution No. R2014-0166 into the record.

**Mr. Schron introduced a proposed substitute to Resolution No. R2014-0166. Discussion ensued.**

**A motion was made by Mr. Schron, seconded by Mr. Greenspan and approved by a majority roll call-vote of 6 yeas and 5 nays to substitute Resolution No. R2014-0166, with Councilmembers Miller, Brady, Germana, Gallagher, Schron and Greenspan voting in the affirmative and Councilmembers Conwell, Jones, Hairston, Simon and Connally casting dissenting votes.**

**A motion was then made by Mr. Schron, seconded by Mr. Greenspan and approved by majority a roll-call vote of 7 yeas and 4 nays to divide Resolution No. R2014-0166 and to vote separately on retaining 1) Sections 2.04 and 3.05 with the repeal of Sections 3.06 and 3.07 and 2) Section 14.01 with Councilmembers Conwell, Miller, Brady, Germana, Gallagher, Schron and Greenspan voting in the affirmative and Councilmembers Jones, Hairston, Simon and Connally casting dissenting votes. After further discussion, the vote was subsequently withdrawn, without objection.**

**A motion was then made by Mr. Schron, seconded by Mr. Greenspan and approved by majority roll-call vote of 7 yeas and 4 nays to divide Resolution No. R2014-0166 and to vote separately on retaining 1) Section 2.04, 2) Section 3.05 with the repeal of Sections 3.06 and 3.07 and 3) Section 14.01 with Councilmembers Conwell, Miller, Brady, Germana, Gallagher, Schron and Greenspan voting in the affirmative and Councilmembers Jones, Hairston, Simon and Connally casting dissenting votes.**

**A motion was made by Mr. Schron, seconded by Mr. Greenspan and approved by majority roll-call vote of 6 yeas and 5 nays to retain Section 2.04 in Resolution No. R2014-0166, with Councilmembers Conwell, Miller, Germana, Gallagher, Schron and Greenspan voting in the affirmative and Councilmembers Jones, Hairston, Simon, Connally and Brady casting dissenting votes.**

**A motion was then made by Mr. Schron and seconded by Mr. Greenspan to retain Section 3.05 and repeal Sections 3.06 and 3.07 in Resolution No. R2014-0166. The motion failed by a roll-call vote of 4 yeas and 7 nays with Councilmembers Miller, Gallagher, Schron and Greenspan voting in the affirmative and Councilmembers Conwell, Jones, Hairston, Simon, Connally, Brady and Germana casting dissenting votes.**

**A motion was made by Mr. Schron and seconded by Mr. Greenspan to retain Section 14.01 in Resolution No. R2014-0166. The motion failed by a roll-call vote of 4 yeas and 7 nays with Councilmembers Brady, Gallagher, Schron and Greenspan voting in the affirmative and Councilmembers Conwell, Jones, Hairston, Simon, Connally, Miller and Germana casting dissenting votes.**

**On a motion by Mr. Schron with a second by Mr. Greenspan, Resolution No. R2014-0166 was considered and approved by a majority roll-call vote of 7 yeas and 4 nays to be referred to the full Council agenda for second reading, as substituted and amended, with**

**Councilmembers Conwell, Miller, Brady, Germana, Gallagher, Schron and Greenspan voting in the affirmative and Councilmembers Jones, Hairston, Simon and Connally casting dissenting votes.**

5. MISCELLANEOUS BUSINESS

**Mr. Greenspan announced that Resolution Nos. R2014-0141 and R2014-0163 will be discussed at a future Committee of the Whole meeting.**

6. PUBLIC COMMENT UNRELATED TO AGENDA

**No public comments were given related to the agenda.**

7. ADJOURNMENT

**With no further business to discuss, Chairman Greenspan adjourned the meeting at 4:26 p.m., without objection.**