



AGENDA
CUYAHOGA COUNTY ENVIRONMENT & SUSTAINABILITY COMMITTEE MEETING
FRIDAY, JANUARY 27, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE NOVEMBER 18, 2011 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) R2012-0011: A Resolution proclaiming the month of May of each year as Multiple Chemical Sensitivity Awareness Month in Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.
 - b) R2012-0017: A Resolution authorizing a Water Pollution Control Loan Fund Agreement with Ohio Environmental Protection Agency and Ohio Water Development Authority in the amount of \$378,483.00 for the Jefferson Drive Lateral Rehabilitation/Reconstruction Project; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
 - c) O2011-0047: An Ordinance prohibiting the use of pesticides on Cuyahoga County parks, open space parcels and public rights of way and regulating the use of pesticides by entities receiving County funds, and declaring the necessity that this Ordinance become immediately effective.
- 6. MISCELLANEOUS BUSINESS**
- 7. OTHER PUBLIC COMMENT**
- 8. ADJOURNMENT**

*In accordance with Ordinance No. O2011-0020, complimentary parking for the public will be available **beginning at 4:00 p.m.** on any day when the Council or any of its committees holds evening meetings. Please see the Clerk to obtain a parking pass.



MINUTES

CUYAHOGA COUNTY ENVIRONMENT & SUSTAINABILITY COMMITTEE MEETING
FRIDAY, NOVEMBER 18, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

1. CALL TO ORDER

Chairman Rogers called the meeting to order at 1:07 p.m.

2. ROLL CALL

The Clerk called the roll. Committee members Rogers, Simon and Germana were in attendance and a quorum was determined. Councilmembers Conwell, Miller and Brady were also in attendance.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES FROM THE OCTOBER 21, 2011 MEETING

A motion was made by Ms. Simon, seconded by Chairman Rogers and approved by unanimous vote to approve the minutes from the October 21, 2011 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2011-0319: A Resolution authorizing the donation of approximately 20 acres of land (known as "Preservation Parcels") to the Board of Park Commissioners of the Cleveland Metropolitan Park District for wetlands mitigation in connection with improvement and construction of Crocker-Stearns Extension from Lorain Road to the North Olmsted North Corporation Line and the grading, draining, paving and widening of Stearns Road from Interstate 480 to Lorain Road in the Cities of North Olmsted and Westlake, and authorizing the County Executive to execute all documents required in connection with said donation of land.

Ms. Bonnie Teeuwen, Director of Public Works, Mr. Fred Whatley, Department of Public Works, and Mr. Jamal Husani, Department of Public Works, addressed the Committee regarding Resolution No. R2011-0319. Discussion ensued.

Committee members asked questions of Ms. Teeuwen, Mr. Whatley and Mr. Husani pertaining to the item, which they answered accordingly.

On a motion by Mr. Miller with a second by Chairman Rogers, Resolution No. R2011-0319 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- b) R2011-0323: A Resolution supporting a decision of the City of Cleveland Zoning Administrator to deny an application by Ty, Inc. to use property located at 4300 Bradley Road in the City of Cleveland for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals.

Mr. Ron Brady, a resident of the Old Brooklyn neighborhood in the City of Cleveland, addressed the Committee regarding Resolution No. R2011-0323. Discussion ensued.

Committee members asked questions of Mr. Brady pertaining to the item, which he answered accordingly.

On a motion by Chairman Rogers with a second by Ms. Simon, Resolution No. R2011-0323 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of rules.

- c) O2011-0053: An Ordinance establishing a Department of Consumer Affairs and the powers and duties of the Director of Consumer Affairs and placing the duties and responsibilities of the operation of Weights and Measures of the County under the direction of the Department of Consumer Affairs.

Councilman Brady addressed the Committee regarding Ordinance No. O2011-0053. Discussion ensued.

Committee members asked questions of Councilman Brady pertaining to the item, which he answered accordingly.

A motion was made by Mr. Germana, seconded by Ms. Simon and approved by unanimous vote to amend the fourth Whereas Clause of Ordinance No. O2011-0053 to replace "319.58" with "319.55."

Chairman Rogers postponed Ordinance No. O2011-0053 from further consideration at this time.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Chairman Rogers with a second by Mr. Germana, the meeting was adjourned at 2:49 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0011

Sponsored by: Councilmembers Miller, Simon and Conwell	A Resolution proclaiming the month of May of each year as Multiple Chemical Sensitivity Awareness Month in Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Multiple Chemical Sensitivity Disorder (MCS) is a chronic condition induced by exposure to toxic environmental chemicals, causing symptoms such as burning or stinging eyes, wheezing or shortness of breath, nausea, extreme fatigue, headache, poor memory or concentration, runny nose, skin rashes, sensitivity to light and noise, digestive upset, muscle and joint pain, rapid heartbeat, anxiety, and sleeping problems, and

WHEREAS, people with MCS typically have strong reactions to chemicals commonly found in the environment, such as perfumes, deodorants, paints, coatings on outdoor fences and furniture, chemicals applied to rugs and carpets, vehicle exhausts, and chemicals used in office equipment, and

WHEREAS, even though MCS is recognized by the Americans with Disabilities Act, the US EPA, HUD, and the World Health Organization, MCS is still not well known or understood, and

WHEREAS, despite MCS not being well known or understood, it is quite common, with epidemiological studies showing incidence rates of 10-15% hypersensitivity to chemicals and 2-5% for diagnosable MCS, and

WHEREAS, we cannot in the modern world eliminate all potential chemical irritants but through greater awareness in the workplace, schools, medical community and other public settings, we can reduce the number of environmental triggers and afford MCS sufferers more understanding and respect, and

WHEREAS, several states and local communities have created MCS awareness observances centered on the month of May, which is appropriate since May marks the time when weather gets better, people start to spend more time outdoors and have a wider potential exposure to chemical triggers, and

WHEREAS, it is necessary that this Resolution become immediately effective in order to ensure that Cuyahoga County's first MCS Awareness Month observance can take place in May, 2012.

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

SECTION 1. The Cuyahoga County Council and Cuyahoga County Executive hereby proclaim the month of May of each year to be Multiple Chemical Sensitivity Awareness Month in Cuyahoga County to promote awareness in Cuyahoga County about Multiple Chemical Sensitivity and about actions that can be taken to reduce chemical triggers and improve our environment for persons with MCS and others who could develop MCS through exposure to chemical triggers.

SECTION 2. It is necessary that this Resolution become immediately effective in order to ensure that the first Multiple Chemical Sensitivity Awareness Month observance can take place in May, 2012, and to protect and improve the health of Cuyahoga County residents. Provided that this Resolution receives the affirmative vote of at least eight members of the County Council, this Resolution shall become effective immediately upon the signature of the County Executive; otherwise it shall be in full force and effect after the earliest time permitted by law.

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

First Reading/Referred to Committee: January 24, 2012
Committee(s) Assigned: Environment & Sustainability

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0017

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution authorizing a Water Pollution Control Loan Fund Agreement with Ohio Environmental Protection Agency and Ohio Water Development Authority in the amount of \$378,483.00 for the Jefferson Drive Lateral Rehabilitation/Reconstruction Project; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive FitzGerald/Department of Public Works has submitted a request to enter into a Water Pollution Control Loan Fund Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority in the amount of \$378,483.00 for the Jefferson Drive Lateral Rehabilitation/Reconstruction Project; and

WHEREAS, the total amount of the loan (number CS390018-0030) is \$378,483.00 with a 2.79% interest rate which will be paid over a period of twenty (20) years with the initial payment becoming due and payable January 01, 2013; and

WHEREAS, the Highland Heights residents along Highland Road, between Pinehurst and Bishop Roads, have suffered sanitary sewer back-ups into their basements during heavy rain events; and

WHEREAS, the Cuyahoga County Sanitary Engineers conducted field testing within the sanitary service area and found that the stormwater inflow and infiltration (“I/I”) is occurring primarily in the older residential area known as Williamsburg Estates, and one of the most concentrated areas of I/I is Jefferson Drive; and

WHEREAS, to solve the problem of the flooding basements, the County will line the sanitary laterals and storm laterals on Jefferson Drive, along with lining the storm main; and

WHEREAS, the loan will be paid with the Sewer District cash balances found within Sewer District 3 and specifically Highland Heights. The 20 year debt service will be paid out of the Highland Heights sewer account.

WHEREAS, it is necessary that this Resolution become immediately effective because loan approval is scheduled in Columbus, Ohio on January 26, 2012 and all documents related to such loan approval must be presented at that meeting or loan approval will be delayed.

First Reading/Referred to Committee: January 24, 2012
Committee(s) Assigned: Environment & Sustainability

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0047

Sponsored by: Councilmembers Simon, Rogers, Miller and Jones	An Ordinance prohibiting the use of pesticides on Cuyahoga County parks, open space parcels and public rights of way and regulating the use of pesticides by entities receiving County funds, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, The use of pesticides with known carcinogens in Cuyahoga County is of such great concern to the County Council that in order to protect the health, safety and welfare of Cuyahoga County residents this ordinance is being adopted. The County Council desires to formalize Cuyahoga County's official policy of not using pesticides on County property by prohibiting the use of pesticides on Cuyahoga County parks, open space parcels and public rights of way including both aerial spraying and ground applications; and,

WHEREAS, it is necessary that this Ordinance become effective immediately 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. Definitions.

As used in this Ordinance,

“Covered Entity” shall mean any board, commission, agency, corporation, or other entity or authority over which the County Council does or does not have direct, immediate supervision of operational, daily management decisions, which receives County funds.

“Pesticide” shall mean any spray adjuvant, substance or mixture of substances, which is intended to be used for defoliating plants, regulating plant growth or for preventing, destroying, repelling, or mitigating any pest which may infest or be detrimental to vegetation, man, animals or households, or be present in any agricultural or non-agricultural environment, including fungicides, herbicides, insecticides, nematocides, rodenticides, dessicants, defoliant, and plant growth regulators.

SECTION 2. Prohibition of the use of Pesticides on County Owned Property.

- (a) The use of pesticides on Cuyahoga County parks, open space parcels and public rights of way and buildings owned and maintained by Cuyahoga County, is hereby prohibited.
- (b) The “use of pesticides” shall include both aerial and ground spraying and or dusting and all other ground applications.

SECTION 3. Exception.

The use of pesticides may be approved on a case-by-case basis by adoption of a Resolution receiving the affirmative vote of eight of the members of Council at a full County Council meeting with a mandatory finding that the health, safety and welfare of the community is so threatened that an emergency exists, that no reasonable alternative is available and the prohibition of the use of pesticides would create the potential for allowing a significant adverse impact on the County.

SECTION 4. Organic Pest Management and Integrated Pest Management.

Organic Pest Management (OPM) strives first and foremost to prevent pest problems through the application of natural, organic horticultural and maintenance practices. OPM shall incorporate the principles of **Integrated Pest Management (IPM)** in its program.

IPM is an ecologically-sound approach to suppressing and eliminating pest populations to keep them from causing health, economic, or aesthetic injury. IPM utilizes site-specific information about pest biology and behavior, environmental conditions, and the dynamics of human characteristics and activities in dealing with the prevention and control of pests that interfere with the purpose and use of a particular site.

The following steps outline the basic approach used in an IPM program:

- (a) Monitoring and scouting the turf of landscape in question;
- (b) Accurate record-keeping documenting any potential pest problems;
- (c) Evaluation of the site with regard to any injury caused by a pest in question and a determination made on which course of treatment to follow;
- (d) Chosen treatment to be the least damaging to the general environment and one that best preserves the natural ecosystem;

- (e) Chosen treatment to be the most likely to produce long-term reductions in pest control requirements. The effective implementation must be operationally feasible, and must be cost effective in the short and long term;
- (f) Chosen treatment must minimize negative impact to non-target organisms;
- (g) Chosen treatment must be the least disruptive of natural controls available;
- (h) Chosen treatment must be the least hazardous to human health.

SECTION 5. Restriction of the Use of Pesticides on Property Owned by Entities Receiving County Funds.

Every Covered Entity shall adopt an OPM which includes an IPM approach to pest management.

SECTION 6. Notification.

Residents of Cuyahoga County have a right to know when pesticides are being used in their neighborhood on private property in order to allow time to take precautions to protect themselves, their family, pets and property from hazards of pesticide exposures.

The following steps outline required notification by Covered Entities:

- (a) Covered Entities shall provide sufficient notice to neighboring property occupants prior to the use of pesticides on private property.
- (b) Timing of notice: Covered Entities shall provide the sufficient notice within a minimum of 48 hours prior to the application of pesticides.
- (c) Type of notices required: Covered Entities must place a visible 8 ½ x 11 **Pesticide Alert** notice on a form approved by the County Board of Health in a conspicuous place where the pesticide application will occur and shall deliver an approved written notice 48 hours in advance either by a mail service or a hand delivered notice attached to an accessible front door or front gate if locked of every separate residential unit within 150 feet of the posted property. The notice shall include the address and approximate location of the pesticide application, date and estimated time of use, the type of pesticide being used and an appropriate toll-free number for information regarding the product content and potential impacts.

- (d) Distance of notification coverage: All separate residential units within 150 feet of the parcel where pesticide application is to occur shall receive proper written notification as stated above.

SECTION 7. Alternative Methods.

Natural, organic turf and landscape cultural practices and maintenance shall be the method of choice for a Covered Entity to understand, prevent, and control potential pest problems, except for the following:

- (a) The pest situation poses a threat to human health and/or environment;
and
- (b) Viable alternatives consistent with open policy do not exist.

SECTION 8. Effective Date.

Provided this Ordinance receives the affirmative vote of eight of the members of Council, it shall take effect immediately upon the signature of the County Executive. It is hereby determined to be necessary that this Ordinance become immediately effective in order that Cuyahoga County services may continue to be provided in a consistent manner, and so that the usual and daily operations of government may continue to function.

SECTION 9. 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 enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: September 27, 2011
Committee(s) Assigned: Environment & Sustainability

Additional Sponsorship Requested on the Floor: September 27, 2011

Journal _____
_____, 2011