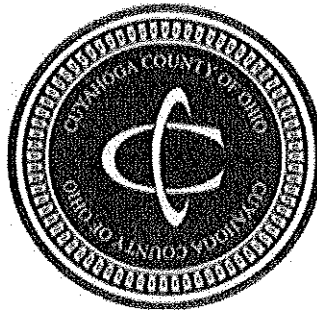


AGENDA
CUYAHOGA COUNTY ENVIRONMENT & SUSTAINABILITY COMMITTEE MEETING
FRIDAY, NOVEMBER 18, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT RELATED TO THE AGENDA
4. APPROVAL OF 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.
 - 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.
 - 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.

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, OCTOBER 21, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

1. CALL TO ORDER

Chairman Rogers called the meeting to order at 1:11 p.m.

2. ROLL CALL

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

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES FROM THE SEPTEMBER 30, 2011 MEETING

A motion was made by Mr. Germana, seconded by Ms. Simon and approved by unanimous vote to approve the minutes from the September 30, 2011 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) None

There were no matters referred to Committee.

6. MISCELLANEOUS BUSINESS

- a) Presentation on Complete Streets – John McGovern, Earth Day Coalition

Mr. John McGovern, Clean Fuels Program Coordinator for the Earth Day Coalition, addressed the Committee regarding the Sustainable Transportation Action Team project, Complete Streets. Discussion ensued.

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

- b) Presentation on the Cuyahoga County Solid Waste District – Diane Bickett, Executive Director, Cuyahoga County Solid Waste District

Ms. Diane Bickett, Executive Director of the Cuyahoga County Solid Waste District, addressed the Committee regarding the nature, function and direction of the Cuyahoga County Solid Waste District. Discussion ensued.

Committee members asked questions of Ms. Bickett pertaining to the item, which she answered accordingly.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Germana with a second by Ms. Simon, the meeting was adjourned at 2:17 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0319

Sponsored by: County Executive FitzGerald/ Department of Public Works/County Engineer and Councilmember Greenspan	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.
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WHEREAS, the County Executive/Department of Public Works is requesting the approval of the donation of the approximately 20 acres of land to the Board of Park Commissioners of the Cleveland Metropolitan Park District, referred to as the Cleveland Metroparks, for wetlands mitigation purposes; and,

WHEREAS, on November 28, 1998, Resolution No. 884802 was adopted which declared public convenience and welfare of the 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,

WHEREAS, on April 24, 1989, Resolution No. 891706 was adopted which approved the agreements of cooperation between the County and the Cities of North Olmsted and Westlake; and,

WHEREAS, the construction of the Crocker-Stearns Extension and the widening of Stearns Road impacted wetlands located with the project; and,

WHEREAS, a condition for being issued a certification for the project from the Ohio Environmental Protection Agency and for being issued a permit by the Army Corps of Engineers to construct the project was that the County had to mitigate the impact of the project on the wetlands; and,

WHEREAS, on December 12, 2000, Resolution No. 004973 was adopted which authorized the acquisition of 20 acres of land for wetlands mitigation purposes; and,

WHEREAS, to comply with the wetlands mitigation requirements the County purchased approximately 20 acres of land to construct a wetlands and buffer for the wetlands; and,

WHEREAS, the approximately 20 acres of land purchased for wetlands mitigation purposes consist of 75 vacant parcels located within the City of North Olmsted, which parcels abut the Cleveland Metroparks' Bradley Woods Reservation and which parcels are referred to as the "Preservation Parcels;" and,

WHEREAS, to comply with the mitigation requirements the County must preserve and protect the Preservation Parcels in perpetuity; and,

WHEREAS, the Cleveland Metroparks is a political subdivision of the State of Ohio; and,

WHEREAS, the Department of Public Works has acted pursuant to the requirements and direction of the Ohio Environmental Protection Agency and the Army Corps of Engineers in order to complete the mitigation requirements; and,

WHEREAS, to preserve and protect the Preservation Parcels in perpetuity the County has agreed to donate and transfer the Preservation Parcels to the Cleveland Metroparks pursuant to a General Warranty Deed with Use Restrictions, which document has been approved by the Ohio Environmental Protection Agency.

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

SECTION 1. The County Council approves the donation of approximately 20 acres of land to the Board of Park Commissioners of the Cleveland Metropolitan Park District for wetlands mitigation in connection with the 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 authorizes the County Executive to execute all documents consistent with said donation of land.

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:

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0323

Sponsored by: Councilmember Conwell	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.
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WHEREAS, W.B. and M.E. Baumann and Bradley Road Inc. (the "Owners") are the owners of certain property located at 4300 Bradley Road (PPNs: 009-36-001, 0099-36-002, 009-36-005, 009-36-006, 009-36-007, 009-34-002, 009-34-004) in the Old Brooklyn neighborhood in the City of Cleveland (the "Property"); and

WHEREAS, Ty, Inc., an independent corporation, as contractor and on behalf of the Owners, applied to the Ohio Department of Natural Resources for a Mineral Mining Permit (#10428) to strip mine 8.5 acres along Skylane Drive and Bradley Road in the City of Cleveland; and

WHEREAS, Ty, Inc. intends to go down 30-40 feet in order to obtain approximately 20,000 to 30,000 cubic yards of clay and sand; and

WHEREAS, the land area requested to be strip mined is located between two creeks running through the area; and

WHEREAS, the strip mine would be adjacent to residences on Skylane Drive in the City of Cleveland; and

WHEREAS, the 15-year permit may compromise the ecosystem of the creeks, the water and air quality of the area, the property value of the area residents and the quality of life of those residents; and

WHEREAS, granting such a permit could cause a negative impact and create poor precedent for other vacant land in our communities; and

WHEREAS, on March 22, 2010, Cleveland City Council adopted Resolution No. 375-10, which opposed the application to the Ohio Department of Natural Resources by Ty, Inc. for a Mineral Mining Permit to strip mine sand and clay from 4300 Bradley Road adjacent to Skylane Drive in the City of Cleveland; and

WHEREAS, on September 29, 2010, the Ohio Department of Natural Resources granted the requested permit to Ty, Inc.

WHEREAS, an application by Ty, Inc., as contractor and on behalf of the Owners, to the City of Cleveland Department of Building and Housing to use the Property for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals (the "Proposed Use") was denied by the City of Cleveland Zoning Administrator (the "Zoning Administrator"); and

WHEREAS, the Owners and Ty, Inc. have appealed the denial to the City of Cleveland Board of Zoning Appeals (the "BZA") and have filed additional appeals with the BZA for: a) a special permit for the Proposed Use under Section 345.04(b) of the Codified Ordinances of Cleveland, Ohio (the "C.C.O."), and/or b) a use variance authorizing the Proposed Use under Section 329.03 of the C.C.O.; and

WHEREAS, residents living in the vicinity of the Property expressed strong opposition to the Proposed Use at a public meeting hosted by Old Brooklyn Community Development Corporation, WireNet, Cleveland City Councilmember Brancatelli (Ward 12), and the City of Cleveland on May 22, 2010.

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

SECTION 1. That Cuyahoga County Council hereby supports the decision of the Zoning Administrator denying the application for the Proposed Use.

SECTION 2. That the Clerk of Council is hereby directed to transmit copies of this Resolution to the Chief of the Ohio Department of Natural Resources, Division of Mineral Resources Management; to the City of Cleveland Zoning Administrator; to the City of Cleveland Board of Zoning Appeals and to the Clerk of Council of the City of Cleveland.

SECTION 3. It is found and determined that all formal actions of this County Council meeting relating to the adoption of this Resolution were adopted in an open meeting of the County Council and that all deliberations of this County Council and any of its committees that resulted in such formal actions took place 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: November 9, 2011
Committee(s) Assigned: Environment & Sustainability

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0053

Sponsored by: Councilmembers Brady, Gallagher, Miller and Connally	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.
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WHEREAS, Section 3.09(2) of the Charter of Cuyahoga County 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, Section 7.01 of the Charter of Cuyahoga County 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; and,

WHEREAS, Section 5.02 of the Charter of Cuyahoga County declares that “[t]he Fiscal Officer shall exercise all powers and perform all duties now or hereafter vested in or imposed by general law upon county auditors;” and,

WHEREAS, Section 319.58 of the Ohio Revised Code states that the County Auditor “shall see that all state laws relating to weights and measures are strictly enforced throughout his county, and shall assist generally in the prosecution of all violations of such laws;” and,

WHEREAS, Sections 1327.50 and 1327.52 of the Ohio Revised Code together declare that “[a]ny weights and measures official elected or appointed for a county” shall determine whether packaged commodities are “sold in accordance with sections 1327.46 to 1327.61 of the Revised Code or rules adopted under those sections;” and,

WHEREAS, Sections 1327.53 and 1327.54 of the Ohio Revised Code prohibit deceptive selling or buying practices and the misrepresentation of the price of a commodity or service; and,

WHEREAS, the Council of Cuyahoga County has determined that the creation of a County Department of Consumer Affairs is necessary for the economic well-being and prosperity of the residents of Cuyahoga County; and,

WHEREAS, the Council of Cuyahoga County has determined that the creation of a County Department of Consumer Affairs and placing Weights and Measures operation in the Department of Consumer Affairs 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.

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

SECTION 1. The Cuyahoga County Department of Consumer Affairs

(a) There is hereby established the Department of Consumer Affairs for Cuyahoga County under the supervision of the County Executive and the Fiscal Officer.

(b) The official title of the department established in this section shall be the "Cuyahoga County Department of Consumer Affairs."

(c) For convenience, the Cuyahoga County Department of Consumer Affairs may also be referred to as the County's "Department of Consumer Affairs" or "Consumer Affairs Department" in correspondence, legislation, or as is otherwise necessary or convenient.

(d) The Department of Consumer Affairs shall contain the following divisions and sections: (1) Weights and Measures, and (2) Consumer Protection, containing an Investigation and an Outreach Section.

(e) The Department of Consumer Affairs shall have jurisdiction over all consumer transactions which take place within Cuyahoga County, regardless of the residence of any of the persons directly or indirectly affected by such transaction, unless prohibited by the Charter or general law.

(f) The functions, employees, duties and responsibilities of the former Department of Weights and Measures are hereby incorporated into the Division of Weights and Measures within the Department of Consumer Affairs.

(g) The duties and responsibilities of the Division of Consumer Protection shall include:

- (1) Promoting consumer/financial literacy and asset building in Cuyahoga County;

- (2) Investigating alleged violations of laws, rules and regulations pertaining to consumer affairs and predatory lending as provided by Ordinance of Cuyahoga County, the Ohio Revised Code, and other applicable consumer law; and referring such violations to the Cuyahoga County Prosecutor, Ohio Attorney General, or other appropriate law enforcement agency if necessary;
- (3) Educating consumers and businesses about laws related to consumer protection;
- (4) Mediating disputes between consumers and businesses related to consumer protection complaints;
- (5) Collaborating with businesses, non-profit organizations and government agencies on programs related to consumer affairs issues;
- (6) Advising, when requested, the County Executive and the County Council on policies and programs related to consumer protection;

SECTION 2. The Director of Consumer Affairs

(a) There shall be a Director of Consumer Affairs who shall lead the Department of Consumer Affairs. The Director shall have thorough knowledge of county, state, and federal consumer protection laws; experience in the areas of consumer protection and education, the promotion of fair business practices, and the investigation, mediation and resolution of consumer complaints and issues; demonstrated knowledge, skills and abilities required in managing a division within a consumer affairs organization including directing budget, personnel, fiscal, supply and other administrative functions of an organization; and experience establishing collaborative relationships with business, non-profit and public entities for the purpose of addressing consumer protection issues.

(b) The Director of Consumer Affairs shall be responsible for fulfilling the duties of the Department of Consumer Affairs and is authorized to hire personnel in the Department of Consumer Affairs to aid and assist the Director in the proper discharge of his or her duties and powers, subject to the approval of the County Executive; consistency with the Human Resources policies and procedures of the County, the County Charter and general law; and budgetary constraints set by County Council and 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.

