

**MINUTES**  
CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, APRIL 26, 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 6:02 p.m.**

**2. PLEDGE OF ALLEGIANCE - RETIRED CITY OF CLEVELAND POLICE OFFICER JAMES SIMONE**

**Retired Cleveland Police Officer James Simone, led the recitation of the Pledge of Allegiance.**

**3. SILENT MEDITATION**

**Council President Connally called on Mr. Miller, who requested a moment of silent meditation in honor of those who were victims of recent severe weather.**

**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) April 19, 2011 Special Meeting**

**A motion was made by Mr. Gallagher, seconded by Mr. Rogers and approved by unanimous vote to approve the minutes of the April 19, 2011 special meeting.**

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- a) Personnel levels will be provided to Council. There are approximately 100 fewer employees which equates to a savings of approximately \$4-5M. Further personnel reductions will be conducted in a systematic way;
- b) Mr. Wade Steen, former Franklin County Treasurer, has been nominated to serve as Cuyahoga County's first Fiscal Officer. Mr. Steen is a CPA and has over 27 years of accounting experience;
- c) A Medical Examiner will be named by the end of the week;
- d) Mr. Jeff Mowry, Chief Information Officer, will address Council on his early observations regarding the state of information technology in the County;
- e) Components to the Lincoln Electric wind turbine were delivered and discussed relevant implications to the County and region regarding wind energy.

8. CONSIDERATION OF A MOTION 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 No. M2011-0027.**

- a) M2011-0027: A Motion to appoint individuals to serve on Boards of Revision for Cuyahoga County:

- 1) James McMullen
- ~~2) Jeffrey Ledel~~
- 3) Robert Hennessy
- 4) Michael Alexander
- 5) Roger Kramer
- 6) Ann Gerhart

Sponsor: Council President Connally

**A motion was made by Ms. Conwell, seconded by Ms. Simon and approved by unanimous vote to amend the Motion to remove Jeffrey Ledel until receipt of his human resources screening clearance.**

**On a motion by Mr. Schron with a second by Mr. Greenspan, Motion No. M2011-0027 was considered and approved by unanimous vote as amended.**

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

- a) M2011-0028: A Motion confirming the County Executive's appointment of Veronica A. Rice to serve on the County Audit Committee.

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2011-0028 to the Human Resources, Appointments & Equity Committee.**

- b) M2011-0029: A Motion confirming the County Executive's appointment of Nick Neforos to serve on the County Audit Committee.

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2011-0029 to the Human Resources, Appointments & Equity Committee.**

**10. COMMITTEE REPORT AND CONSIDERATION OF MOTIONS OF COUNCIL FOR SECOND READING ADOPTION UNDER SUPSPENSION OF RULES**

**A motion was made by Ms. Conwell, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 7E and 9D and to place on final passage Motion Nos. M2011-0018, M2011-0019, M2011-0020, M2011-0021, M2011-0024, M2011-0025 and M2011-0026.**

- a) M2011-0018: A Motion confirming the County Executive's appointment of Norberto Colon to serve on the Public Safety Urban Area Working Group.

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**On a motion by Mr. Schron with a second by Mr. Rogers, Motion No. M2011-0018 was considered and approved by unanimous vote.**

- b) M2011-0019: A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga County Planning Commission:

- 1) Mayor Eileen Patton, Fairview Park (Westshore Region)
- 2) Mayor Michael Procuk, Brooklyn Heights (Cuyahoga Region)
- 3) Ed Jerse, Director of Regional Collaboration

- 4) Nathan Kelly, Deputy Chief of Development (alternate to County Executive Edward FitzGerald)

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**On a motion by Mr. Jones with a second by Ms. Simon, Motion No. M2011-0019 was considered and approved by unanimous vote.**

- c) M2011-0020: A Motion confirming the County Executive's appointment of individuals to serve on Tax Incentive Review Councils:

- 1) Jeffery Schiffman
- 2) Jonathan Holody
- 3) Andrew Revy
- 4) Joe Micciulla, Chair

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**On a motion by Mr. Rogers with a second by Ms. Conwell, Motion No. M2011-0020 was considered and approved by unanimous vote.**

- d) M2011-0021: A Motion confirming the County Executive's appointment of Nick Nardi to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**On a motion by Mr. Rogers with a second by Ms. Simon, Motion No. M2011-0021 was considered and approved by unanimous vote.**

- e) M2011-0024: A Motion confirming the County Executive's appointment of individuals to serve on the District One Public Works Integrating Committee of Cuyahoga County:

- 1) Bonita Teeuwen, Director of Public Works
- 2) Douglas L. Dillon, MBA, PE, PS, Cuyahoga County Engineer

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**On a motion by Mr. Jones with a second by Ms. Conwell, Motion No. M2011-0024 was considered and approved by unanimous vote.**

- f) M2011-0025: A Motion confirming the County Executive’s appointment of David W. Whitehead to serve on the Cuyahoga Community College Board of Trustees.

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**On a motion by Mr. Jones with a second by Mr. Gallagher, Motion No. M2011-0025 was considered and approved by unanimous vote.**

- g) M2011-0026: A Motion confirming the County Executive’s appointment of Matthew Carroll to serve as *ex officio* representative on the Gateway Economic Development Corporation of Greater Cleveland Board of Trustees.

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**On a motion by Mr. Schron with a second by Mr. Greenspan, Motion No. M2011-0026 was considered and approved by unanimous vote.**

## 11. CONSIDERATION OF A MOTION OF COUNCIL FOR ADOPTION

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

Sponsors: Miller, Greenspan, Conwell, Jones, Rogers, **Brady, Germana, Connally, Simon, Schron and Gallagher**

**On a motion by Mr. Miller with a second by Ms. Conwell, Motion No. M2011-0007 was considered and approved by unanimous vote.**

**Note: Any subsequent references to Rules of Council comply with Motion No. M2011-0007 above.**

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

**A motion was made by Mr. Miller with a second by Mr. Rogers and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Ordinance No. O2011-0023.**

- a) O2011-0023: An Ordinance amending Cuyahoga County's permanent Code of Ethics, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Greenspan, **Schron** and **Rogers**

**A motion was made by Mr. Greenspan, seconded by Mr. Miller and approved by unanimous vote to consider substitute Ordinance No O2011-0023.**

**On a motion by Ms. Conwell with a second by Mr. Greenspan, substitute Ordinance No. O2011-0023 was considered and adopted.**

**13. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING AND  
REFERRAL TO COMMITTEE**

- a) O2011-0024: An Ordinance amending County Resolution Nos. 052208 and 052209, each dated 6/2/2005, which established charges payable for connection to the County's water and sewer supply facilities in County Sewer District No. 14 for the period 12/30/2010 - 12/29/2011 and County Council Ordinance No. 02011-0007 as amended; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Greenspan and **Gallagher**

**Council President Connally referred Ordinance No. O2011-0024 to the Public Works, Procurement & Contracting Committee.**

**14. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR  
SECOND READING ADOPTION UNDER SUSPENSION OF RULES**

**A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2011-0020.**

- a) O2011-0020: An Ordinance providing for complimentary parking for members of the public to attend regularly scheduled evening and

committee meetings of the County Council, at the Huntington Park Garage, on a space-available basis, in order to encourage public attendance and participation in the new County government; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Rogers, Miller, Jones, Brady, Germana, Conwell, Connally, Simon and **Gallagher**

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Rogers with a second by Mr. Jones, Ordinance No. O2011-0020 was considered and adopted by unanimous vote.**

**15. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR ADOPTION**

- a) 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, Jones, Conwell, Rogers, Germana and **Gallagher**

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**Mr. Miller introduced the following written amendments on the floor:**

- 1) Section 3.2: delete “be reviewed for legal form” and substitute “undergo legal review.”**

**On a motion by Mr. Miller with a second by Mr. Rogers, the written amendment introduced by Mr. Miller was unanimously approved.**

- 2) To Amend Sections 4.5, 4.6, 4.7 and 4.8 as follows:**

**Section 4.5: Whenever the County Executive initiates the formal, public action for a contract, purchase, sale, lease, grant, or loan with an expected value of \$25,000**

or more that is located in or primarily affects a particular County Council District, the County Executive shall provide written notification to the Councilperson from that district.

**Section 4.6:** The databases provided for in Sections 4.1 through 4.4 of this ordinance shall be in operation and posted on the county's website and the notification process provided for in Section 4.5 of this ordinance shall be in operation starting no later than September 30, 2011, with the exception that the searchable features of the databases shall be in operation no later than March 31, 2012. Prior to the required initiation dates for the databases and notification process provided for in Sections 4.1 through 4.5 of this ordinance, the County Executive shall use available resources to make available the County Council and the public as much as possible of the information required in these sections.

**Section 4.7:** The databases provided for in Sections 4.1 and 4.2 of this ordinance shall be required to include only transactions executed on or after the initiation date of each part of these databases. The databases provided for in Sections 4.3 and 4.4 shall be required to include only transactions initiated by formal, public action on or after the initiation date of each part of these databases.

**Section 4.8:** Notwithstanding any other provisions of this chapter, the databases provided for in Sections 4.1, 4.2, 4.3, and 4.4 of this ordinance shall not include any information required to be kept confidential by federal or state law or federal or state administrative rule and may exclude any other information that is not a public record according to Section 149.43 of the Ohio Revised Code.

On a motion by Mr. Miller with a second by Mr. Germana, the written amendment introduced by Mr. Miller was unanimously approved.

3) Section 2.2 to read: (A) "contract" shall not include an employment contract between the County and any regular full-time or part-time employee of the County or any contract entered into in settlement of litigation; and (B) "sale" shall include only sales of assets.

Section 4.1(A) to read: all executed contracts, purchases, and sales, other than real estate transactions, for \$1000 or more; and

On a motion by Mr. Miller with a second by Ms. Conwell, the written amendment introduced by Mr. Miller was unanimously approved.

4) Section 3.7 delete: "if applicable, each of the following factors shall be considered in determining whether a bid is the lowest and best bid:" and substitute: "The County reserves the right to consider all elements entering into the question of determining the lowest and best bid, including the following:"



**On a motion made by Mr. Miller with a second by Mr. Germana, the written amendment introduced by Mr. Miller was unanimously approved.**

**Council President Connally allowed the following verbal amendments to be introduced by Mr. Schron on the floor:**

**To amend the amended version of Section 4.6 to include the statement, “The County shall exercise best efforts to ensure that the databases provided for in Sections 4.1 through 4.4 of this ordinance are in operation and posted to the county’s website and the notification process provided for in Section 4.5 of this ordinance is in operation starting not later than September 30, 2011, with the exception that the searchable features of the databases are in operation no later than March 31, 2012.”**

**On a motion made by Mr. Schron with a second by Mr. Rogers, the verbal amendment introduced by Mr. Schron was unanimously approved.**

**On a motion by Mr. Jones with a second by Ms. Conwell, Ordinance No. O2011-0014, as amended, was considered and adopted by unanimous vote.**

**16. 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 12A and to place on final passage Resolution Nos. R2011-0164 and R2011-0165.**

- a) R2011-0164: A Resolution amending the 2011 Annual Appropriation Measure by providing for 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 Ms. Conwell with a second by Mr. Rogers, Resolution No. R2011-0164 was considered and adopted by unanimous vote.**

- b) R2011-0165: A Resolution accepting various Roof Replacement Projects as complete and in accordance with plans and specifications; granting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63, and declaring the necessity that this Resolution become immediately effective:

- 1) Brooklyn Adult Activities Center, located at 10991 Memphis Avenue, Brooklyn
- 2) Operations Facility, located at 4553 Hinckley Industrial Parkway, Cleveland
- 3) Rocky River Adult Activities Center, located at 20120 Detroit Road, Rocky River
- 4) Transportation Services Center, located at 7001 Euclid Avenue, Cleveland

Sponsor: County Executive FitzGerald on behalf of the Cuyahoga County Board of Developmental Disabilities

**On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2011-0165 was considered and adopted by unanimous vote.**

**17. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE**

- a) R2011-0166: A Resolution authorizing the County Executive to enter into agreements of cooperation with the Cities of Parma and Parma Heights for repair and resurfacing of Snow Road from West 130th Street to Ridge Road.

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

**Council President Connally referred Resolution No. R2011-0166 to the Public Works, Procurement & Contracting Committee.**

- b) R2011-0167: A Resolution accepting County Improvement No. 3-A-1, rehabilitation of trenchless sanitary sewers and manhole repairs in the Cities of Beachwood, Lyndhurst, Mayfield Heights and Pepper Pike, County Sewer District Nos. 3 and 5, as complete and in accordance with plans and specifications; granting 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/Sanitary Engineering Division

**Council President Connally referred Resolution No. R2011-0167 to the Public Works, Procurement & Contracting Committee.**

- c) R2011-0168: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000240-01 with Robert P.

Madison International, Inc. for architectural and engineering services for various projects for the period 4/1/2010 - 3/31/2011 to exercise an option to extend the time period to 9/30/2011 and for additional funds in the amount not-to-exceed \$50,000.00.

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

**Council President Connally referred Resolution No. R2011-0168 to the Public Works, Procurement & Contracting Committee.**

- d) R2011-0169: A Resolution authorizing the County Executive to enter into a contract with PB Americas, Inc. fka Parsons Brinckerhoff Ohio, Inc. in the amount not-to-exceed \$1,734,243.00 for design engineering services for Highland Road Bridges Nos. 156, 157, 158 and 226 over Euclid Creek in the City of Euclid; authorizing the County Engineer on behalf of the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds to fund said contract; and declaring the necessity that this Resolution become immediately effective.

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

**Council President Connally referred Resolution No. R2011-0169 to the Public Works, Procurement & Contracting Committee.**

- e) R2011-0170: A Resolution approving plans for widening and reconstruction of Barrett Road from Spafford Road to the Berea West Corporation Line and the replacement of Barrett Road Culvert Nos. 8, 9, 10 and 11 in Olmsted Township; 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

**Council President Connally referred Resolution No. R2011-0170 to the Public Works, Procurement & Contracting Committee. The Clerk of Council recommended the public hearing be set for June 14, 2011 at 6:15 p.m. in Council Chambers at the Justice Center.**

- f) R2011-0171: A Resolution authorizing the issuance and sale of self-supporting housing revenue bonds in an amount not-to-exceed

\$5,000,000.00 for Greater Abyssinia Apartments, L.P. 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 financing 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: Roetzel & Andress LPA

**Council President Connally referred Resolution No. R2011-0171 to the Economic Development & Planning Committee.**

- g) R2011-0172: A Resolution authorizing the County Executive, or the Director of Development as his designee, to execute all documents required in connection with various economic development loans for subordination with Flats East Development, LLC, for the Flats East Hotel Project, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2011-0172 to the Economic Development & Planning Committee.**

- h) R2011-0173: A Resolution authorizing a North Coast Opportunities Technology Fund loan in the amount not-to-exceed \$100,000.00 to Sooth, Inc., located at 3021 Euclid Heights Boulevard, Cleveland Heights; authorizing the County Executive, or the Director of Development as his designee, to execute all documents required in connection with said loan.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2011-0173 to the Economic Development & Planning Committee.**

- i) R2011-0174: A Resolution authorizing the County Executive, through the Department of Procurement & Diversity, to solicit bids on RQ20109 for the Year Two Pavement Maintenance Program: Apron A1, B reconstruction and Apron A2, C, D1 rehabilitation.

Sponsor: County Executive FitzGerald/Department of Development/  
County Airport

**Council President Connally referred Resolution No. R2011-0174 to the Economic Development & Planning Committee.**

- j) R2011-0175: A Resolution authorizing the County Executive to enter into an agreement with City of Cleveland in the amount not-to-exceed \$442,270.91 for reimbursement of eligible training and exercise expenses in connection with the FY2008 Port Security Grant Program for the period 8/1/2008 - 7/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Justice Affairs

**Council President Connally referred Resolution No. R2011-0175 to the Public Safety Committee.**

- k) R2011-0176: A Resolution authorizing the County Executive to enter into an agreement with Ohio Department of Natural Resources - Division of Watercraft in the amount not-to-exceed \$250,164.18 for reimbursement of eligible training and exercise expenses in connection with the FY2008 Port Security Grant Program for the period 8/1/2008 - 7/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Justice Affairs

**Council President Connally referred Resolution No. R2011-0176 to the Public Safety Committee.**

- l) R2011-0177: A Resolution authorizing the County Executive to enter into an agreement with City of Cleveland in the amount not-to-exceed \$300,000.00 for reimbursement of eligible training and exercise expenses in connection with the FY2010 Port Security Grant Program for the period 6/1/2010 - 5/31/2013, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Justice Affairs

**Council President Connally referred Resolution No. R2011-0177 to the Public Safety Committee.**

**18. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES**

**A motion was made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2011-0051, R2011-0130, R2011-0138, R2011-0139, R2011-0140, R2011-0141, R2011-0142, R2011-0143, R2011-0144, R2011-0145, R2011-0146, R2011-0147, R2011-0148, R2011-0149, R2011-0150, R2011-0152, R2011-0159, R2011-0160, R2011-0161 and R2011-0162.**

- a) R2011-0051: A Resolution authorizing the County Executive to prepare and enter into an amendment (Change Order No. 2) to Contract No. CE1000410-01 with The R.J. Platten Contracting Co. for construction of the Quincy Parking Lot in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance amount from \$223,617.78 to \$350,402.13 and for additional funds in the amount of \$126,784.35, and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Public Safety – Gallagher

**On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2011-0051 was considered and adopted by unanimous vote.**

- b) R2011-0130: A Resolution authorizing the County Executive to enter into a contract (No. CE1100162-01, 02, 03, 04) with Ports Petroleum Company, Inc. in the amount not-to-exceed \$633,375.00 for gasoline for various County facilities for the period 1/1/2011 – 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement &  
Diversity

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

**On a motion by Ms. Conwell with a second by Ms. Simon, Resolution No. R2011-0130 was considered and adopted by unanimous vote.**

- c) R2011-0138: A Resolution declaring that public convenience and welfare requires resurfacing of Columbus Road from Center Street to

West 25th Street in the City of Cleveland; total estimated construction cost \$2,054,000.00; authorizing the County Executive to enter into an agreement of cooperation with City of Cleveland in connection with said project; and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

**On a motion by Mr. Rogers with a second by Mr. Jones, Resolution No. R2011-0138 was considered and adopted by unanimous vote.**

- d) R2011-0139: A Resolution accepting scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville as complete and in accordance with plans and specifications, and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0139 was considered and adopted by unanimous vote.**

- e) R2011-0140: A Resolution accepting repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township as complete and in accordance with plans and specifications, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works/  
County Engineer **and Councilmember Gallagher**

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

**On a motion by Ms. Conwell with a second by Mr. Jones, Resolution No. R2011-0140 was considered and adopted by unanimous vote.**

- f) R2011-0141: A Resolution accepting rehabilitation of West 130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and

Parma as complete and in accordance with plans and specifications, and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

**On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2011-0141 was considered and adopted by unanimous vote.**

- g) R2011-0142: A Resolution authorizing the County Executive to approve an additional settlement in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon, and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0142 was considered and adopted by unanimous vote.**

- h) R2011-0143: A Resolution authorizing the County Executive to enter into an amendment to a Local Public Agency (LPA) Agreement with Ohio Department of Transportation for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township to change the funding arrangement and scope of services, effective 4/12/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works/  
County Engineer **and Councilmember Gallagher**

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

**On a motion by Ms. Conwell with a second by Mr. Rogers, Resolution No. R2011-0143 was considered and adopted by unanimous vote.**



- i) R2011-0144: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE0700690-01 with TranSystems Corporation of Ohio for consultant engineering services for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township to change the scope of services and the terms, effective 4/12/2011, and for additional funds in the amount of \$868,990.00, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works/  
County Engineer **and Councilmember Gallagher**

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

**On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2011-0144 was considered and adopted by unanimous vote.**

- j) R2011-0145: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE0900388-01 with C.T. Consultants, Inc. for general engineering services for the period 4/1/2009 - 3/31/2011 to extend the time period to 12/31/2011; no additional funds required; and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

**On a motion by Mr. Jones with a second by Mr. Rogers, Resolution No. R2011-0145 was considered and adopted by unanimous vote.**

- k) R2011-0146: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 1) to Contract No. CE1000349-01 with Terrace Construction Company, Inc. for the Sewer and Lateral Repair Program for various County sewer districts to change the scope of services, effective 4/12/2011; no additional funds required; and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Ms. Conwell with a second by Mr. Jones, Resolution No. R2011-0146 was considered and adopted by unanimous vote.**

- l) R2011-0147: A Resolution authorizing an award on RQ19185 to Karvo Paving Company in the amount of \$2,233,539.49 for repair and resurfacing of Tiedeman Road from Brookpark Road to Memphis Avenue in the City of Brooklyn; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Germana with a second by Mr. Brady, Resolution No. R2011-0147 was considered and adopted by unanimous vote.**

- m) R2011-0148: A Resolution authorizing a subgrant award to City of Euclid in the amount not-to-exceed \$150,000.00 for a project located at 23802 Lake Shore Boulevard, Euclid, in connection with the Brownfields Revolving Loan Fund Program for the period 8/1/2008 - 7/31/2013; authorizing the County Executive to execute all documents required in connection with said award; and declaring the necessity that this Resolution become immediately effective. (Pending committee recommendation.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

**On a motion by Ms. Simon with a second by Mr. Schron, Resolution No. R2011-0148 was considered and adopted by unanimous vote.**

- n) R2011-0149: A Resolution authorizing a HOME Rental Rehabilitation loan in the amount not-to-exceed \$500,000.00 to Villa Serena, Inc. for the Villa Serena Senior Citizen Apartments Project, located at 6800 Mayfield Road, Mayfield Heights; authorizing the County Executive to execute all documents required in connection with said loan; and declaring the necessity that this Resolution become immediately effective. (Pending committee recommendation.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

**On a motion by Mr. Schron with a second by Mr. Rogers, Resolution No. R2011-0149 was considered and adopted by unanimous vote.**

- o) R2011-0150: A Resolution authorizing an award on RQ18962 to Lawler Construction in the amount of \$1,289,499.00 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 5/1/2011 - 9/30/2011; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective. (Pending committee recommendation.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

**On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2011-0150 was considered and adopted by unanimous vote.**

- p) R2011-0152: A Resolution authorizing the issuance of notes in the maximum principal amount of \$10,400,000.00 in anticipation of Bonds for the purpose of refunding bond anticipation notes, the proceeds of which were originally to refund the County's \$10,150,000.00 Rock and Roll Hall of Fame Museum Project Notes, Series 2010, that were issued to pay the costs of acquiring, constructing and equipping a library and an archives facility for the Rock and Roll Hall of Fame and Museum and certain improvements and renovations to the Rock and Roll Hall of Fame Museum, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Budget & Management  
**and Councilmember Gallagher**

Bond Counsel: Roetzel & Andress LPA

Committee Assignment and Chair: Finance & Budgeting – Miller

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2011-0152 was considered and adopted by unanimous vote.**

- q) R2011-0159: A Resolution authorizing the County Executive to enter into an amendment to Agreement No. AG1000201-01 with Department of Workforce Development for operation of the Employment Connection One-Stop System, Career Centers and Work Experience Program for the period 7/1/2010 - 6/30/2011 to extend the time period to 6/30/2012, to change the scope of services, effective 7/1/2011, and for additional funds in the amount of \$753,513.00, and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Health, Human Services & Aging – Brady

**On a motion by Mr. Brady with a second by Mr. Jones, Resolution No. R2011-0159 was considered and adopted by unanimous vote.**

- r) R2011-0160: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000623-01 with LNE & Associates, LLP, for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 - 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$428,518.08, and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Health, Human Services & Aging – Brady

**On a motion by Mr. Brady with a second by Mr. Jones, Resolution No. R2011-0160 was considered and adopted by unanimous vote.**

- s) R2011-0161: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000592-01 with Towards Employment, Incorporated for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 - 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$436,617.15, and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Health, Human Services & Aging – Brady

**On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2011-0161 was considered and adopted by unanimous vote.**

- t) R2011-0162: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000593-01 with West Side Ecumenical Ministry for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 - 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$473,901.21, and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Health, Human Services & Aging – Brady

**On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2011-0162 was considered and adopted by unanimous vote.**

#### 19. EXECUTIVE SESSION

- a) Discussion regarding pending litigation.

**At 7:53 p.m., a motion was made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to move to Executive Session for the purpose of discussions with the Law Director regarding matters of pending litigation, and for no other purpose whatsoever. Executive Session was called to order by Council President Connally, the roll was called and the following members were present: Councilmembers Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Connally and Rogers. The following additional attendees were present: Clerk of Council Jeanne Schmotzer, Law Director Majeed Makhoulf, Employment Relations Manager Matt Hawes, Assistant Law Director Nora Hurley, Senior Policy Advisor Joanne Gross, Deputy Clerk of Council Nikima Barnhill and Administrative Assistant George Phillips. At 8:35 p.m., a motion was made by Mr. Miller, seconded by Mr. Greenspan and unanimously approved to adjourn Executive Session. Council President Connally reconvened the regular meeting.**

**20. MISCELLANEOUS COMMITTEE REPORTS**

**There were no miscellaneous committee reports.**

**21. MISCELLANEOUS BUSINESS**

**There was no miscellaneous business to discuss.**

**22. PUBLIC COMMENT UNRELATED TO AGENDA**

**Mr. Gerald Henley addressed Council regarding issues of concern to him relating to property appraisals, study regarding flight out of Cleveland and the impact of vacant properties. He also spoke in regard to reform and technology.**

**23. ADJOURNMENT**

**With no further business to discuss and on a motion by Mr. Miller with a second by Mr. Greenspan, the meeting was adjourned at 8:36 p.m., without objection.**