



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, APRIL 10, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
5:00 PM**

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 5:03 p.m.

2. ROLL CALL

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

A motion was then made by Mr. Schron, seconded by Mr. Gallagher and approved by unanimous vote to excuse Mr. Greenspan from the meeting.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Connally requested a moment of silent meditation be dedicated to the U.S. soldiers who gave their lives in Afghanistan this week and to the three victims of the shooting in Oklahoma and their families.

5. PUBLIC COMMENT RELATED TO AGENDA

The following citizens addressed Council regarding issues of concern to them relating to Resolution No. R2012-0070, a Resolution making an award to Motorola, Inc., for the purchase of interoperable radios and vehicular chargers for the Department of Public Safety and Justice Services:

- a) Mr. Rick Zamora
- b) Mr. Michael Engelhaupt
- c) Chief Christopher Flynn
- d) Mr. Adrian Maldonado
- e) Chief William Shaw

Mr. Rich Kozlovich, representing the Ohio Professional Applicators for Responsible Regulation, addressed Council regarding issues of concern to him relating to Ordinance No. O2011-0047, an Ordinance prohibiting the use of pesticides on property owned by Cuyahoga County and requiring an Integrated Management Program for County-owned properties.

6. APPROVAL OF MINUTES

- a) January 31, 2012 Committee of the Whole Meeting

A motion was made by Mr. Miller, seconded by Mr. Gallagher and approved by unanimous vote to approve the minutes of the January 31, 2012 Committee of the Whole meeting.

- b) March 27, 2012 Regular Meeting

A motion was made by Mr. Schron, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the March 27, 2012 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

There were no messages given by County Executive FitzGerald, who was absent from the meeting.

Council President Connally then reported the following events in support of the Harvest for Hunger Campaign:

- 1) Reminded all of the food challenge between Council and Executive Staff;
- 2) Team CAFR won the Tug of War contest sponsored by the Office of Budget & Management. The "Council Crushers" won third place; and

- 3) There will be a cornhole tournament on Thursday, April 12th, also sponsored by the Office of Budget & Management.**

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

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Motion No. M2012-0014.

- a) M2012-0014: A Motion appointing Ara Alan Borazanian to serve on a Board of Revision for Cuyahoga County, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

On a motion by Mr. Rogers with a second by Ms. Simon, Motion No. M2012-0014 was considered and approved by unanimous vote.

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

- a) M2012-0015: A Motion confirming the County Executive's appointment of various Mayors to serve on the Cuyahoga County Planning Commission, and declaring the necessity that this Motion become immediately effective:

- 1) The Honorable Daniel J. Ursu for the Hillcrest Region
- 2) The Honorable Susan K. Infeld for the Heights Region
- 3) The Honorable Michael P. Byrne for the South Central Region
- 4) The Honorable Kathy U. Mulcahy for the Chagrin/Southeast Region

Sponsor: Council President Connally

Council President Connally referred Motion No. M2012-0015 to the Human Resources, Appointments & Equity Committee.

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

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution No. R2012-0051.

- a) R2012-0051: A Resolution approving the City of Cleveland to retain certain City Land Bank parcels for devotion to public use as an East Side

Maintenance Facility, and declaring the necessity that this Resolution become immediately effective:

- 1) No. 126-37-038
- 2) No. 126-37-039
- 3) No. 126-37-040
- 4) No. 126-37-041
- 5) No. 126-37-042
- 6) No. 126-37-043
- 7) No. 126-38-016
- 8) No. 126-38-017
- 9) No. 126-38-018

Sponsor: Council President Connally

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Miller with a second by Mr. Brady, Resolution No. R2012-0051 was considered and adopted by unanimous vote.

11. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR THIRD READING ADOPTION

- a) R2012-0041: A Resolution supporting and collaborating with Emerald Cities Cleveland/Cuyahoga County to create a clean energy economy in Cuyahoga County by developing community workforce opportunities, enhancing environmentally sustainable practices and assisting Cuyahoga County and its political subdivisions to meet the U.S. Department of Energy's Better Buildings Challenge to make municipal buildings and facilities 20% more energy efficient by 2020.

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

On a motion by Mr. Rogers with a second by Mr. Miller, Resolution No. R2012-0041 was considered and adopted by unanimous vote.

12. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR THIRD READING ADOPTION

- a) O2011-0047: An Ordinance prohibiting the use of pesticides on property owned by Cuyahoga County and requiring the adoption of an Integrated Pest Management Program for County-owned properties, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Simon, Rogers, Miller and Jones

A motion was made by Mr. Schron and seconded by Mr. Germana to table Ordinance No. O2011-0047. Discussion ensued. The motion failed by a vote of 2-8 with Councilmembers Schron and Germana voting in the affirmative and Councilmembers Simon, Miller, Brady, Gallagher, Conwell, Jones, Rogers and Connally casting dissenting votes.

On a motion by Ms. Simon with a second by Mr. Rogers, Ordinance No. O2011-0047 was considered and adopted by majority vote, with Mr. Schron casting a dissenting vote.

**13. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER
SUSPENSION OF RULES**

A motion was made by Ms. Simon, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2012-0061 and R2012-0062.

- a) R2012-0061: A Resolution amending the 2012/2013 Biennial Operating Budget for 2012 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/Fiscal Officer/Office of Budget & Management

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2012-0061 was considered and adopted by unanimous vote.

- b) R2012-0062: A Resolution amending Resolution No. R2011-0277, which authorized awards on RQ20292 to various providers for group healthcare benefits for County employees and their eligible dependents, including medical and pharmacy benefit management services, for the period 1/1/2012 - 12/31/2014 to change the name of a provider from United HealthCare Insurance Company to United HealthCare Services, Inc.; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources

On a motion by Ms. Conwell with a second by Mr. Miller, Resolution No. R2012-0062 was considered and adopted by unanimous vote.

14. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2012-0050: A Resolution authorizing a contract with United Way of Greater Cleveland, Inc. in the amount not-to-exceed \$821,587.50 for food and allocation of funds for Hunger Centers serving needy residents in Cuyahoga County for the period 4/1/2012 - 12/31/2012; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2012-0050 to the Health, Human Services & Aging Committee.

- b) R2012-0063: A Resolution declaring that public convenience and welfare requires resurfacing of Sprague Road from Marks Road to Prospect Road in the Cities of Berea and Strongsville; total estimated construction cost \$700,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into agreements of cooperation with said municipalities in connection with said project.

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

Council President Connally referred Resolution No. R2012-0063 to the Public Works, Procurement & Contracting Committee.

- c) R2012-0064: A Resolution declaring that public convenience and welfare requires resurfacing of York Road from Bennett Road to State Route 82 in the City of North Royalton; total estimated construction cost \$700,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project.

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

Council President Connally referred Resolution No. R2012-0064 to the Public Works, Procurement & Contracting Committee.

- d) R2012-0065: A Resolution making an award on RQ21215 to O.R. Colan Associates of Florida, LLC, in the amount not-to-exceed \$715,005.00 for right-of-way acquisition services in connection with improvement of Pleasant Valley/Bagley Road from Pearl Road to York Road in the Cities of Middleburg Heights and Parma; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works/
Division of County Engineer and **Councilmembers Gallagher and Germana**

Council President Connally referred Resolution No. R2012-0065 to the Public Works, Procurement & Contracting Committee.

- e) R2012-0066: A Resolution making an award on RQ22552 to Burton Scot Contractors, LLC, in the amount not-to-exceed \$2,213,811.02 for resurfacing of Green Road from Chagrin Boulevard to Fairmount Boulevard in the Cities of Beachwood and Shaker Heights; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works/
Division of County Engineer and **Councilmembers Connally and Simon**

Council President Connally referred Resolution No. R2012-0066 to the Public Works, Procurement & Contracting Committee.

- f) R2012-0067: A Resolution making an award on RQ22624 to Suburban Maintenance and Construction, Inc. in the amount not-to-exceed \$908,993.93 for replacement of Austin Powder Drive Bridge No. 137 over a branch of Tinkers Creek in the Village of Glenwillow; authorizing the County Executive to enter into a contract consistent with said award; and 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 in said amount to fund said contract.

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

Council President Connally referred Resolution No. R2012-0067 to the Public Works, Procurement & Contracting Committee.

- g) R2012-0068: A Resolution authorizing a revenue generating agreement with Woods Cove II LLC, as purchaser, and Axis Capital Management, Inc., as servicer, in the amount not-to-exceed \$7,000,000.00 for the sale of tax lien certificates; 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.

Sponsor: County Executive FitzGerald/Fiscal Officer/County Treasurer

Council President Connally referred Resolution No. R2012-0068 to the Finance & Budgeting Committee.

- h) R2012-0069: A Resolution amending the 2012/2013 Biennial Operating Budget for 2012 by providing for an additional fiscal appropriation from the General Fund in order to meet the budgetary needs of a County department; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

Council President Connally referred Resolution No. R2012-0069 to the Finance & Budgeting Committee.

- i) R2012-0070: A Resolution making an award on RQ22439 to Motorola Solutions, Inc., in the amount not-to-exceed \$2,071,650.00 for the purchase of interoperable radios and vehicular chargers for the Department of Public Safety and Justice Services; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Procurement & Diversity

Council President Connally referred Resolution No. R2012-0070 to the Public Safety Committee.

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

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2012-0023, R2012-0024, R2012-0025, R2012-0054, R2012-0055, R2012-0056, R2012-0057, R2012-0058, R2012-0059 and R2012-0060.

- a) R2012-0023: A Resolution declaring that public convenience and welfare requires replacement of Rockside Road Bridge No. 3.32 over the Cuyahoga River in the City of Independence and Village of Valley View; total estimated construction cost \$8,000,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into agreements of cooperation with said municipalities in connection with said project.

Sponsor: County Executive FitzGerald/Department of Public Works/
Division of 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. R2012-0023 was considered and adopted by unanimous vote.

- b) R2012-0024: A Resolution declaring that public convenience and welfare requires resurfacing of Emery Road from Northfield Road to Merrygold Avenue in the City of Warrensville Heights and Village of North Randall; total estimated construction cost \$3,300,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into agreements of cooperation with said municipalities in connection with said project.

Sponsors: County Executive FitzGerald/Department of Public Works/
Division of County Engineer and Councilmembers Jones and **Connally**

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

On a motion by Mr. Schron with a second by Mr. Jones, Resolution No. R2012-0024 was considered and adopted by unanimous vote.

- c) R2012-0025: A Resolution declaring that public convenience and welfare requires resurfacing of Turney Road from Sladden Avenue to Hathaway Road in the City of Garfield Heights; total estimated construction cost \$4,125,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project.

Sponsors: County Executive FitzGerald/Department of Public Works/
Division of County Engineer and Councilmember Jones

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

**On a motion by Mr. Jones with a second by Mr. Rogers, Resolution No. R2012-0025
was considered and adopted by unanimous vote.**

- d) R2012-0054: A Resolution declaring that public convenience and welfare requires resurfacing of Egbert Road from Dunham Road to Walton Hills East Corporation Line in the Village of Walton Hills; total estimated construction cost \$2,536,935.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project.

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

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

**On a motion by Mr. Jones with a second by Mr. Schron, Resolution No. R2012-0054
was considered and adopted by unanimous vote.**

- e) R2012-0055: A Resolution making an award on RQ20292 to Sun Life Assurance Company of Canada in the amount of \$1,953,538.00 for group healthcare benefits for County employees and their eligible dependents including stop loss insurance for the period 1/1/2012 - 12/31/2012; authorizing the County Executive to execute a contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources

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

**On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2012-0055
was considered and adopted by unanimous vote.**

- f) R2012-0056: A Resolution making awards on RQ20783 to various appraisers, in the total amount of \$900,000.00, for real estate appraisal services subject to Sheriff's Sale for the period 5/1/2012 - 4/30/2014; and

authorizing the County Executive to execute the contracts and all other documents consistent with said awards and this Resolution:

- 1) Brent T. Bailey
- 2) Lana Blaze
- 3) Vernon A. Blaze
- 4) Bradford E. Charnas
- 5) Thomas P. Costello
- 6) Marilyn J. Fandrich
- 7) William J. Gaydos
- 8) Cathleen A. Higgins
- 9) Brian E. Lynch
- 10) John J. Rusnov
- 11) Michael D. Wagner

Sponsor: County Executive FitzGerald/County Sheriff

Committee Assignment and Chair: Public Safety – Gallagher

On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2012-0056 was considered and adopted by majority vote, with Councilmembers Gallagher and Brady recusing themselves from the vote.

- g) R2012-0057: A Resolution authorizing an agreement with City of Cleveland in the amount not-to-exceed \$2,402,698.00 for planning, training, exercises, equipment and grant administration expenses in connection with the FY2010 Urban Area Security Initiative Grant Program for the period 8/1/2010 - 6/30/2013; and authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution.

Sponsor: County Executive FitzGerald/Department of Public Safety and Justice Services/Division of Public Safety Grants

Committee Assignment and Chair: Public Safety – Gallagher

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2012-0057 was considered and adopted by unanimous vote.

- h) R2012-0058: A Resolution amending Resolution No. R2012-0034, which made awards on RQ21241 to various providers for the Family to Family Neighborhood System of Care for the period 4/1/2012 - 3/31/2014; and declaring the necessity that this Resolution become immediately effective:

- 1) to rescind the award to Cleveland Urban Minority Alcoholism & Drug Abuse Outreach Project in the amount not-to-exceed \$640,928.00.
- 2) to change the amount of the award to Catholic Charities Community Services Corporation (St. Martin de Porres Family Center) from \$640,928.00 to \$1,281,856.00.

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

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

On a motion by Mr. Brady with a second by Ms. Conwell, Resolution No. R2012-0058 was considered and adopted by unanimous vote.

- i) R2012-0059: A Resolution authorizing a contract with Starting Point in the amount not-to-exceed \$2,038,762.00 for administration of the Family Child Care Home Regional System for the Invest in Children Program for the period 1/1/2012 - 12/31/2012; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Brady with a second by Mr. Gallagher, Resolution No. R2012-0059 was considered and adopted by unanimous vote.

- j) R2012-0060: A Resolution making awards on RQ22383 to various providers for emergency shelter services for homeless men, women and families for the period 1/1/2012 - 12/31/2012; authorizing the County Executive to execute the contracts and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:

- 1) Lutheran Metropolitan Ministry in the amount not-to-exceed \$1,654,920.00, for men located at 2100 Lakeside Avenue, Cleveland.

- 2) MHS, Inc. in the amount not-to-exceed \$1,124,293.00, for women and families located at 2219-2227 Payne Avenue, Cleveland.

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Homeless Services and **Councilmember Conwell**

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

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2012-0060 was considered and adopted by unanimous vote.

16. CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION

- a) O2012-0009: An Ordinance providing for adoption of various changes to the Cuyahoga County Non-Bargaining Classification Plan, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources on behalf of Human Resource Commission

On a motion by Ms. Simon with a second by Ms. Conwell, Ordinance No. O2012-0009 was considered and adopted by unanimous vote.

17. MISCELLANEOUS COMMITTEE REPORTS

Mr. Gallagher reported that the Public Safety Committee will meet on Tuesday, April 17, 2012 at 11:00 a.m.

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, April 16, 2012 at 1:00 p.m.

Mr. Brady reported that the Health, Human Services & Aging Committee will meet on Thursday, April 12, 2012 at 1:00 p.m.

Council President Connally reported that the Capital Improvements & Facilities Ad Hoc Committee met on Tuesday, April 3, 2012 at 2:00 p.m. She indicated that the Committee will conduct facility tours in the near future.

Mr. Schron reported that he will be chairing a meeting in Texas regarding the potential to bring the Industrial Supply Association Conference to Cleveland in 2015; therefore, he will not be in attendance at the April 24, 2012 Council Meeting. He voiced his support for Ordinance No. O2011-0056 regarding establishment of a General Fund, Fund Balance Reserve Policy and Replenishment Plan and Ordinance

No. O2011-0058 regarding establishment of a Health and Human Services Levy Fund, Fund Balance Reserve Policy and Replenishment Plan.

Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Thursday, May 3, 2012 and Thursday, May 17, 2012 at 10:00 a.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, April 19, 2012 at 11:00 a.m.

Mr. Rogers reported that the Environment & Sustainability Committee will meet on Friday, April 20, 2012 at 1:00 p.m.

Ms. Simon reported that the Justice Affairs Committee will meet on Friday, April 27, 2012 at 11:30 a.m.

18. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

19. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

20. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Miller with a second by Ms. Conwell, the meeting was adjourned at 6:19 p.m., without objection.