



## **MINUTES**

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, MARCH 13, 2012  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
5:00 PM**

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

**The meeting was called to order by Council President Connally at 5:02 p.m.**

### **2. ROLL CALL**

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

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

**A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to excuse Ms. Conwell 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 for personal reflection and to continue to pray for the victims of the shootings at Chardon High School, their families and the community.**

5. PUBLIC COMMENT RELATED TO AGENDA

**No public comments were given.**

6. APPROVAL OF MINUTES

- a) February 28, 2012 Meeting

**A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Item #18 in the minutes by inserting "roll-call" vote.**

**A motion was then made by Mr. Greenspan, seconded by Mr. Rogers and approved by unanimous vote to approve the minutes of the February 28, 2012 meeting, as amended.**

7. MESSAGES FROM THE COUNTY EXECUTIVE

**County Executive FitzGerald reported the following:**

- a) **Provided an update regarding personnel reductions. In 2012, there have been 69 terminations and 49 new hires resulting in a savings of approximately \$2.1 million.**
- b) **Thanked Council for their unanimous and energetic support of Issue 15, the County's Health & Human Services Levy. The levy passed with 68.2% of the vote and did not fail in any community.**

**Council President Connally also thanked the community for supporting Issue 15.**

8. CONSIDERATION OF MOTIONS 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 Nos. M2012-0008 and M2012-0009.**

- a) M2012-0008: A Motion appointing Ann T. Mannen to serve on a Board of Revision for Cuyahoga County, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

**At the request of Council President Connally, Motion No. M2012-0008 was withdrawn from consideration.**

- b) M2012-0009: A Motion appointing an Ad Hoc Committee on Capital Improvements and Facilities, and declaring the necessity that this Motion become immediately effective.

Sponsors: Council President Connally and Councilmember Gallagher

**On a motion by Mr. Schron with a second by Mr. Jones, Motion No. M2012-0009 was considered and approved by unanimous vote.**

**Council President Connally then appointed the following members to the Ad Hoc Committee: Council President Connally, Chair; Councilmember Gallagher, Vice Chair and Councilmember Brady.**

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

- a) M2012-0010: A Motion providing for the appointment of Valerie J. Harry to serve as Director of Internal Auditing, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2012-0010 to the Human Resources, Appointments & Equity Committee.**

- b) M2012-0011: A Motion confirming the County Executive's appointment of The Honorable Gary A. Norton, Jr., to serve on the Greater Cleveland Regional Transit Authority Board of Trustees, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2012-0011 to the Human Resources, Appointments & Equity Committee.**

- c) M2012-0012: A Motion confirming the County Executive's appointment of Megan O'Bryan to serve on the Cuyahoga Community College Board of Trustees, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2012-0012 to the Human Resources, Appointments & Equity Committee.**

- d) M2012-0013: A Motion confirming the County Executive's appointment of individuals to serve on the Tax Incentive Review Councils, and declaring the necessity that this Motion become immediately effective:

- 1) Richard Sensenbrenner
- 2) Jonathan Holody
- 3) Maggie Keenan
- 4) Joe Micciulla

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2012-0013 to the Human Resources, Appointments & Equity Committee.**

10. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- 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 and Simon**

**Council President Connally referred Resolution No. R2012-0041 to the Environment & Sustainability Committee.**

11. CONSIDERATION OF ORDINANCES OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2012-0007: An Ordinance establishing and providing for the administration of a Cuyahoga County Educational Assistance Program for County residents for the purposes of increasing the number of skilled workers into the County's workforce, encouraging completion of college degrees among County residents and enhancing economic development opportunities for the region; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Rogers, Miller, Connally, Conwell and **Gallagher** and County Executive FitzGerald

**Council President Connally referred Ordinance No. O2012-0007 to the Environment & Sustainability Committee.**

- b) O2012-0008: An Ordinance amending Ordinance No. O2011-0019, which established the Agency of Inspector General and the responsibilities and duties of said Agency, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Greenspan

**Council President Connally referred Ordinance No. O2012-0008 to the Rules, Charter Review, Ethics and Council Operations Committee.**

12. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING

- a) O2012-0003: An Ordinance establishing rules and procedures for operation of Charter Review Commissions in Cuyahoga County, pursuant to Article 12, Section 9, of the Cuyahoga County Charter.

Sponsors: Councilmembers Miller, Conwell and Greenspan

Committee Assignment and Chair: Rules, Charter Review, Ethics & Council Operations – Greenspan

**Clerk Schmotzer read Ordinance No. O2012-0003 into the record.**

**A motion was then made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to amend Rule 2G of Ordinance No. O2012-0003 to add, “The Vice Chairperson shall make best efforts to attend all meetings of the Commission in order to be available to perform his/her duties.” and to substitute “Vice Chairperson” for “Vice-Chairperson” wherever it appears in the Ordinance.**

**This item will move to the March 27, 2012 Council meeting agenda for consideration for third reading adoption.**

13. CONSIDERATION OF A RESOLUTION 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 Resolution No. R2012-0042.**

- a) R2012-0042: 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 Mr. Rogers, Resolution No. R2012-0042 was considered and adopted by unanimous vote.**

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

- a) R2012-0043: A Resolution authorizing a two-year moratorium on requiring a local funding match for roadway projects, effective 2/29/2012; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works and Councilmembers Jones and Germana

**Council President Connally referred Resolution No. R2012-0043 to the Public Works, Procurement & Contracting Committee.**

- b) R2012-0044: A Resolution authorizing the County Executive to enter into an agreement with W.M. Harayda in an amount exceeding the fair market value of \$800.00 as settlement for property rights for Parcel No. 24CH (Channel Easement) in connection with widening and reconstruction of Barrett Road from Spafford Road to the Berea West Corporation Line, replacement of Barrett Road Culvert Nos. 8, 9, 10 and 11 and improvement of Barrett Road Culvert No. 12 in Olmsted Township; and authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution.

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

**Council President Connally referred Resolution No. R2012-0044 to the Public Works, Procurement & Contracting Committee.**

**Subsequently, at the request of the Law Director, Resolution No. R2012-0044 was withdrawn from consideration as the item did not require Council approval.**

- c) R2012-0045: A Resolution authorizing a Brownfields Revolving Loan Fund (BRLF) Subgrant award in the amount not-to-exceed \$600,000.00 to Cleveland-Cuyahoga County Port Authority for environmental cleanup for the Dike 14 project, located at 8701 Lakeshore Boulevard, Cleveland,

for the period 3/1/2012 - 6/30/2013; authorizing the County Executive and/or Director of Development to execute all documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department Development

**Council President Connally referred Resolution No. R2012-0045 to the Economic Development & Planning Committee.**

- d) R2012-0046: A Resolution authorizing an agreement with Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County in the amount not-to-exceed \$669,566.00 for the Early Childhood Mental Health Services Program for the Invest in Children Program for the period 1/1/2012 - 12/31/2012; 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/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood

**Council President Connally referred Resolution No. R2012-0046 to the Health, Human Services & Aging Committee.**

- e) R2012-0047: A Resolution authorizing an amendment to Contract No. CE1100057-02, 04 with Starting Point for administration of the Teacher Education and Compensation Helps Program and Early Care and Education Professional Development System for the Invest in Children Program for the period 1/1/2011 - 12/31/2011 to extend the time period to 12/31/2012; to change the terms, effective 1/1/2011; and for additional funds in the amount of \$644,521.00; authorizing the County Executive to execute the amendment 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

**Council President Connally referred Resolution No. R2012-0047 to the Health, Human Services & Aging Committee.**

- f) R2012-0048: A Resolution authorizing agreements with various providers for child support services for the period 1/1/2012 - 12/31/2012; authorizing the County Executive to execute the agreements and all other

documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:

- 1) Court of Common Pleas/Division of Domestic Relations in the amount of \$2,043,465.47.
- 2) Court of Common Pleas/Division of Juvenile Court in the amount of \$2,182,292.90.
- 3) Cuyahoga County Prosecuting Attorney's Office in the amount of \$2,197,463.44.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Cuyahoga Support Enforcement Agency

**Council President Connally referred Resolution No. R2012-0048 to the Health, Human Services & Aging Committee.**

**At the request of Councilmember Simon, Council President Connally then referred Resolution No. R2012-0048 to the Justice Affairs Committee.**

- g) R2012-0049: A Resolution authorizing an agreement with Cuyahoga County Treasurer's Office in the amount not-to-exceed \$39,175.79 for child support services for the period 1/1/2012 - 12/31/2012; 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/Department of Health and Human Services/Cuyahoga Support Enforcement Agency

**Council President Connally referred Resolution No. R2012-0049 to the Health, Human Services & Aging Committee.**

**At the request of Councilmember Simon, Council President Connally then referred Resolution No. R2012-0049 to the Justice Affairs Committee.**

- h) R2012-0050: A Resolution authorizing a contract with United Way of Greater Cleveland, Inc. in the amount not-to-exceed \$817,500.00 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

**At the request of the Executive's administrative staff, Resolution No. R2012-0050 was withdrawn from consideration as the item required further review.**

15. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING

- a) R2012-0036: A Resolution authorizing an Economic Development Large Scale Attraction Loan in the amount not-to-exceed \$3,000,000.00 to Philips Medical Systems (Cleveland), Inc. for renovation of property located at 595 Miner Road, Highland Heights; authorizing the County Executive and/or Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and **Councilmember Gallagher**

Committee Assignment and Chair: Economic Development & Planning – Schron

**Clerk Schmotzer read Resolution No. R2012-0036 into the record.**

**This item will move to the March 27, 2012 Council meeting agenda for consideration for third reading adoption.**

- b) R2012-0037: A Resolution authorizing an Economic Development Large Scale Attraction Loan in the amount not-to-exceed \$3,000,000.00 to 800 Superior, LLC, for renovation of property located at 800 Superior Avenue, Cleveland; authorizing the County Executive and/or Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and **Councilmember Gallagher**

Committee Assignment and Chair: Economic Development & Planning – Schron

**Clerk Schmotzer read Resolution No. R2012-0037 into the record.**

**This item will move to the March 27, 2012 Council meeting agenda for consideration for third reading adoption.**

16. 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. R2012-0035, R2012-0038, R2012-0039 and R2012-0040.**

- a) R2012-0035: 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

Committee Assignment and Chair: Finance & Budgeting – Miller

**On a motion by Mr. Miller with a second by Mr. Greenspan, Resolution No. R2012-0035 was considered and adopted by unanimous vote.**

- b) R2012-0038: A Resolution authorizing an agreement with Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County in the amount not-to-exceed \$1,780,395.00 for the Adult Probation Substance Abuse Residential Treatment Program for the period 1/1/2012 - 12/31/2014; 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.

Sponsors: County Executive FitzGerald on behalf of Common Pleas Court/ Corrections Planning Board

Committee Assignment and Chair: Justice Affairs – Simon

**On a motion by Ms. Simon with a second by Mr. Miller, Resolution No. R2012-0038 was considered and adopted by majority vote, with Council President Connally recusing herself from the vote.**

- c) R2012-0039: A Resolution authorizing contracts with various providers for various services in connection with the FY2011 Second Chance Act Adult Offender Reentry Program for the period 10/1/2011 - 9/30/2012; authorizing the County Executive to execute the contracts and all other

documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:

- 1) for evaluation services:
  - i) Case Western Reserve University/Begun Center for Violence Prevention Research & Education in the amount not-to-exceed \$75,000.00.
  
- 2) for assessment, case management and referral services:
  - i) Center for Families and Children in the amount not-to-exceed \$170,815.00.
  - ii) Community Assessment and Treatment Services, Inc. in the amount not-to-exceed \$201,471.00.
  - iii) Community Re-entry, Inc. in the amount not-to-exceed \$216,134.00.

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Re-entry and Councilmembers Conwell, Jones, Brady, Miller and Simon

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

**On a motion by Mr. Schron with a second by Mr. Jones, Resolution No. R2012-0039 was considered and adopted by unanimous vote.**

- d) R2012-0040: A Resolution authorizing a contract with Starting Point in the amount not-to-exceed \$1,832,782.00 for administration of the Special Needs Child Care 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.

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

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

**On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2012-0040 was considered and adopted by unanimous vote.**

17. CONSIDERATION OF AN ORDINANCE FOR FIRST READING AND REFERRAL TO COMMITTEE

- 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

**Council President Connally referred Ordinance No. O2012-0009 to the Human Resources, Appointments & Equity Committee.**

18. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING

- a) O2012-0006: An Ordinance approving revised Cuyahoga County Procurement Card Program Policies and Procedures, effective 2/1/2012; and declaring the necessity that this Ordinance become immediately effective.

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

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

**Clerk Schmotzer read Ordinance No. O2012-0006 into the record.**

**This item will move to the March 27, 2012 Council meeting agenda for consideration for third reading adoption.**

19. MISCELLANEOUS COMMITTEE REPORTS

**Mr. Miller reported that the Finance & Budgeting Committee will not meet on Monday, March 19, 2012 at 1:00 p.m. The next Finance & Budgeting Committee meeting will be held on Monday, April 2, 2012 at 1:00 p.m.**

**Mr. Schron reported that the Economic Development & Planning Committee will not meet on Monday, March 26, 2012 at 3:00 p.m.**

**Ms. Simon reported that a Justice Affairs Committee meeting will be scheduled for Friday, March 16<sup>th</sup> or Friday, March 23<sup>rd</sup> at 11:30 a.m.**

20. MISCELLANEOUS BUSINESS

**There was no miscellaneous business.**

21. PUBLIC COMMENT UNRELATED TO AGENDA

**No public comments were given.**

22. ADJOURNMENT

**With no further business to discuss and on a motion by Mr. Germana with a second by Mr. Miller, the meeting was adjourned at 5:44 p.m., without objection.**