



## **MINUTES**

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, NOVEMBER 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 5:00 p.m.**

**2. ROLL CALL**

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

**A motion was made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to excuse Mr. Schron 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 in honor of all Veterans who have served our Country.**

**5. PUBLIC COMMENT RELATED TO AGENDA**

**No public comments were given.**

**6. APPROVAL OF MINUTES**

- a) October 23, 2012 Work Session

- b) October 23, 2012 Regular Meeting

**A motion was made by Mr. Germana, seconded by Mr. Rogers and approved by unanimous vote to approve the minutes of the October 23, 2012 Committee of the Whole meeting and the regular meeting.**

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

**Council President Connally reported the following:**

- a) **Commended County Executive FitzGerald, Department of Development Director Larry Benders, Fiscal Officer Wade Steen and Office of Budget and Management Director Matthew Rubino for providing excellent presentations regarding the County's financial status during the bond rating hearings.**

8. MESSAGES FROM THE COUNTY EXECUTIVE

- a) **Complimented Councils' oversight and for strengthening the presentations to the bond rating agencies.**

**[Note: Item No. 12 was taken out of order and considered after Item No. 8 on the agenda]**

9. 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. M2012-0028 and M2012-0029.**

- a) M2012-0028: A Motion confirming the County Executive's appointment of Sharon Sobol Jordan to serve on The MetroHealth System Board of Trustees, 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. Conwell, Motion No. M2012-0028 was considered and approved by unanimous vote.**

- b) M2012-0029: A Motion confirming the County Executive's appointment of Samuel R. Huston to serve on The MetroHealth System Board of Trustees, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

**A motion was made by Ms. Conwell and seconded by Ms. Simon to approve Motion No. M2012-0029. The motion failed by a roll-call vote of 2 yeas and 8 nays with Councilmembers Simon and Gallagher voting in the affirmative and Councilmembers Conwell, Jones, Rogers, Greenspan, Miller, Brady, Germana and Connally casting dissenting votes.**

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

- a) M2012-0030: A Motion amending the Rules of the Cuyahoga County Council to clarify the process and powers related to the sponsorship of legislation, and declaring the necessity that this Motion become immediately effective.

Sponsor: Councilmember Greenspan

**Council President Connally referred Motion No. M2012-0030 to the Rules, Charter Review, Ethics and Council Operations Committee.**

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

- a) O2012-0020: An Ordinance establishing the Cuyahoga County Based Business Preference Program.

Sponsors: Councilmembers Gallagher, Germana, Connally, Jones, Brady, Miller and Rogers and County Executive FitzGerald

Committee Assignment and Chair: Finance & Budgeting – Miller

**Clerk Schmotzer read Ordinance No. O2012-0020 into the record.**

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

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

**[Note: Item No. 12 was taken out of order and considered after Item No. 8 on the agenda]**

**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 Ordinance No. O2012-0032.**

- a) O2012-0032: An Ordinance amending Ordinance No. O2011-0008, as amended, which enacted the Cuyahoga County Code of Ethics, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Greenspan

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

**On a motion by Ms. Conwell with a second by Mr. Miller, Ordinance No. O2012-0032 was considered and adopted by unanimous vote.**

13. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING AND REFERRAL TO COMMITTEE

- a) 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.

Sponsors: Councilmembers Brady, Gallagher, Miller, Connally, Germana and Rogers and County Executive FitzGerald

Committee Assignment and Chair: Environment & Sustainability – Rogers

**Council President Connally referred Ordinance No. O2011-0053 to the Committee of the Whole.**

14. 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. R2012-0230.**

- a) R2012-0230: 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. Germana, Resolution No. R2012-0230 was considered and adopted by unanimous vote.**

15. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER  
SUSPENSION OF RULES / EXECUTIVE SESSION

**[Note: Item No. 15 was taken out of order and considered after Item No. 22 on the agenda.]**

**A motion was made by Ms. Conwell, seconded by Mr. Jones and approved by unanimous roll-call vote to move to Executive Session for the purpose of discussing matters concerning collective bargaining, and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 5:35 p.m. The following members were present: Councilmembers Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher and Connally. The following additional attendees were present: Director of Human Resources for the County Board of Developmental Disabilities John McLaughlin, Employment Manager for the County Board of Developmental Disabilities Christina Yoo, Law Director Majeed Makhlof and County Executive Ed FitzGerald. At 5:47 p.m., Executive Session was adjourned, without objection, and Council President Connally then reconvened the regular meeting.**

- a) R2012-0231: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County Board of Developmental Disabilities and Association of Cuyahoga County Employees for Special Students, an affiliate of National Education Association and Ohio Education Association, covering approximately 141 employees for the period 9/1/2012 - 12/31/2015; approving a side letter of agreement to change the time period to 9/1/2012 - 8/31/2015; and declaring the necessity that this Resolution become immediately effective.

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

**No legislative action was taken by Council regarding Resolution No. R2012-0231.**

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

- a) R2012-0232: A Resolution amending the 2012/2013 Biennial Operating Budget for 2013 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

[NOTE: The 2013 budget resolution was not provided by the Administration. Once received, it will be distributed.]

**A motion was made by Mr. Miller, seconded by Mr. Gallagher and approved by unanimous vote to amend the title of Resolution No. R2012-0232 and to add the Resolution in it's entirety into the record for first reading.**

**Clerk Schmotzer then read the new title into the record as follows:**

***“A Resolution adopting the Biennial Operating Budget and Capital Improvements Program Annual Update for 2013, and declaring the necessity that this Resolution become immediately effective.”***

**Council President Connally referred Resolution No. R2012-0232 to the Committee of the Whole.**

- b) R2012-0233: A Resolution making an award on RQ24839 to Hylant Group, Inc. in the amount not-to-exceed \$3,600,000.00 for risk management services and insurance brokerage and premiums through and including 12/31/2015; 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/Department of Law

**Council President Connally referred Resolution No. R2012-0233 to the Finance & Budgeting Committee.**

- c) R2012-0234: A Resolution making awards on RQ23838 to various municipalities and providers in the total amount not-to-exceed \$2,376,110.00 for various services for the Community Social Services Program for the period 1/1/2013 - 12/31/2014; authorizing the County Executive to execute the agreements, contracts and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:

- 1) City of Euclid in the amount not-to-exceed \$36,652.00 for Transportation Services.

- 2) City of Lakewood in the amount not-to-exceed \$73,904.00 for Adult Development, Congregate Meals and Transportation Services.
- 3) City of Maple Heights in the amount not-to-exceed \$86,408.00 for Congregate Meals and Transportation Services.
- 4) City of Parma Heights in the amount not-to-exceed \$169,862.00 for Congregate Meals and Transportation Services.
- 5) Catholic Charities Community Services Corporation on behalf of the St. Martin de Porres Family Center in the amount not-to-exceed \$144,064.00 for Adult Development and Transportation Services.
- 6) Community Partnership on Aging in the amount not-to-exceed \$33,212.00 for Congregate Meals and Transportation Services.
- 7) The East End Neighborhood House Association in the amount not-to-exceed \$113,342.00 for Adult Development and Transportation Services.
- 8) Eliza Bryant Village in the amount not-to-exceed \$117,146.00 for Adult Day Care and Transportation Services.
- 9) The Golden Age Centers of Greater Cleveland in the amount not-to-exceed \$294,582.00 for Adult Development and Transportation Services.
- 10) Goodrich Gannett Neighborhood Center in the amount not-to-exceed \$109,500.00 for Adult Development, Congregate Meals and Transportation Services.
- 11) The Harvard Community Services Center in the amount not-to-exceed \$120,644.00 for Adult Development, Congregate Meals and Transportation Services.
- 12) The Mandel Jewish Community Center of Cleveland in the amount not-to-exceed \$184,718.00 for Adult Development and Transportation Services.
- 13) Murtis Taylor Human Services System in the amount not-to-exceed \$61,600.00 for Adult Development Services.
- 14) The Salvation Army in the amount not-to-exceed \$117,764.00 for Adult Development, Congregate Meals and Transportation Services.
- 15) Senior Citizen Resources, Inc. in the amount not-to-exceed \$97,106.00 for Adult Development and Transportation Services.
- 16) Senior Outreach Services in the amount not-to-exceed \$50,130.00 for Adult Development and Transportation Services.
- 17) University Settlement, Incorporated in the amount not-to-exceed \$153,582.00 for Adult Development, Congregate Meals and Transportation Services.
- 18) West Side Community House in the amount not-to-exceed \$411,894.00 for Adult Development, Congregate Meals and Transportation Services.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Senior and Adult Services

**Council President Connally referred Resolution No. R2012-0234 to the Health, Human Services & Aging Committee.**

- d) R2012-0235: A Resolution making an award on RQ25385 to Hewlett-Packard Company in the amount not-to-exceed \$653,391.44 for 750 HPZ220 computer workstations for the Department of Information Technology; 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/Office of Procurement & Diversity

**Council President Connally referred Resolution No. R2012-0235 to the Finance & Budgeting Committee.**

- e) R2012-0236: A Resolution making an award on RQ24975 to Chagrin Valley Paving, Inc. in the amount not-to-exceed \$1,674,072.45 for full depth recycle with asphalt overlay of Columbia Road from Butternut Ridge Road to Lorain Road in the City of North Olmsted; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; 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 the amount of \$334,814.49 to fund said contract.

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

**Council President Connally referred Resolution No. R2012-0236 to the Public Works, Procurement & Contracting Committee.**

- f) R2012-0237: A Resolution amending Resolution No. R2012-0162, which made awards to various municipalities for various municipal grant projects for the Community Development Block Grant Program for the period 9/1/2012 - 12/31/2013 to change the total amount from \$1,492,641.88 to \$1,842,641.88 and to make an award to City of Rocky River in the amount of \$350,000.00 for the Linda Street Improvement Project, a Tier 1 Project; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2012-0237 to the Economic Development & Planning Committee.**



- g) R2012-0238: A Resolution making an award on RQ23777 to Oriana House, Inc. in the amount of \$1,050,000.00 for operation of the North Star Neighborhood Reentry Resource Center for the period 1/1/2013 - 12/31/2015, and authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Re-entry

**Council President Connally referred Resolution No. R2012-0238 to the Justice Affairs Committee.**

- h) R2012-0239: A Resolution authorizing amendments to contracts with various providers for emergency assistance services for the period 9/1/2012 - 8/31/2014 for additional funds in the total amount not-to-exceed \$700,000.00; authorizing the County Executive to execute the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:

- 1) No. CE1200402-01 with A-Z Furniture Co. Inc. in the amount not-to-exceed \$102,000.00.
- 2) No. CE1200403-01 with Dave's Supermarket in the amount not-to-exceed \$40,000.00.
- 3) No. CE1200404-01 with Silverman Brothers, Inc. in the amount not-to-exceed \$48,000.00.
- 4) No. CE1200405-01 with West 25<sup>th</sup> Furnishings and Appliances, Inc. in the amount not-to-exceed \$238,000.00.
- 5) No. CE1200560-02 with Burlington Coat Factory Warehouse Corporation in the amount not-to-exceed \$272,000.00.

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

**Council President Connally referred Resolution No. R2012-0239 to the Health, Human Services & Aging Committee.**

- i) R2012-0240: A Resolution authorizing the County Executive and Department of Public Works to release an amount not-to-exceed \$500,000.00 from the Medical Mart Contingency Fund to the Cleveland Sports Commission when the 2013 Senior Games are held at the Convention Center; authorizing the County Executive and Department of Public Works to negotiate and execute any necessary contract or other documents for same.

Sponsor: County Executive FitzGerald/Department of Public Works

**Council President Connally referred Resolution No. R2012-0240 to the Economic Development & Planning Committee.**

17. 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. R2012-0219, R2012-0228 and R2012-0229.**

- a) R2012-0219: A Resolution authorizing the issuance and sale of health care and independent living facilities revenue bonds, Series 2012 (Eliza Jennings Senior Care Network Project), in an aggregate principal amount not to exceed \$25,000,000.00 for the purposes of (i) currently refunding bonds issued by the County, and (ii) paying certain costs of issuance; providing for the assignment of revenues for the payment of those bonds; authorizing the execution and delivery of Amendments to Base Leases, Amendments to Leases, Supplemental Trust Indentures, a Bond Purchase Agreement, a First Amended Assignment of Rights under Leases, a First Amended Assignment of Basic Rent and other instruments and documents in connection with the issuance of those bonds; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development **and Councilmembers Miller and Conwell**

Committee Assignment and Chair: Economic Development & Planning – Schron

Bond Counsel: Calfee, Halter & Griswold LLP

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2012-0219 was considered and adopted by unanimous vote.**

- b) R2012-0228: 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 related to year-end close-out activities; 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 Ms. Conwell, Resolution No. R2012-0228 was considered and adopted by unanimous vote.**

- c) R2012-0229: A Resolution authorizing an amendment to Contract No. CE1200211-01 with United Way of Greater Cleveland for food and allocation of funds for Hunger Centers serving needy residents in Cuyahoga County for the period 4/1/2012 - 12/31/2012 to extend the time period to 12/31/2013 and for additional funds in the amount not-to-exceed \$1,095,450.00; and authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution.

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Cuyahoga Job and Family Services **and Councilmember Jones**

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

**On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2012-0229 was considered and adopted by unanimous vote.**

#### 18. CONSIDERATION OF ORDINANCES FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2012-0033: An Ordinance authorizing adoption of the statutorily required contribution to Ohio Public Employees Retirement System for employees in various classifications of Cuyahoga County pursuant to Internal Revenue Code Section 414(H)(2), and declaring the necessity that this Ordinance become immediately effective:

- 1) Deputy Sheriff Sergeant
- 2) Deputy Sheriff
- 3) Deputy Lieutenant

Sponsor: County Executive FitzGerald/Fiscal Officer

**Council President Connally referred Ordinance No. O2012-0033 to the Human Resources, Appointments & Equity Committee.**

- b) O2012-0034: An Ordinance amending the Administrative Rules for the Cuyahoga County Human Resource Commission, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald on behalf of Human Resource Commission

**Council President Connally referred Ordinance No. O2012-0034 to the Human Resources, Appointments & Equity Committee.**

19. REPORT BY CLERK ON LEGISLATION WITHDRAWN AT REQUEST OF SPONSOR(S)

- a) M2012-0027: A Motion confirming the County Executive's appointment of various individuals to serve on The MetroHealth System Board of Trustees, and declaring the necessity that this Motion become immediately effective:

- 1) Samuel R. Huston
- 2) Sharon Sobol Jordan

Withdrawn at the request of County Executive FitzGerald.

**In accordance with Council Rule 11F(2), Motion No. M2012-0027 was withdrawn at the request of the County Executive.**

20. MISCELLANEOUS COMMITTEE REPORTS

**Mr. Greenspan reported that the Rules, Charter Review, Ethics & Council Operations Committee will meet on Tuesday, December 11, 2012 at 3:00 p.m. and that the Department of Human Resources will give a presentation regarding Ethics training at the Council Work Session on Tuesday, December 11, 2012 at 4:00 p.m.**

**Mr. Miller reported that the Committee of the Whole will meet on Wednesday, November 14, 2012 at 9:00 a.m. and on Tuesday, November 27, 2012 at 2:00 p.m. to discuss the 2013 annual budget update; and that the Finance & Budgeting Committee will meet on Monday, December 3, 2012 at 1:00 p.m.**

**Mr. Brady reported that the Health, Human Services & Aging Committee will meet on Thursday, November 15, 2012 at 2:00 p.m.**

**Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on December 6, 2012 at 11:00 a.m.**

**Ms. Simon reported that the Justice Affairs Committee will meet on Friday, December 7, 2012 at 11:00 a.m.**

21. MISCELLANEOUS BUSINESS

**Ms. Simon announced that a Purple Heart home was dedicated in the City of South Euclid on Monday, November 11, 2012 and she requested that Council take a look at the budget to consider providing assistance for Purple Heart.**

22. PUBLIC COMMENT UNRELATED TO AGENDA

**Ms. Fran Mentsch, citizen, addressed Council regarding issues of concern to her relating to closing the South Euclid Lyndhurst branch of the Cuyahoga County Public Library.**

**[Note: Item No. 15 was taken out of order and considered after Item No. 22 on the agenda]**

23. ADJOURNMENT

**With no further business to discuss, Council President Connally adjourned the meeting at 5:53 p.m., without objection.**