

MINUTES
CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, MAY 10, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
6:00 PM

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 6:03 p.m.

2. ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Connally requested a moment of silent meditation in honor of the flood victims and survivors in Memphis, Tennessee and for the emergency relief workers assisting with the cleanup. She also asked that our members of the military serving at home and abroad remain in our thoughts as they continue to fight the war on terror.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

a) April 26, 2011 Meeting

A motion was made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to approve the minutes of the April 26, 2011 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

a) Thanked Council for their consideration of Mr. Wade Steen, nominee for Cuyahoga County's first Fiscal Officer;

- b) **Attended a meeting with MetroHealth and has formed a task force, headed by Special Assistant David Merriman, to look at oversight and contracting issues; findings will be shared with Council.**

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

A motion was made by Mr. Schron, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Motion No. M2011-0030.

- a) M2011-0030: A Motion to appoint Jeffrey Ledel to serve on a Board of Revision for Cuyahoga County.

Sponsor: Council President Connally

On a motion by Mr. Schron with a second by Mr. Rogers, Motion No. M2011-0030 was considered and approved by unanimous vote.

9. COMMITTEE REPORT AND CONSIDERATION OF MOTIONS OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Conwell, seconded by Mr. Miller and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion Nos. M2011-0028 and M2011-0029.

- 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

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

On a motion by Mr. Schron with a second by Mr. Rogers, Motion No. M2011-0028 was considered and approved by unanimous vote.

- 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

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

On a motion by Mr. Schron with a second by Ms. Conwell, Motion No. M2011-0029 was considered and approved by unanimous vote.

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

A motion was made by Mr. Greenspan, seconded by Mr. Schron and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2011-0024.

- 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. O2011-0007, as amended; and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Greenspan and Gallagher

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

On a motion by Mr. Greenspan with a second by Mr. Gallagher, Ordinance No. O2011-0024 was considered and approved by unanimous vote.

11. CONSIDERATION OF A RESOLUTION 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 No. R2011-0178.

- a) R2011-0178: 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

A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to amend Resolution No. R2011-0178.

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2011-0178 was adopted by unanimous vote, as amended.

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

- a) R2011-0179: A Resolution authorizing the County Executive to enter into a contract with Chemsteel Construction Company in the amount of \$1,163,153.00 for rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the Village of Gates Mills; 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. R2011-0179 to the Public Works, Procurement & Contracting Committee.

- b) R2011-0180: A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE12377-02 with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. dba GPD Associates for consultant engineering services for replacement of Bellaire Road Bridge No. 24 over Big Creek and replacement of West 130th Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale to change the scope of services, effective 5/10/2011, and for additional funds in the amount not-to-exceed \$243,541.66, 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. R2011-0180 to the Public Works, Procurement & Contracting Committee.

- c) R2011-0181: A Resolution authorizing the County Executive to enter into amendments to contracts with Care Coordination providers for family and youth involvement services for the Cuyahoga Tapestry System of Care for the period 1/1/2010 - 3/31/2011 to exercise an option to extend the time period to 3/31/2012 and for additional funds, and declaring the necessity that this Resolution become immediately effective:

- 1) No. CE1000033-01 with Applewood Centers, Inc. in the amount of \$713,000.00.

- 2) No. CE1000034-01 with Beech Brook in the amount of \$952,453.00.
- 3) No. CE1000035-01 with Catholic Charities Services Corporation in the amount of \$773,485.00.
- 4) No. CE1000037-01 with The Cleveland Christian Home Incorporated in the amount of \$797,403.17.

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

Council President Connally referred Resolution No. R2011-0181 to the Health, Human Services & Aging Committee.

- d) R2011-0182: A Resolution authorizing the County Executive to enter into amendments to contracts with Care Coordination providers for family and youth involvement services for the Cuyahoga Tapestry System of Care for the period 1/1/2010 - 3/31/2011 to exercise an option to extend the time period to 3/31/2012 and for additional funds, and declaring the necessity that this Resolution become immediately effective:

- 1) No. CE1000036-01 with Catholic Charities Community Services Corporation dba St. Martin de Porres Family Center in the amount of \$440,222.67.
- 2) No. CE1000038-01 with The East End Neighborhood House Association in the amount of \$494,530.00.
- 3) No. CE1000039-01 with University Settlement, Incorporated in the amount of \$454,095.00.
- 4) No. CE1000040-01 with West Side Community House in the amount of \$532,556.00.

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

Council President Connally referred Resolution No. R2011-0182 to the Health, Human Services & Aging Committee.

- e) R2011-0183: A Resolution authorizing the County Executive to enter into an amendment to Agreement No. AG1000301-01 with Cleveland Public Library for administrative services for the MyCom Transitions Program for the period 1/1/2011 - 12/31/2011 to change the scope of

services, effective 2/15/2011, and for additional funds in the amount of \$395,000.00.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Family & Children First Council

Council President Connally referred Resolution No. R2011-0183 to the Health, Human Services & Aging Committee.

- f) R2011-0184: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE0900553-01 with Catholic Charities Services Corporation for comprehensive pre-employment screening services for Ohio Works First applicants for the period 7/1/2009 - 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$574,551.00.

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

Council President Connally referred Resolution No. R2011-0184 to the Health, Human Services & Aging Committee.

The following Resolution was then considered for first reading adoption under suspension of rules at the request of the County Executive.

A motion was made by Mr. Brady, seconded by Ms. Simon and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2011-0185.

- g) R2011-0185: A Resolution authorizing the County Executive to enter into a contract with Lutheran Metropolitan Ministry in the amount not-to-exceed \$1,558,145.00 for emergency shelter services for men, located at 2100 Lakeside Avenue, Cleveland, for the period 1/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Office of Homeless Services

On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2011-0185 was considered and adopted by unanimous vote.

13. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS 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 Resolution Nos.

R2011-0166, R2011-0167, R2011-0168, R2011-0169, R2011-0170, R2011-0171, R2011-0172, R2011-0173, R2011-0174, R2011-0175, R2011-0176 and R2011-0177.

- 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.

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

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

On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2011-0166 was considered and adopted by unanimous vote.

- 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; 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 Mr. Schron with a second by Ms. Simon, Resolution No. R2011-0167 was considered and adopted by unanimous vote.

- 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, 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. Miller, Resolution No. R2011-0168 was considered and adopted by majority vote, with Ms. Connally recusing herself from the vote.

- 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.

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

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

On a motion by Ms. Simon with a second by Mr. Miller, Resolution No. R2011-0169 was considered and adopted by unanimous vote.

- 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.

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. Jones with a second by Mr. Greenspan, Resolution No. R2011-0170 was considered and adopted by unanimous vote. The Clerk of Council stated the public hearing is 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.

Sponsors: County Executive FitzGerald/Department of Development
and Councilmember Conwell

Bond Counsel: Roetzel & Andress LPA

Committee Assignment and Chair: Economic Development & Planning –
Schron

On a motion by Ms. Conwell with a second by Mr. Miller, Resolution No. R2011-0171 was considered and adopted by majority vote, with Mr. Rogers recusing himself from the vote.

- 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.

Sponsors: County Executive FitzGerald/Department of Development
and Councilmembers Gallagher, Conwell, Miller and Jones

Committee Assignment and Chair: Economic Development & Planning –
Schron

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0172 was considered and adopted by unanimous vote.

- 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.

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

Committee Assignment and Chair: Economic Development & Planning –
Schron

On a motion by Mr. Schron with a second by Mr. Rogers, Resolution No. R2011-0173 was considered and adopted by unanimous vote.

- 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

Committee Assignment and Chair: Economic Development & Planning –
Schron

On a motion by Mr. Schron with a second by Mr. Germana, Resolution No. R2011-0174 was considered and adopted by unanimous vote.

- 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.

Sponsors: County Executive FitzGerald/Justice Affairs and
Councilmembers Gallagher, Simon and Greenspan

Committee Assignment and Chair: Public Safety – Gallagher

A motion was made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to amend Resolution No. R2011-0175 by removing the words “training and exercise.”

On a motion by Mr. Schron with a second by Mr. Brady, Resolution No. R2011-0175 was considered and adopted by unanimous vote, as amended.

- 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.

Sponsors: County Executive FitzGerald/Justice Affairs and Councilmembers Gallagher, Simon and Greenspan

Committee Assignment and Chair: Public Safety – Gallagher

A motion was made by Mr. Miller, seconded by Mr. Gallagher and approved by unanimous vote to amend Resolution No. R2011-0176 by removing the words “training and exercise.”

On a motion by Mr. Miller with a second by Mr. Gallagher, Resolution No. R2011-0176 was considered and adopted by unanimous vote, as amended.

- I) 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.

Sponsors: County Executive FitzGerald/Justice Affairs and Councilmembers Gallagher, Simon and Greenspan

Committee Assignment and Chair: Public Safety – Gallagher

A motion was made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to amend Resolution No. R2011-0177 by removing the words “training and exercise.”

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0177 was considered and adopted by unanimous vote, as amended.

14. MISCELLANEOUS COMMITTEE REPORTS

President Connally appointed the following Councilmembers to the Board of Control: Jones, Miller and Gallagher, with Councilmembers Conwell, Connally and Greenspan serving as alternates.

Mr. Schron stated that in accordance with the County Charter, an Economic Development Plan must be presented to the Council by June 1, 2011. Mr. Schron requested that the Plan be placed on the Council’s May 24th agenda for referral to Committee.

Mr. Miller reported that the next Finance & Budgeting Committee meeting will be held on Monday, May 16, 2011 at 1:00 p.m. He also stated that a report will be given by the Veterans Service Commission.

Ms. Simon reported that the Justice Affairs Committee met to discuss the Juvenile Justice Center, which will now open sometime this fall due to IT issues that need to be addressed. Additionally, the next Justice Affairs Committee meeting will be held on Friday, May 13, 2011 at 11:30 a.m. where the non-binding ruling from the Ohio Attorney General, Mike DeWine, concerning the Law Department will be addressed.

Mr. Greenspan reported that the Rules, Charter Review, Ethics & Council Operations Committee will review a draft of the Inspector General Ordinance. He also stated that the first proposed Charter amendment will be introduced at the May 24, 2011 Council meeting.

15. MISCELLANEOUS BUSINESS

Mr. Miller mentioned that May is Multiple Chemical Sensitivity (MCS) Awareness Month.

16. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

17. 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 7:09 p.m., without objection.