



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, SEPTEMBER 27, 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 6:04 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 there be a moment of silent meditation.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

a) September 13, 2011 Meeting

A motion was made by Mr. Greenspan, seconded by Mr. Jones and approved by unanimous vote to approve the minutes of the September 13, 2011 meeting.

Council President Connally recognized Bob Ivory, Special Assistant to County Executive FitzGerald, on his departure from public employment and wished him well on his future endeavors.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- a) Recognized the contributions of Bob Ivory during his employment with the County;**
- b) Discussed developing a comprehensive strategy for the re-entry community; and**
- c) He and Council President Connally addressed the Mt. Pleasant Community Development Corporation and discussed coordinating the various community development plans with the County.**

After County Executive FitzGerald's report, and in accordance with Rule 6B of the County Council Rules, a motion was made by Mr. Schron, seconded by Mr. Miller and unanimously approved to add Resolution No. R2011-0276 to the agenda as an additional item under #12.

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

- a) M2011-0047: A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga Regional HIV Health Services Planning Council, and declaring the necessity that this Motion become immediately effective:

- 1) Michael Bennet
- 2) Shawn Brown
- 3) Kate Burnett
- 4) Kimberlin Dennis
- 5) Clinton Droster
- 6) Darryl Fore
- 7) Sue Goins
- 8) Diana Green
- 9) Barb Gripshover
- 10) Laureen Harbert
- 11) James Jarrell
- 12) Tammie Jones
- 13) Rachel Klco
- 14) Trudi Kozak

- 15) Gilbert Kudrin
- 16) Ricky Lanza
- 17) Mark Lehman
- 18) Clinton Leverett
- 19) Jeffrey Mazo
- 20) Michelle Melnick
- 21) Naimah O'Neal
- 22) James Price
- 23) Ray Saludaes
- 24) Kate Shumate
- 25) Anthony Forbes
- 26) Max Rodas
- 27) Halima Grant
- 28) Phillip Weems
- 29) Cecelia Huffman-White

Sponsor: Council President Connally

Council President Connally referred Motion No. M2011-0047 to the Human Resources, Appointments & Equity Committee.

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

- a) O2011-0047: An Ordinance prohibiting the use of pesticides on Cuyahoga County parks, open space parcels and public rights of way and regulating the use of pesticides by entities receiving County funds, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Simon, Rogers, **Miller and Jones**

Council President Connally referred Ordinance No. O2011-0047 to the Environment & Sustainability Committee.

10. 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. R2011-0285.

- a) R2011-0285: 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/Fiscal Officer/Office of Budget & Management

On a motion by Mr. Miller with a second by Mr. Rogers, Resolution No. R2011-0285 was considered and adopted by unanimous vote.

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

- a) R2011-0286: A Resolution amending BOCC Resolution No. 101404 dated 4/20/2010, which declared that public convenience and welfare requires resurfacing of Belvoir Boulevard from Fairmount Boulevard to Mayfield Road in the Cities of South Euclid and University Heights, by adding the City of Shaker Heights, 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/ County Engineer

Council President Connally referred Resolution No. R2011-0286 to the Public Works, Procurement & Contracting Committee.

- b) R2011-0287: A Resolution authorizing the County Executive to enter into an agreement of cooperation with City of Cleveland for replacement of Cedar Road Bridge No. 229.

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

Council President Connally referred Resolution No. R2011-0287 to the Public Works, Procurement & Contracting Committee.

- c) R2011-0288: A Resolution authorizing the County Executive to enter into an agreement with Cuyahoga County District Board of Health in the amount not-to-exceed \$525,856.23 for administration of the Wellness Program for the period 7/1/2011 - 6/30/2012.

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

Council President Connally referred Resolution No. R2011-0288 to the Health, Human Services & Aging Committee.

- d) R2011-0289: A Resolution authorizing the County Executive to enter into an agreement with Cuyahoga County Department of Senior & Adult Services in the amount not-to-exceed \$70,000.00 for direct care services for the Ryan White HIV/AIDS Treatment Modernization Act Part A Program for the period 3/1/2011 - 2/29/2012, and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2011-0289 to the Health, Human Services & Aging Committee.

12. 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. R2011-0272, R2011-0275, R2011-0276, R2011-0277, R2011-0278, R2011-0279, R2011-0280, R2011-0281, R2011-0282 R2011-0283 and R2011-0284.

- a) R2011-0272: 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/Fiscal Officer/Office of Budget & Management

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Miller with a second by Ms. Simon, Resolution No. R2011-0272 was considered and adopted by unanimous vote.

- b) R2011-0275: A Resolution approving Right-of-Way plans as set forth in preliminary Right-of-Way Plat M-5010 for the reconfiguration of the

Warrensville Center Road/Van Aken Boulevard/Chagrin Boulevard/
Northfield Road intersection in the City of Shaker Heights and the
Village of Highland Hills; authorizing the County Executive to acquire the
necessary Right-of-Way; finding that special assessments will neither be
levied nor collected to pay for any part of the County's costs of said
improvement; and declaring the necessity that this Resolution become
immediately effective.

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

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

**On a motion by Mr. Jones with a second by Mr. Rogers, Resolution No. R2011-0275
was considered and adopted by unanimous vote.**

**[Note: In accordance with Rule 6B of the County Council Rules, the following item
was added to the agenda and read into the record by the Clerk of Council.]**

- c) **R2011-0276: A Resolution authorizing a Neighborhood Stabilization
Program II loan in the amount not-to-exceed \$1,900,000.00 to UCI-
CET, LLC, for a project located at 12501 Euclid Avenue, East Cleveland;
authorizing the Department of Development Deputy Chief or Director
to execute all documents required in connection with said loan on
behalf of the County Executive; and declaring the necessity that this
Resolution become immediately effective.**

**Sponsors: County Executive FitzGerald/Department of Development
and Councilmembers Rogers, Miller, Simon, Brady, Connally, Conwell,
Germana and Jones**

**On a motion by Mr. Schron with a second by Mr. Rogers, Resolution No. R2011-
0276 was considered and adopted by unanimous vote.**

- d) **R2011-0277: A Resolution authorizing 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;
authorizing plan structures of the standard benefit plans as
recommended by the Cuyahoga County Human Resource Commission;
authorizing the County Executive to enter into contracts consistent with
said awards; and declaring the necessity that this Resolution become
immediately effective:**

- 1) Medical Mutual, LLC, in the amount not-to-exceed \$92,093,992.00.
- 2) United HealthCare Insurance Company in the amount not-to-exceed \$94,194,221.00.
- 3) Kaiser Foundation Health Plan of Ohio in the amount not-to-exceed \$26,113,651.00.
- 4) Caremark PCS Health LLC Prescription Drug Plan in the amount not-to-exceed \$33,070,329.00.

Sponsors: County Executive FitzGerald/Department of Human Resources/Human Resource Commission **and Councilmembers Brady, Germana, Jones, Connally, Simon and Conwell**

Committee Assignments and Chairs: Human Resources, Appointments & Equity – Conwell and Finance & Budgeting – Miller

On a motion by Mr. Rogers with a second by Ms. Simon, Resolution No. R2011-0277 was considered and adopted by unanimous vote.

- e) R2011-0278: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for residential treatment services for the Youth and Family Community Partnership Program for the period 1/1/2010 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective:
 - 1) for additional funds:
 - i) No. CE1000125-01 with Applewood Centers, Inc. in the amount not-to-exceed \$378,605.00.
 - ii) No. CE1000128-01 with Carrington Youth Academy LLC in the amount not-to-exceed \$263,722.58.
 - iii) No. CE1000130-01 with The Cleveland Christian Home Incorporated in the amount not-to-exceed \$44,405.71.
 - 2) for a decrease:
 - i) No. CE1000126-01 with Beech Brook in the amount of (\$255,168.12).
 - ii) No. CE1000127-01 with Bellefaire Jewish Children's Bureau in the amount of (\$509,113.02).
 - iii) No. CE1000129-01 with Catholic Charities Services Corporation dba Parmadale in the amount of (\$204,752.21).
 - iv) No. CE1000131-01 with New Directions, Inc. in the amount of (\$267,020.00).

- v) No. CE1000132-01 with The Village Network in the amount of (\$133,993.64).

Sponsors: County Executive FitzGerald on behalf of Juvenile Court **and Councilmember Jones**

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Simon with a second by Ms. Conwell, Resolution No. R2011-0278 was considered and adopted by unanimous vote.

- f) R2011-0279: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1100228-01 with AIDS Taskforce of Greater Cleveland, Inc. for medical and social support services for the HIV Emergency Relief Grant Program in connection with the Ryan White HIV/AIDS Treatment Extension Act of 2009 for the period 3/1/2011 - 2/29/2012 to change the terms, effective 7/1/2011, and for additional funds in the amount of \$126,944.00; and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Brady with a second by Ms. Conwell, Resolution No. R2011-0279 was considered and adopted by unanimous vote.

- g) R2011-0280: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1100239-01 with Cleveland Clinic Foundation for medical and social support services for the HIV Emergency Relief Grant Program in connection with the Ryan White HIV/AIDS Treatment Extension Act of 2009 for the period 3/1/2011 - 2/29/2012 to change the terms, effective 7/1/2011; to change the scope of services, effective 9/1/2011; and for additional funds in the amount of \$230,220.50; and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2011-0280 was considered and adopted by unanimous vote.

h) R2011-0281: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for medical and social support services for the HIV Emergency Relief Grant Program in connection with the Ryan White HIV/AIDS Treatment Extension Act of 2009 for the period 3/1/2011 - 2/29/2012 to make budget line item revisions and for additional funds, and declaring the necessity that this Resolution become immediately effective:

- 1) No. CE1100241-01 with MetroHealth Medical Center to change the scope of services, effective 3/1/2011, in the amount of \$477,273.00.
- 2) No. CE1100360-01 with Nueva Luz Urban Resource Center in the amount of \$97,977.00.
- 3) No. CE1100361-01 with The Free Medical Clinic of Greater Cleveland in the amount of \$228,005.00.

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

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

On a motion by Mr. Brady with a second by Ms. Conwell, Resolution No. R2011-0281 was considered and adopted by unanimous vote.

i) R2011-0282: A Resolution authorizing an award on RQ18597 to Mercy Regional Medical Center in the amount of \$252,681.00 for medical and social support services for the HIV Emergency Relief Grant Program in connection with the Ryan White HIV/AIDS Treatment Extension Act of 2009 for the period 3/1/2011 - 2/29/2012; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Brady with a second by Ms. Conwell, Resolution No. R2011-0282 was considered and adopted by unanimous vote.

- j) R2011-0283: A Resolution authorizing an award on RQ18597 to University Hospitals of Cleveland in the amount of \$466,039.00 for medical and social support services for the HIV Emergency Relief Grant Program in connection with the Ryan White HIV/AIDS Treatment Extension Act of 2009 for the period 3/1/2011 - 2/29/2012; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Health and Human 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. R2011-0283 was considered and adopted by unanimous vote.

- k) R2011-0284: A Resolution authorizing the County Executive to enter into a contract with Starting Point in the amount not-to-exceed \$1,000,000.00 for program services for the Out-of-School Time Program for MyCom for the period 10/1/2011 - 9/30/2012, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Family & Children First Council **and Councilmember Jones**

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

On a motion by Mr. Brady with a second by Mr. Jones, Resolution No. R2011-0284 was considered and adopted by unanimous vote.

13. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE 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 Ordinance No. O2011-0046.

- a) O2011-0046: An Ordinance approving the Cuyahoga County Purchasing Policy and Procedure Manual, effective 10/1/2011, in accordance with the County's Contracting and Purchasing Procedures Ordinance No. O2011-0014, as amended, and amending Sections 4.5 and 4.6 of said

Contracting and Purchasing Procedures Ordinance to comply with this Ordinance, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Office of Procurement & Diversity **and Councilmembers Germana, Rogers, Jones and Miller**

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

On a motion by Mr. Miller with a second by Mr. Jones, Ordinance No. O2011-0046 was considered and adopted by unanimous vote.

14. MISCELLANEOUS COMMITTEE REPORTS

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, October 3, 2011 at 1:00 p.m. where there will be a presentation on the County's Foreclosure Program.

Ms. Simon reported that the Justice Affairs Committee and Human Resources, Appointments & Equity Committee met jointly to discuss Ordinance No. O2011-0042 regarding the extension of health benefits to domestic partners of Cuyahoga County employees. Another meeting will be forthcoming to continue discussion.

Mr. Brady reported that the Health, Human Services & Aging Committee met to discuss Ordinance No. O2011-0045 regarding the reorganization of the Department of Health and Human Services. A Work Session has been scheduled for Tuesday, October 11, 2011 at 3:30 p.m. to continue discussion.

15. MISCELLANEOUS BUSINESS

- a) Overview of Financial Resources – Matt Rubino, Director, Office of Budget & Management

The presentation was postponed until the October 11, 2011 Council Meeting.

In observance of Rosh Hashanah, Mr. Greenspan wished everyone a Happy New Year.

Mr. Bob Ivory expressed his gratitude for his time serving the County Executive and Council.

16. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

17. EXECUTIVE SESSION

- a) Discussion regarding pending litigation.

A motion was made by Mr. Schron, seconded by Mr. Miller and approved by unanimous vote to move to Executive Session for the purpose of discussing with the Law Director matters concerning pending litigation, and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 6:45 p.m. The following members were present: Councilmembers Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon and Connally. The following additional attendees were present: County Executive Ed FitzGerald, Clerk of Council Jeanne Schmotzer, Director of Law Majeed Makhoulf, Deputy Chief Director of Law Nora Hurley, Director of Human Resources Elise Hara, Chief of the County Civil Division David Lambert, Assistant Prosecuting Attorney Barb Marburger, Assistant Prosecuting Attorney Charles Hannan, Senior Policy Advisor Joanne Gross, Director of Health and Human Services Rick Werner and Deputy Clerk of Council Nikima Barnhill. Council President Connally then reconvened the regular meeting at 7:58 p.m., and a motion was then made by Mr. Miller, seconded by Mr. Germana and unanimously approved to adjourn Executive Session.

18. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Schron with a second by Mr. Gallagher, the meeting was adjourned at 7:59 p.m., without objection.