



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, DECEMBER 11, 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 5:00 p.m.

2. ROLL CALL

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

A motion was made by Mr. Miller, seconded by Mr. Gallagher and approved by unanimous vote to excuse Mr. Jones from the meeting.

3. PLEDGE OF ALLEGIANCE

Council President Connally called upon Ms. Mikah Aldridge, a student at Beachwood High School, to lead the Pledge of Allegiance. The Pledge of Allegiance was then recited.

4. SILENT MEDITATION

Council President Connally requested a moment of silent meditation for personal reflection during this season of giving.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

- a) November 27, 2012 Regular Meeting
- b) November 30, 2012 Special Meeting
- c) December 3, 2012 Committee of the Whole

A motion was made by Ms. Conwell, seconded by Mr. Germana and approved by unanimous vote to approve the minutes of the November 27, 2012 regular meeting, November 30, 2012 special meeting and December 3, 2012 committee of the whole meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Connally thanked Council Staff for their hard work during the year.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- 1) **Gave special thanks to Council and Staff; and**
- 2) **The Administration is working on an internal report of accomplishments during the past two years and will share it with Council when completed.**

A motion was then made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to accept Resolution No. R2012-0264 as Item No. 14 f) on the agenda.

9. CONSIDERATION OF A RESOLUTION 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 Resolution No. R2012-0256.

- a) R2012-0256: A Resolution approving the Charter of County of Cuyahoga, Ohio, as amended through 11/6/2012; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally/Clerk of Council and Department of Law

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2012-0256 was considered and adopted by unanimous vote.

10. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR THIRD READING ADOPTION

- 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, Rogers, Jones, Simon **and Conwell** and County Executive FitzGerald

Committee Assignment and Chair: Committee of the Whole – Rogers

On a motion by Mr. Brady with a second by Mr. Gallagher, Ordinance No. O2011-0053 was considered and adopted by unanimous vote.

11. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Rogers and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2012-0257.

- a) R2012-0257: 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. R2012-0257 was considered and adopted by unanimous vote.

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

[Note: Item No. 12 was taken out of order and considered after Item No. 22 on the agenda.]

A motion was made by Mr. Gallagher, seconded by Mr. Germana 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 6:46 p.m. The following members were present: Councilmembers Miller, Brady, Germana, Gallagher, Schron, Conwell, Rogers, Simon, Greenspan and Connally. The following additional attendees were also present: County Executive FitzGerald, Law Director Majeed Makhoul, Deputy Law Director Nora Hurley and Director of Public Works Bonnie Teeuwen. At 7:00 p.m., Executive Session was adjourned, without objection, and Council President Connally then reconvened the regular meeting.

- a) R2012-0258: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and The Cleveland Building and Construction Trades Council for the period 1/1/2013 - 6/30/2015; directing that funds necessary to implement the Collective Bargaining Agreement be budgeted and appropriated; authorizing the County Executive to execute the agreement and all other documents required consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Departments of Law and Public Works/Division of Finance and Planning

A motion was then 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. R2012-0258.

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2012-0258 was considered and adopted by unanimous vote.

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

- a) R2012-0259: A Resolution making an award on RQ24986 to Perk Company, Inc. in the amount not-to-exceed \$3,814,000.00 for resurfacing of Rockside Road from Turney Road to Broadway Avenue in the Cities of Bedford, Garfield Heights and Maple Heights; authorizing the County Executive to execute the contract and all other documents required in connection with said award and consistent with 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 \$762,800.00 to fund said contract.

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

Council President Connally referred Resolution No. R2012-0259 to the Public Works, Procurement & Contracting Committee.

- b) R2012-0260: A Resolution making an award on RQ23209 to R.W. Armstrong & Associates, Inc. in the amount of \$4,200,000.00 for general engineering services for various projects in connection with the Master Plan Update and Airport Layout Plan for the Cuyahoga County Airport, and authorizing the County Executive to execute the contract and all other documents required in connection with said award and consistent with this Resolution.

Sponsor: County Executive FitzGerald/Department of Public Works

Council President Connally referred Resolution No. R2012-0260 to the Economic Development & Planning Committee.

- c) R2012-0261: A Resolution reauthorizing the HELP Loan Program in the amount not-to-exceed \$40,000,000.00 for the purpose of providing linked deposits to financial institutions making below-market home repair loans to Cuyahoga County residents; authorizing the County Executive to execute the agreements and all other documents required consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2012-0261 to the Economic Development & Planning Committee.

- d) R2012-0262: A Resolution authorizing amendments to contracts with various providers for the Staff Secure Shelter Program and Placement Planning Day Report services for the period 3/1/2012 - 2/28/2014 for additional funds in the total amount not-to-exceed \$3,273,852.00, and authorizing the County Executive to execute the amendments and all other documents required consistent with this Resolution:

- 1) No. CE1200344-01 with Carrington Youth Academy LLC in the amount not-to-exceed \$2,121,340.00.
- 2) No. CE1200345-01 with The Cleveland Christian Home Incorporated in the amount not-to-exceed \$1,152,512.00.

Sponsors: County Executive FitzGerald on behalf of Juvenile Court

Council President Connally referred Resolution No. R2012-0262 to the Justice Affairs Committee.

- e) R2012-0263: A Resolution making an award on RQ25744 to 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 1/1/2013 - 12/31/2013, and authorizing the County Executive to execute the contract and all other documents required in connection with said award and consistent with this Resolution.

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

Council President Connally referred Resolution No. R2012-0263 to the Health, Human Services & Aging Committee.

- f) [Pending Resolution No. R2012-0264 recommending to Council the sale of County Property(ies) and/or the purchase or lease of a Consolidated County Headquarters.]

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

Clerk Schmotzer read the Resolution title into the record as follows:

“A Resolution awarding the sale of the Ameritrust Complex and the entry of a Lease for a consolidated county headquarters at the site of the P&H Buildings to Geis Property Management, LLC; authorizing the County Executive to execute all necessary documents for same and authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective.”

Council President Connally then referred Resolution No. R2012-0264 to the Committee of the Whole.

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

- a) O2012-0035: An Ordinance amending Ordinance No. O2011-0027 dated 7/12/2011, which established divisions and sections within the Department of Public Works, to add the operations of the Cuyahoga County Airport.

Sponsor: County Executive FitzGerald

Council President Connally referred Ordinance No. O2012-0035 to the Public Works, Procurement & Contracting Committee.

- b) O2012-0036: An Ordinance establishing a College Savings Account Program for the purpose of investing in the higher education of Cuyahoga County residents, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald and Councilmember Rogers

Council President Connally referred Ordinance No. O2012-0036 to the Environment & Sustainability 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. R2012-0232, R2012-0236, R2012-0238, R2012-0243, R2012-0244, R2012-0245, R2012-0246, R2012-0247, R2012-0251, R2012-0252, R2012-0253 and R2012-0254.

- a) R2012-0232: 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.

Sponsors: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management **and Councilmember Brady**

Committee Assignment and Chair: Committee of the Whole – Miller

Mr. Miller introduced several technical amendments to pages 3 and 4 of Resolution No. R2012-0232 on the floor. Discussion ensued. A motion was then made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend R2012-0232.

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2012-0232 was approved by majority vote, as amended, with Councilmember Greenspan casting a dissenting vote.

- b) 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.

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

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

On a motion by Mr. Germana with a second by Mr. Rogers, Resolution No. R2012-0236 was considered and adopted by unanimous vote.

- c) 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

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Simon with a second by Mr. Miller, Resolution No. R2012-0238 was considered and adopted by majority vote, with Councilmember Connally recusing herself from the vote.

- d) R2012-0243: A Resolution approving a purchase agreement and quitclaim deed transferring title for property located at 1414 Elbur Road, Lakewood, Permanent Parcel No. 315-01-001, to Cuyahoga County Board of Developmental Disabilities; authorizing the County Executive to execute the purchase agreement, quitclaim deed and all other documents required consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works on behalf of Cuyahoga County Board of Developmental Disabilities and Councilmember Miller

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

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2012-0243 was considered and adopted by unanimous vote.

- e) R2012-0244: A Resolution approving revised Right-of-Way plans in connection with 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; approving acquisition of required 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.

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

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

On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2012-0244 was considered and adopted by unanimous vote.

- f) R2012-0245: A Resolution authorizing a revenue generating agreement with City of Maple Heights for maintenance of storm and sanitary sewerage systems located in County Sewer District No. 9; authorizing the County Executive to execute the agreement and all other documents required consistent with 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 Councilmember Jones

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

On a motion by Mr. Germana with a second by Ms. Simon, Resolution No. R2012-0245 was considered and adopted by unanimous vote.

- g) R2012-0246: A Resolution authorizing an amendment to Contract No. CE1200155-01 with Joshen Paper & Packaging Co. for furnishing and delivery of 20# white reprographic paper for various County departments for the period 3/1/2012 - 2/28/2013 to extend the time period to 2/28/2015 and for additional funds in the amount not-to-exceed \$450,000.00; authorizing the County Executive to execute the amendment and all other documents required consistent with this Resolution.

Sponsor: County Executive FitzGerald/Department of Public Works

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

On a motion by Mr. Germana with a second by Mr. Brady, Resolution No. R2012-0246 was considered and adopted by unanimous vote.

- h) R2012-0247: A Resolution authorizing an award to a property owner in the amount of \$135,000.00 as settlement for property rights in connection with the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township for Parcel No. 15WD, S & T; authorizing the County Executive to execute the contract and all other documents required in connection with said award and consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works and Councilmembers Gallagher and Greenspan

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

On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2012-0247 was considered and adopted by unanimous vote.

- i) R2012-0251: A Resolution approving The MetroHealth System Year 2013 Budget, in accordance with Ohio Revised Code Section 339.06(B), with the understanding that the allocation of County funds to the System will be made through adoption of the Biennial Operating Budget and Capital Improvements Program Annual Update for 2013; and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Committee of the Whole – Miller

On a motion by Mr. Miller with a second by Mr. Brady, Resolution No. R2012-0251 was considered and adopted by unanimous vote.

- j) R2012-0252: A Resolution amending Resolution No. R2012-0182 dated 9/25/2012, which accepted the rates as determined by the Budget Commission and which authorized the necessary tax levies and certified them to the County Fiscal Officer, to change the General Fund Inside Millage from 0.43 to 0.60 and the General Fund Bond Retirement Inside Millage from 1.02 to 0.85; and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Committee of the Whole – Miller

On a motion by Mr. Miller with a second by Mr. Gallagher, Resolution No. R2012-0252 was considered and adopted by unanimous vote.

- k) R2012-0253: A Resolution making an award on RQ25734 to Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County in the amount not-to-exceed \$669,566.00 for prevention and treatment of young children and their families of the Early Childhood Mental Health Program for the period 1/1/2013 - 12/31/2013; authorizing the County Executive to execute the contract and all other documents required in connection with said award and 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. Miller, Resolution No. R2012-0253 was considered and adopted by unanimous vote.

- l) R2012-0254: A Resolution making an award on RQ25710 to Starting Point in the amount not-to-exceed \$646,571.00 for direct services to develop and deliver programs for the Teacher Education and Compensation Helps Professional Development System for the period 1/1/2013 - 12/31/2013; authorizing the County Executive to execute the contract and all other documents required in connection with said award and 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. Schron with a second by Mr. Brady, Resolution No. R2012-0254 was considered and adopted by unanimous vote.

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

- a) 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.

Sponsors: County Executive FitzGerald on behalf of Human Resource Commission

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

Clerk Schmotzer read Ordinance No. O2012-0034 into the record.

This item will move to the January 8, 2013 Council meeting agenda for consideration for third reading adoption.

17. 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. O2012-0033.

- 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

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

On a motion by Ms. Conwell with a second by Mr. Brady, Ordinance No. O2012-0033 was considered and adopted by unanimous vote.

18. CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION

- a) O2012-0026: An Ordinance establishing the Cuyahoga County Debarment Law, Procedures and Review Board; and declaring the necessity that this Ordinance become immediately effective.

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

Mr. Germana introduced an amendment on the floor to amend Ordinance No. O2012-0026, Section 3(A) as follows, to delete Section 3(B) and to renumber subsequent sections:

“The Cuyahoga County Inspector General may debar, for a period of five years, a contractor for a conviction of or a civil judgment anywhere in the United States, its territories, or outlying areas, for any of the following within the preceding five years:”

Following discussion, a motion was then made by Mr. Germana, seconded by Mr. Greenspan and approved by majority roll-call vote to amend Ordinance No. O2012-0026, with Councilmembers Germana, Gallagher, Schron, Rogers, Simon and Greenspan voting in the affirmative and Councilmembers Miller, Brady, Conwell and Connally casting dissenting votes.

On a motion by Mr. Miller with a second by Mr. Germana, Ordinance No. O2012-0026 was considered and adopted by unanimous vote, as amended.

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

- a) M2012-0032: A Motion confirming the County Executive’s appointment of John D. Baker to serve on the Cleveland-Cuyahoga County Port Authority Board of Directors, and declaring the necessity that this Motion become immediately effective.

Withdrawn at the request of County Executive FitzGerald.

In accordance with Council Rule 11F(2), Motion No. M2012-0032 was withdrawn at the request of the County Executive.

20. MISCELLANEOUS COMMITTEE REPORTS

There were no miscellaneous committee reports.

21. MISCELLANEOUS BUSINESS

Ms. Simon announced that the award ceremony for the Top Dog Essay Contest will be held on Wednesday, December 12, 2012 at the Cuyahoga County Animal Shelter.

22. PUBLIC COMMENT UNRELATED TO AGENDA

Ms. Mariah Crenshaw, representing Ohio Communities United, addressed Council regarding issues of concern to her relating to a proposed model for operations at the Cuyahoga County Division of Children and Family Services.

Ms. Frances Caldwell addressed Council regarding issues of concern to her relating to a property she purchased that is under foreclosure due to a tax lien.

Mr. Shane Winnyk addressed Council regarding issues of concern to him relating to his proposal for a post-secondary scholarship initiative.

[Note: Item No. 12 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 7:02 p.m., without objection.