



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, JANUARY 8, 2013
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 5:02 p.m.

2. ROLL CALL

Council President Connally asked Clerk Schmotzer to call the roll. Councilmembers Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady 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 for personal reflection on wishes for the new year.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given related to the agenda.

6. APPROVAL OF MINUTES

- a) December 11, 2012 Work Session
- b) December 11, 2012 Regular Meeting
- c) January 2, 2013 Organizational Meeting
- d) January 2, 2013 Committee of the Whole Meeting

A motion was made by Mr. Rogers, seconded by Mr. Miller and approved by unanimous vote to approve the minutes of the December 11, 2012 work session, December 11, 2012 regular meeting, January 2, 2013 organizational meeting and January 2, 2013 Committee of the Whole meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Connally thanked three retiring members of the County Executive's administration: Richard Sensenbrenner, Treasurer; Bob Reid, Sheriff; and Gerald Fuerst, Clerk of Courts, for their service to the County.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- 1) **The State of the County Address will be held on Tuesday, February 19th; and**
- 2) **State budget hearings will begin soon; Council will be apprised of any developments.**

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

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Motion No. M2013-0002.

- a) M2013-0002: A Motion appointing Anne Camille Klonowski to serve on a Board of Revision for Cuyahoga County, and declaring the necessity that this Motion become immediately effective.

Sponsors: Councilmembers Conwell and Gallagher

On a motion by Ms. Conwell with a second by Mr. Rogers, Motion No. M2013-0002 was considered and approved by unanimous vote.

10. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL FOR SECOND READING

- a) M2012-0031: A Motion approving the expiration and retention of pending legislation in accordance with County Council Rule 11F, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally/Clerk of Council

Clerk Schmotzer read Motion No. M2012-0031 into the record.

This item will move to the January 22, 2013 Council meeting agenda for consideration for third reading adoption.

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

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2013-0010.

- a) R2013-0010: A Resolution adjusting compensation of Cuyahoga County Council staff, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally and Councilmember Gallagher

On a motion by Mr. Brady with a second by Mr. Rogers, Resolution No. R2013-0010 was considered and adopted by unanimous vote.

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

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2013-0001.

- a) R2013-0001: 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

Mr. Miller introduced a proposed substitute to Resolution No. R2013-0001 on the floor. Discussion ensued. A motion was then made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to accept the proposed substitute to Resolution No. R2013-0001.

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2013-0001 was considered and adopted by unanimous vote, as substituted.

13. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER
SUSPENSION OF RULES / EXECUTIVE SESSION

[Note: Item No. 13 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, settlement and release agreements and imminent and pending litigation and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 6:03 p.m. The following members were present: Councilmembers Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady and Connally. The following additional attendees were also present: County Executive Ed FitzGerald, Law Director Majeed Makhlof, Deputy Law Director Nora Hurley, Judge Nancy Fuerst, Court Administrator Greg Popovich, Deputy Court Administrator Jim Ginley, Civil Division Chief David Lambert, Chief of Staff Joe Nanni, Legislative Budget Analyst Trevor McAleer and Clerk of Council Jeanne Schmotzer. At 7:21 p.m., Executive Session was adjourned, without objection, and Council President Connally then reconvened the regular meeting.

- a) R2013-0002: A Resolution approving the extension of a Collective Bargaining Agreement between Cuyahoga County Court of Common Pleas and Communication Workers of America, representing approximately 166 Court Probation Officers, lab technicians and support staff for the period 1/31/2013 - 8/2/2013; directing that funds necessary to implement the contract extension terms be budgeted and appropriated; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Law on behalf of Cuyahoga County Court of Common Pleas

A motion was then made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2013-0002.

On a motion by Mr. Brady with a second by Mr. Gallagher, Resolution No. R2013-0002 was considered and adopted by unanimous vote.

- b) R2013-0003: A Resolution authorizing Settlement and Release Agreements with various plaintiffs in the total amount of \$143,757.00 in connection with *Teel et al. v. Cuyahoga County*, U.S.D.C. Case No. 11cv2582; authorizing the County Executive to execute said agreements; authorizing the appropriation of funds for payment of settlement amounts set forth herein; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald

Resolution No. R2013-0003 was not read into the record nor was any legislative action taken by Council.

- c) Imminent and pending litigation.

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

- a) R2013-0004: A Resolution declaring that public convenience and welfare requires rehabilitation of East 49th Street Bridge No. 00.54 over abandoned railroad tracks in the City of Cleveland; total estimated construction cost \$1,940,000.00; 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 an agreement of cooperation with said municipality in connection with said project.

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

Council President Connally referred Resolution No. R2013-0004 to the Public Works, Procurement & Contracting Committee.

- b) R2013-0005: A Resolution approving the issuance by the Illinois Finance Authority of bonds in an aggregate principal amount not-to-exceed \$25,000,000.00, in one or more series, for the purpose of (1) refunding revenue bonds issued by Cuyahoga County, Ohio and (2) financing and refinancing facilities located in Cuyahoga County, Ohio; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Bond Counsel: Jones Day

Council President Connally referred Resolution No. R2013-0005 to the Finance & Budgeting Committee.

- c) R2013-0006: A Resolution making an award on RQ24978 to Educational Service Center of Cuyahoga County in the amount of \$692,930.00 for fiscal agent services for the Families and Schools Together Program in connection with the Ohio Children's Trust Fund FY2013 grant program for the period 7/1/2012 - 9/30/2014; authorizing the County Executive to execute the agreement 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/Family and Children First Council

Council President Connally referred Resolution No. R2013-0006 to the Health, Human Services & Aging Committee.

- d) R2013-0007: A Resolution making awards on RQ21514 to various providers in the total amount not-to-exceed \$2,700,000.00 for residential treatment services for the Youth and Family Community Partnership Program for the period 2/1/2013 - 1/31/2015, and authorizing the County Executive to execute a master contract and all other documents required in connection with said awards and consistent with this Resolution:

- 1) Applewood Centers, Inc.
- 2) Beech Brook
- 3) Bellefaire Jewish Children's Bureau
- 4) Carrington Youth Academy LLC
- 5) Catholic Charities Services Corporation
- 6) The Cleveland Christian Home Incorporated
- 7) New Directions, Inc.
- 8) The Village Network

Sponsors: County Executive FitzGerald on behalf of Juvenile Court

Council President Connally referred Resolution No. R2013-0007 to the Justice Affairs Committee.

- e) R2013-0008: A Resolution making awards on RQ21516 to various providers in the total amount not-to-exceed \$2,250,000.00 for residential treatment services for the period 2/1/2013 - 1/31/2015, and authorizing the County Executive to execute a master contract and all other documents required in connection with said awards and consistent with this Resolution:

- 1) Applewood Centers, Inc.

- 2) Beech Brook
- 3) Bellefaire Jewish Children's Bureau
- 4) Carrington Youth Academy LLC
- 5) Catholic Charities Services Corporation
- 6) The Cleveland Christian Home Incorporated
- 7) Cornell Abraxas Group, Inc.
- 8) Guidestone, fka Berea Children's Home
- 9) Keystone Richland Center, LLC dba Foundations for Living
- 10) New Directions, Inc.
- 11) Safe House Ministries, Inc.
- 12) The Glen Mills Schools
- 13) The House of Emmanuel, Inc.
- 14) The Village Network

Sponsors: County Executive FitzGerald on behalf of Juvenile Court

Council President Connally referred Resolution No. R2013-0008 to the Justice Affairs Committee.

- f) R2013-0009: A Resolution authorizing a contract with Starting Point in the amount not-to-exceed \$1,832,782.00 for administration of the Special Needs Child Care Program for the 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 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. R2013-0009 to the Health, Human Services & Aging Committee.

15. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING

- a) 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

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

Clerk Schmotzer read Resolution No. R2012-0260 into the record.

This item will move to the January 22, 2013 Council meeting agenda for consideration for third reading adoption.

16. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2012-0248, R2012-0249, R2012-0259, R2012-0261, R2012-0262 and R2012-0263.

- a) R2012-0248: A Resolution authorizing a Next Stage Fund Pilot Loan in the amount not-to-exceed \$700,000.00 to Sparkbase, Inc. for building and deploying loyalty solutions directly to large scale merchants; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents required in connection with said loan and consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2012-0248 was considered and adopted by unanimous vote.

- b) R2012-0249: A Resolution making an award on RQ23900 to Economic and Community Development Institute, Inc. in the amount of \$550,000.00 for management of the Cuyahoga County Microenterprise Revolving Loan Fund for the period 2/1/2013 - 1/31/2014; 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 Development

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2012-0249 was considered and adopted by unanimous vote.

- c) 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.

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. Jones with a second by Mr. Germana, Resolution No. R2012-0259 was considered and adopted by unanimous vote.

- d) 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.

Sponsors: County Executive FitzGerald/Department of Development and
Councilmembers Germana, Miller, Rogers, Connally, Schron and
Gallagher

Committee Assignment and Chair: Economic Development & Planning –
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On a motion by Mr. Rogers with a second by Mr. Germana, Resolution No. R2012-0261 was considered and adopted by unanimous vote.

- e) 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

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Mr. Schron with a second by Ms. Simon, Resolution No. R2012-0262 was considered and adopted by unanimous vote.

- f) 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.

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood 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. R2012-0263 was considered and adopted by unanimous vote.

17. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING AND REFERRAL TO COMMITTEE

- a) R2012-0264: A Resolution making awards on RQ24534 to Geis Property Management, LLC for sale of the Ameritrust Complex and entry of a lease for a consolidated County headquarters at the site of the P & H Buildings; authorizing the County Executive to execute all documents in connection with said awards and consistent with this Resolution; authorizing the Director of Public Works to administer said project; and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Committee of the Whole – Connally

A brief presentation was given by representatives of CBRE and URS. Discussion ensued. Council President Connally then referred Resolution No. R2012-0264 to the Committee of the Whole.

18. COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES FOR SECOND READING

- a) O2012-0030: An Ordinance establishing the organizational structure of the Department of Development and creating divisions within the department, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

Clerk Schmotzer read Ordinance No. O2012-0030 into the record.

This item will move to the January 22, 2013 Council meeting agenda for consideration for third reading adoption.

- b) 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.

Sponsors: County Executive FitzGerald and Councilmembers Germana and Conwell

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

Clerk Schmotzer read Ordinance No. O2012-0035 into the record.

This item will move to the January 22, 2013 Council meeting agenda for consideration for third reading adoption.

19. CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION

- 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

Ms. Conwell introduced an amendment to Ordinance No. O2012-0034 on the floor. Discussion ensued. A motion was then made by Ms. Conwell, seconded by Mr. Schron and approved by unanimous vote to amend Section 4.06 of Ordinance No. O2012-0034 as follows:

“If a proposed Rule Change involves a proposed ordinance that requires the Commission’s recommendation, the Commission may modify the time requirements for posting and acting upon such proposed ordinance, but in no case shall the proposed rule change be presented and posted less than three (3) days prior to the Commission action on such proposed ordinance.”

On a motion by Ms. Conwell with a second by Mr. Schron, Ordinance No. O2012-0034 was considered and adopted by unanimous vote, as amended.

20. MISCELLANEOUS COMMITTEE REPORTS

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, January 14, 2013 at 1:00 p.m.

Mr. Greenspan reported that the Rules, Charter Review, Ethics & Council Operations Committee will meet on Tuesday, January 15, 2013 at 4:00 p.m.

Ms. Connally reported that the Committee of the Whole will meet on Tuesday, January 15, 2013 at 5:00 p.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, January 10, 2013 at 11:00 a.m.

21. MISCELLANEOUS BUSINESS

Mr. Germana thanked Clerk Schmotzer for the reformatted agenda with page numbering and references.

22. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given unrelated to the agenda.

[Note: Item No. 13 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 7:24 p.m., without objection.