



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, APRIL 9, 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 5:03 p.m.

2. ROLL CALL

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

A motion was then made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to excuse Ms. Conwell from the meeting.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Connally requested a moment of silent meditation for personal reflections.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given related to the agenda.

6. APPROVAL OF MINUTES

- a) March 27, 2013 Work Session

- b) March 27, 2013 Regular Meeting
- c) April 3, 2013 Special Meeting

A motion was made by Mr. Brady, seconded by Mr. Rogers and approved by unanimous vote to approve the minutes of the March 27, 2013 work session and regular meeting and the April 3, 2013 special meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Connally reported that she and County Executive Ed FitzGerald attended the demolition ceremony for the new County Administration Building.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald stated that the closure of the County Airport has been delayed due to the County's legal challenge to the FAA.

9. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL 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 Motion No. M2013-0012.

- a) M2013-0012: A Motion confirming the County Executive's appointment of various individuals to serve on the Group Plan Commission, and declaring the necessity that this Motion become immediately effective:
 - 1) David E. Gilbert
 - 2) Christopher S. Ronayne
 - 3) Robyn Minter Smyers
 - 4) Jeffrey R. Appelbaum

Sponsors: Councilmembers Connally, Conwell, Germana, Simon, Gallagher and Rogers

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

On a motion by Mr. Miller with a second by Mr. Germana, Motion No. M2013-0012 was considered and adopted by unanimous vote.

10. 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. R2013-0067.

- a) R2013-0067: 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

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2013-0067 was considered and adopted by unanimous vote.

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

- a) R2013-0068: A Resolution authorizing the appropriation of real property in connection with right-of-way plans as set forth in Plat No. M-5010 for reconfiguration of the Warrensville Center Road/Van Aken Boulevard/Chagrin Boulevard/Northfield Road Intersection in the City of Shaker Heights and Village of Highland Hills; directing the County Executive to proceed with the acquisition of real property required for public highway purposes; authorizing the Fiscal Officer to issue the monetary warrant to be deposited with the Probate Court of Cuyahoga County in an amount that is equal to the fair market value of the property; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2013-0068 to the Public Works, Procurement & Contracting Committee.

- b) R2013-0069: A Resolution making an award on RQ26428 to Perk Company, Inc. in the amount not-to-exceed \$8,309,354.00 for reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn; authorizing the County Executive to execute the contract and all other documents consistent with said award and this

Resolution; 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 \$1,661,870.00 to fund said contract; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2013-0069 to the Public Works, Procurement & Contracting Committee.

- c) R2013-0070: A Resolution making an award on RQ26211 to Terrace Construction Company, Inc. in the amount not-to-exceed \$973,816.38 for the Bridge Sidewalk Replacement Program – East Project; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; authorizing the County Engineer, on behalf of the County Executive, to make an application for allocation from County Motor Vehicle \$7.50 License Tax Funds for said amount to fund said contract; and declaring the necessity that this Resolution become immediately effective:
- 1) Chagrin River Road Bridge No. 02.40 over Sulphur Springs Creek in the Village of Bentleyville.
 - 2) Pleasant Valley Road Bridge No. 09.68 over the Cuyahoga River, Canal Road and Ohio Canal in the City of Independence and Village of Valley View.
 - 3) Rockside Road Bridge No. 03.23 over CSXT Railroad and Access Road in the City of Independence.
 - 4) Rockside Road Bridge No. 03.32 over the Cuyahoga River in the City of Independence and Village of Valley View.
 - 5) Rockside Road Bridge No. 04.80 over former P&LE Railroad right-of way in the Village of Valley View.

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

Council President Connally referred Resolution No. R2013-0070 to the Public Works, Procurement & Contracting Committee.

- d) R2013-0071: A Resolution making an award on RQ26213 to Terrace Construction Company, Inc. in the amount not-to-exceed \$953,389.50 for the Bridge Sidewalk Replacement Program – West Project; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; authorizing the County Engineer, on behalf of the County Executive, to make an application for

allocation from County Motor Vehicle \$7.50 License Tax Funds for said amount to fund said contract; and declaring the necessity that this Resolution become immediately effective:

- 1) Bagley Road Bridge No. 05.63 over the East Branch of the Rocky River in the City of Berea.
- 2) Hilliard Road Bridge No. 03.21 over Cahoon Creek in the City of Westlake.
- 3) Hilliard Road Bridge No. 08.57 over the Rocky River, Cleveland MetroParks and Valley Parkway in the Cities of Lakewood and Rocky River.

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

Council President Connally referred Resolution No. R2013-0071 to the Public Works, Procurement & Contracting Committee.

- e) R2013-0072: A Resolution declaring that public convenience and welfare requires replacement of Sprague Road Culvert No. 47 in the Cities of Broadview Heights and Seven Hills; total estimated construction cost \$170,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into agreements of cooperation with said municipalities in connection with said project; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2013-0072 to the Public Works, Procurement & Contracting Committee.

- f) R2013-0073: A Resolution amending Resolution No. R2011-0293 dated 10/25/2011, which established a list of certified providers for occupational skills training services for the Individual Training Account System for the period 7/1/2011 - 6/30/2014, to add various providers; and declaring the necessity that this Resolution become immediately effective:

- 1) Ashland University
- 2) Bowling Green **State** University
- 3) Catholic Charities Community Services Corporation
- 4) Cleveland State University
- 5) Institute of Holistic Health Careers
- 6) New Horizons Computer Learning Centers

7) Trainco, Inc.

Sponsors: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3

Clerk Schmotzer read a technical amendment into the record correcting the name of Bowling Green State University.

Council President Connally then referred Resolution No. R2013-0073 to the Education, Environment & Sustainability Committee.

- g) R2013-0074: A Resolution authorizing the County Executive to accept, on behalf of the County, the donation of fourteen (14) cemetery lots within the Whitehaven Memorial Park, Mayfield Village, Ohio, from Bruce E. Kovacs and Patricia Edwards, valued at approximately \$75,000.00, for the purpose of accommodating indigent burials; authorizing the County Executive to execute all documents that are necessary to effectuate such transfer; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Medical Examiner

Council President Connally referred Resolution No. R2013-0074 to the Public Safety & Justice Affairs Committee.

- h) R2013-0075: A Resolution making awards on various Requisitions to various providers in the total amount of \$729,993.00 for comprehensive case management, direct services and referral services for the FY2012 Second Chance Act Adult Offender Reentry Program for the period 10/1/2012 - 9/30/2013; authorizing the County Executive to execute the contracts and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:
- 1) RQ27042 to Case Western Reserve University, Begun Center for Violence Prevention, Research and Education in the amount of \$75,000.00.
 - 2) RQ25135 to The Centers for Families and Children in the amount of \$50,400.00.
 - 3) RQ27037 to Community Assessment and Treatment Services, Inc. in the amount of \$312,398.00.
 - 4) RQ27035 to Community Re-entry Inc. in the amount of \$292,195.00.

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

Council President Connally referred Resolution No. R2013-0075 to the Health, Human Services & Aging Committee.

- i) R2013-0076: A Resolution authorizing an amendment to Contract No. CE1200260-01 with MHS, Inc. for transitional housing program services for the period 6/1/2012 - 3/31/2013 to extend the time period to 7/31/2014 and for additional funds in the amount of \$1,630,928.00; authorizing the County Executive to execute the amendment and all other documents 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 Homeless Services

Council President Connally referred Resolution No. R2013-0076 to the Health, Human Services & Aging Committee.

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

- a) R2013-0053: A Resolution authorizing an Economic Development Loan in the amount not-to-exceed \$1,280,000.00 to Kennedy Viking Property Investment IV, LLC for purchase and improvement of a facility located at 31390 Viking Parkway, Westlake; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and 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

Clerk Schmotzer read Resolution No. R2013-0053 into the record.

This item will move to the April 23, 2013 Council meeting agenda for consideration for third reading adoption.

13. 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.

R2013-0029, R2013-0030, R2013-0039, R2013-0059, R2013-0060, R2013-0061, R2013-0062, R2013-0063, R2013-0065 and R2013-0066.

- a) R2013-0029: A Resolution making an award on RQ25888 to Sadler-NeCamp Financial Services, Inc. dba PROWARE in the amount of \$609,718.00 for maintenance and support services for the Court Case Management System for Probate Court for the period 1/1/2013 - 1/31/2016; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald on behalf of Probate Court

Committee Assignment and Chair: Public Safety & Justice Affairs – Gallagher

On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2013-0029 was considered and adopted by unanimous vote.

- b) R2013-0030: A Resolution making an award on RQ25340 to Sadler-NeCamp Financial Services, Inc. dba PROWARE in the amount of \$1,090,553.00 for maintenance and support services for the Court Case Management System for Domestic Relations Court for the period 1/1/2013 - 1/31/2016; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald on behalf of Domestic Relations Court

Committee Assignment and Chair: Public Safety & Justice Affairs – Gallagher

On a motion by Mr. Gallagher with a second by Mr. Schron, Resolution No. R2013-0030 was considered and adopted by unanimous vote.

- c) R2013-0039: A Resolution amending the 2012/2013 Biennial Operating Budget for 2013 by providing for budget realignments within Human Service operating budgets and the Health and Human Services Levy Fund and other funding sources in order to meet the requirements set forth in Section 4 of Resolution No. R2012-0232, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management and Councilmembers Brady, Miller, Connally and Jones

Committee Assignments and Chairs: Finance & Budgeting – Miller and Health, Human Services & Aging – Brady

On a motion by Mr. Miller with a second by Mr. Brady, Resolution No. R2013-0039 was considered and adopted by majority vote with Councilmember Greenspan casting the only dissenting vote.

- d) R2013-0059: A Resolution approving Right-of-Way plans as set forth in Plat No. M-5012 for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township; authorizing the County Executive through the Department of Public Works to acquire said necessary Rights-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 Jones

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

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0059 was considered and adopted by unanimous vote.

- e) R2013-0060: A Resolution making an award on RQ23624 to Burgess & Niple, Inc. in the amount not-to-exceed \$1,448,424.00 for engineering services for replacement of various Rockside Road Bridges in the City of Independence; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective:

- 1) No. 03.23 over the CSXT Railroad
- 2) No. 03.32 over the Cuyahoga River

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. R2013-0060 was considered and adopted by unanimous vote.

- f) R2013-0061: A Resolution making an award on RQ25941 to Suburban Maintenance and Construction, Inc. in the amount not-to-exceed \$969,000.00 for the Huntington Park Garage emergency repairs project; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works and Councilmembers Jones and Conwell

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

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0061 was considered and adopted by unanimous vote.

- g) R2013-0062: A Resolution declaring that public convenience and welfare requires resurfacing of Chagrin Boulevard from Lander Road to South Lane in the City of Pepper Pike and Village of Moreland Hills; total estimated construction cost \$3,000,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipalities in connection with said project; 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. Jones with a second by Mr. Germana, Resolution No. R2013-0062 was considered and adopted by unanimous vote.

- h) R2013-0063: A Resolution declaring that public convenience and welfare requires resurfacing of Miner Road from Wilson Mills Road to Highland Heights North Corporation Line in the City of Highland Heights; total estimated construction cost \$1,753,490.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipality in

connection with said project; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works/
Division of County Engineer and Councilmembers Jones and Simon

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

On a motion by Mr. Jones with a second by Mr. Schron, Resolution No. R2013-0063 was considered and adopted by unanimous vote.

- i) R2013-0065: A Resolution authorizing the County Executive to accept dedication of land for Hidden Brook Lane and Grand Oaks Trail as public streets and five (5) feet of right-of-way on the north side of Sprague Road in Grand Oaks Subdivision, located in Olmsted Township; authorizing the County Executive to execute the final Plat in connection with said dedication; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald and Councilmembers Gallagher, Simon and Jones on behalf of Cuyahoga County Planning Commission

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

Councilmember Jones introduced an amendment on the floor. Discussion ensued. A motion was then made by Mr. Jones, seconded by Mr. Germana and approved by unanimous vote to amend the second paragraph of Resolution No. R2013-0065 to read as follows: *“WHEREAS, the Cuyahoga County Land Development Regulations originally adopted November 8, 2007 and amended December 9, 2010, requires the County Planning Commission to refer the final dedication plat to the County ‘for acceptance of dedication of land for any public street, highway or other public ways, open space, or public easement on the final plat;’ and,”*

On a motion by Mr. Rogers with a second by Mr. Miller, Resolution No. R2013-0065 was considered and adopted by unanimous vote, as amended.

- j) R2013-0066: A Resolution making an award on RQ26531 to Motorola Solutions, Inc. in the amount of \$937,286.97 for 365-Motorola APX 6000 radios and chargers for the Department of Public Safety and Justice Services/Division of Public Safety Grants; authorizing the Director of Purchasing to execute the Purchase Order and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Procurement & Diversity

Committee Assignment and Chair: Public Safety & Justice Affairs – Gallagher

On a motion by Mr. Gallagher with a second by Mr. Schron, Resolution No. R2013-0066 was considered and adopted by unanimous vote.

14. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING **AND REFERRAL TO COMMITTEE**

- a) 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

Committee Assignment and Chair: Education, Environment & Sustainability – Rogers

Clerk Schmotzer read Ordinance No. O2012-0036 into the record.

Council President Connally then referred Ordinance No. O2012-0036 to the Education, Environment & Sustainability Committee.

15. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE 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 Ordinance No. O2013-0010.

- a) O2013-0010: An Ordinance establishing the Cuyahoga County 9-1-1 Consolidation Shared Services Fund and Review Committee for the purpose of supporting communities in consolidating their 9-1-1 dispatch centers, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Safety and Justice Services and Councilmember Gallagher

Committee Assignment and Chair: Public Safety & Justice Affairs – Gallagher

On a motion by Mr. Gallagher with a second by Mr. Germana, Ordinance No. O2013-0010 was considered and adopted by unanimous vote.

16. MISCELLANEOUS COMMITTEE REPORTS

Mr. Greenspan reported that the Council Operations & Intergovernmental Relations Committee will meet on Monday, April 22nd and Monday, April 29th at 9:00 a.m.

Mr. Brady reported that the Health, Human Services & Aging Committee will meet on Wednesday, April 10th and Wednesday, April 17th at 1:00 p.m.

Mr. Gallagher reported that the Public Safety & Justice Affairs Committee will meet on Tuesday, April 16th at 1:00 p.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, April 17th at 11:00 a.m.

Mr. Rogers reported that the Education, Environment & Sustainability Committee will meet on Wednesday, April 17th at 3:00 p.m.

17. MISCELLANEOUS BUSINESS

Mr. Brady expressed his concerns regarding the inclination of the Ohio House of Representatives to block the expansion of Medicaid; he indicated that he may introduce a Resolution to Council or write a letter and asked for the support of his colleagues.

Mr. Miller thanked his colleagues for their courtesy and support during his illness over the last several months.

On behalf of Ms. Conwell, Council President Connally reminded everyone to wear blue on Wednesday, April 10th in recognition of child abuse prevention and awareness.

18. PUBLIC COMMENT UNRELATED TO AGENDA

Several young professionals who live and work in the downtown Cleveland area addressed Council regarding issues of concern to them relating to the Bridgeway in connection with the new County Administration Building.

19. ADJOURNMENT

With no further business to discuss, Council President Connally adjourned the meeting at 6:20 p.m., without objection.