

MINUTES
CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, MARCH 22, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
6:00 PM

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. SILENT MEDITATION

Council President Connally requested there be a moment of silent meditation for the family of Sandusky Police Officer Andrew Dunn, who was killed in the line of duty.

4. ROLL CALL

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

Council President Connally then recognized members of the Ward 1 Leadership Academy who were in attendance at the meeting.

5. PUBLIC COMMENT RELATED TO AGENDA

Ms. Lynda Mayer, representing the Code of Ethics Transition Workgroup, addressed Council regarding issues of concern to her relating to Ordinance No. O2011-0015, an Ordinance providing for the approval and adoption of Human Resources Policies and Procedures for Cuyahoga County, namely Section 3: Code of Ethics.

6. APPROVAL OF MINUTES

- a) March 15, 2011 Special Meeting

On a motion by Ms. Simon with a second by Mr. Schron, the minutes of the March 15, 2011 meeting were unanimously approved.

7. MESSAGES FROM THE COUNTY EXECUTIVE

- a) Contracts executed by County Executive

County Executive Ed FitzGerald reported the following:

- a) Leadership decisions for the Executive Branch are almost complete;
- b) Majeed Makhoulf has been nominated as Director of Law;
- c) Personnel reductions will be announced by the end of the week;
- d) Property tax revenues have increased by 3% due to the beginning of economic recovery;
- e) The State of the County Address will be held on April 6th at the City Club.

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

A motion was made by Mr. Greenspan, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 7E, 9D and 13A and to place on final passage Motion No. M2011-0017.

- a) M2011-0017: A Motion amending Rule 16D of the Rules of the Cuyahoga County Council to change the expiration date of the Rules to 4/26/2011.

Sponsor: Council President Connally

On a motion by Mr. Schron with a second by Mr. Rogers, Motion No. M2011-0017 was considered and approved by unanimous vote.

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

- a) M2011-0018: A Motion confirming the County Executive's appointment of Norberto Colon to serve on the Public Safety Urban Area Working Group.

Sponsor: Council President Connally

Council President Connally referred Motion No. M2011-0018 to the Human Resources, Appointments & Equity Committee.

- b) M2011-0019: A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga County Planning Commission:

- 1) Mayor Eileen Patton, Fairview Park (Westshore Region)
- 2) Mayor Michael Procuk, Brooklyn Heights (Cuyahoga Region)

- 3) Ed Jerse, Director of Regional Collaboration
- 4) Nathan Kelly, Deputy Chief of Development (alternate to County Executive Edward FitzGerald)

Sponsor: Council President Connally

Council President Connally referred Motion No. M2011-0019 to the Human Resources, Appointments & Equity Committee.

- c) M2011-0020: A Motion confirming the County Executive's appointment of individuals to serve on Tax Incentive Review Councils:

- 1) Jeffery Schiffman
- 2) Jonathan Holody
- 3) Andrew Revy
- 4) Joe Micciulla, Chair

Sponsor: Council President Connally

Council President Connally referred Motion No. M2011-0020 to the Human Resources, Appointments & Equity Committee.

- d) M2011-0021: A Motion confirming the County Executive's appointment of Nick Nardi to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

Sponsor: Council President Connally

Council President Connally referred Motion No. M2011-0021 to the Human Resources, Appointments & Equity Committee.

10. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Conwell, seconded by Mr. Miller and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion No. M2011-0016.

- a) M2011-0016: A Motion confirming the County Executive's appointment of individuals to serve on the Greater Cleveland Regional Transit Authority Board of Trustees:

- 1) Mayor Gary Norton (for the unexpired term ending 3/31/2012).
- 2) Karen Gabriel Moss (for the unexpired term ending 3/31/2013).

Sponsor: Council President Connally

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

On a motion by Mr. Rogers, with a second by Ms. Conwell, Motion No. M2011-0016 was considered and approved by unanimous vote.

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

A motion was made by Mr. Brady, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution Nos. R2011-0107 and R2011-0108.

- a) R2011-0107: A Resolution providing for the appointment of Nikima S. Barnhill as Deputy Clerk of Council, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

On a motion by Mr. Schron, with a second by Mr. Greenspan, Resolution No. R2011-0107 was considered and approved by unanimous vote.

- b) R2011-0108: A Resolution providing for the appointment of George M. Phillips as Administrative Assistant 2 to serve the Council of Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

On a motion by Mr. Schron, with a second by Ms. Conwell, Resolution No. R2011-0108 was considered and approved by unanimous vote.

12. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Conwell, seconded by Mr. Rogers and approved by majority vote to suspend Rule 9D and to place on final passage Resolution No. R2011-0085. Councilmembers Gallagher, Conwell, Jones, Connally, Rogers, Simon, Miller, Brady and Germana voted in the affirmative with Councilmembers Schron and Greenspan casting dissenting votes.

- a) R2011-0085: A Resolution objecting to Senate Bill 5, which would sharply curtail collective bargaining rights of Ohio public employees, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Conwell, Rogers, Jones, Miller and County Executive
FitzGerald

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

A motion was made by Mr. Greenspan, seconded by Mr. Gallagher and defeated by a vote of 4 yeas and 7 nays to amend Resolution No. R2011-0085 by adding the following language: “WHEREAS, as passed out of the Senate, S.B. 5 would sharply curtail the collective bargaining rights for public safety employees, including police officers and firefighters; and,” Councilmembers Gallagher, Schron, Greenspan and Germana voted in the affirmative with Councilmembers Conwell, Jones, Connally, Rogers, Simon, Miller and Brady casting dissenting votes.

A second motion was then made by Mr. Greenspan, seconded by Mr. Gallagher and defeated by a vote of 4 yeas and 7 nays to amend Resolution No. R2011-0085 by adding the following language: “Section 1. That this Council hereby objects to Senate Bill 5 which would sharply curtail the collective bargaining rights for public safety employees, including police officers and firefighters.” Councilmembers Gallagher, Schron, Greenspan and Germana voted in the affirmative with Councilmembers Conwell, Jones, Connally, Rogers, Simon, Miller and Brady casting dissenting votes.

On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2011-0085 was considered and adopted by majority vote, with Mr. Schron casting the only dissenting vote.

13. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR THIRD READING ADOPTION

- a) R2011-0002: A Resolution opposing House Bill 3 of the 129th Ohio General Assembly that would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after 1/1/2013, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Conwell, Miller and Germana

On a motion by Mr. Rogers with a second by Ms. Simon, Resolution No. R2011-0002 was considered and adopted by majority vote. Councilmembers Conwell, Jones, Connally, Rogers, Simon, Miller, Brady and Germana voted in the affirmative with Councilmembers Gallagher, Schron and Greenspan casting dissenting votes.

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

- a) O2011-0020: An Ordinance encouraging public attendance at meetings and participation in County government by providing no-cost parking for citizens attending regularly scheduled Cuyahoga County Council meetings, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Rogers, Miller, Jones, Brady, Germana, Conwell, Connally and Simon

Council President Connally referred Ordinance No. O2011-0020 to the Public Works, Procurement & Contracting Committee.

15. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING AND REFERRAL TO COMMITTEE

- a) O2011-0014: An Ordinance establishing the Board of Control, establishing procedures governing the making of County contracts and the purchasing of County supplies and equipment, providing procedures for the making of public improvements, establishing procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County, and providing the terms upon which the County may cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof in making public improvements or providing common services.

Sponsors: Miller and Jones

Council President Connally referred Ordinance No. O2011-0014 back to the Public Works, Procurement & Contracting Committee.

16. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR THIRD READING ADOPTION

- a) O2011-0012: An Ordinance amending the Public Records Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Miller and Greenspan

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Ordinance No. O2011-0012 as follows: in Section 5.9, delete the additional "(B)" and add new Subsection C to read: C.) The manual of

general policies and procedures issued to all employees shall include the county's public records policy."

A second motion was then made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to amend Ordinance No. O2011-0012 as follows: in Section 7.2., amend the first line to read "Except as otherwise provided by court order, the following copying costs shall apply until the County Council first determines and establishes copying costs for public records:"

On a motion by Mr. Miller with a second by Mr. Greenspan, Ordinance No. O2011-0012 was considered and adopted by unanimous vote as amended.

17. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution Nos. R2011-0109, R2011-0110, R2011-0111, R2011-0112, R2011-0113 and R2011-0114.

- a) R2011-0109: A Resolution approving an award on RQ19882 to Dell Marketing LP in the amount not-to-exceed \$774,282.96 for the purchase of computer equipment for the Court of Common Pleas and Clerk of Courts; 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/Office of Procurement & Diversity

On a motion by Ms. Simon with a second by Mr. Miller, Resolution No. R2011-0109 was considered and adopted by unanimous vote.

- b) R2011-0110: A Resolution approving an award on RQ19884 to Dell Marketing LP in the amount not-to-exceed \$301,704.76 for the purchase of computer software for the Court of Common Pleas and Clerk of Courts; 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/Office of Procurement & Diversity

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2011-0110 was considered and adopted by unanimous vote.

- c) R2011-0111: A Resolution approving an award on RQ19964 to Dell Marketing LP in the amount not-to-exceed \$286,486.57 for the purchase of computer equipment for Juvenile Court; 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/Office of Procurement & Diversity

On a motion by Ms. Simon with a second by Mr. Schron, Resolution No. R2011-0111 was considered and adopted by unanimous vote.

- d) R2011-0112: A Resolution approving an award on RQ19967 to MNJ Technologies Direct, Inc. in the amount not-to-exceed \$627,229.40 for the purchase of computer equipment for Juvenile Court; 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/Office of Procurement & Diversity

On a motion by Ms. Simon with a second by Ms. Conwell, Resolution No. R2011-0112 was considered and adopted by unanimous vote.

- e) R2011-0113: A Resolution approving an award on RQ19970 to Data Recovery Services, LLC, in the amount not-to-exceed \$518,394.24 for the purchase of computer equipment for Juvenile Court; 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/Office of Procurement & Diversity

On a motion by Ms. Simon with a second by Mr. Jones, Resolution No. R2011-0113 was considered and adopted by unanimous vote.

- f) R2011-0114: A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Budget & Management

On a motion by Mr. Schron with a second by Ms. Simon, Resolution No. R2011-0114 was considered and adopted by unanimous vote.

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

- a) R2011-0021: A Resolution authorizing the County Executive to enter into a contract with Cleveland Foodbank, Inc. in the amount not-to-exceed \$272,500.00 for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries serving residents in need for the period 1/1/2011 - 3/31/2011.

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

Council President Connally referred Resolution No. R2011-0021 to the Health, Human Services & Aging Committee.

- b) R2011-0115: A Resolution authorizing the County Executive to approve an additional settlement for property rights for the temporary taking of 3,870 sq. ft. in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon, and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2011-0115 to the Public Works, Procurement & Contracting Committee.

- c) R2011-0116: A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works to execute said licenses.

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

Council President Connally referred Resolution No. R2011-0116 to the Public Works, Procurement & Contracting Committee.

- d) R2011-0117: A Resolution approving specifications and estimate of cost in the amount not-to-exceed \$365,121.00 for construction of an Energy

Center at the Cuyahoga County Fairgrounds, related to the Fairgrounds Wind Turbine Project; authorizing the Director of the Office of Procurement & Diversity to advertise for bids on RQ19570.

Sponsor: County Executive FitzGerald/Department of Public Works

Council President Connally referred Resolution No. R2011-0117 to the Public Works, Procurement & Contracting and Environment & Sustainability Committees. (Upon reconsideration after the meeting, Council President Connally referred Resolution No. R2011-0117 to the Economic Development & Planning Committee.)

- e) R2011-0118: A Resolution granting authority for the Director of the Office of Procurement & Diversity to advertise and to issue RFP 19343 for the purchase of electric utility services for County-owned facilities for the period 6/1/2011 – 5/31/2012.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Council President Connally referred Resolution No. R2011-0118 to the Public Works, Procurement & Contracting Committee.

- f) R2011-0119: A Resolution rescinding Resolution No. 104762 dated 10/28/2010 that made an award on RQ15326 to Phillips Electric in the amount of \$1,401,300.00 for a wind turbine generator to be located at the County Fairgrounds for the period 11/19/2010 – 11/18/2011.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Council President Connally referred Resolution No. R2011-0119 to the Public Works, Procurement & Contracting and Environment & Sustainability Committees. (Upon reconsideration after the meeting, Council President Connally referred Resolution No. R2011-0119 to the Economic Development & Planning Committee.)

- g) R2011-0120: A Resolution making an award on RQ15326 and authorizing the County Executive to enter into a contract with Halus Power Systems in the amount of \$1,400,000.00 for a wind turbine generator to be located at the County Fairgrounds for the period 3/22/2011 – 3/21/2012.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Council President Connally referred Resolution No. R2011-0120 to the Public Works, Procurement & Contracting and Environment & Sustainability Committees.

(Upon reconsideration after the meeting, Council President Connally referred Resolution No. R2011-0120 to the Economic Development & Planning Committee.)

- h) R2011-0121: A Resolution making an award on RQ18560 and authorizing the County Executive to enter into a contract with Infinity Construction Co., Inc. in the amount of \$5,490,000.00 for the Corrections Center Jail Kitchen Renovation Project.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Council President Connally referred Resolution No. R2011-0121 to the Public Safety Committee.

- i) R2011-0122: A Resolution making an award on RQ19284 and authorizing the County Executive to enter into a contract with Great Lakes Construction Co. in the amount of \$4,954,904.03 for construction of a grade separation on Fitch Road over the Norfolk Southern Railroad in the City of North Olmsted and Olmsted Township, and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2011-0122 to the Public Works, Procurement & Contracting Committee.

- j) R2011-0123: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0800267-01 with HNTB Ohio, Inc. for general engineering services for various projects for the period 4/1/2008 – 3/31/2011 to extend the time period to ~~3/31/2013~~ **12/31/2011**.

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

This item was corrected to read by the Clerk in order to correct an error. Council President Connally referred Resolution No. R2011-0123 to the Public Works, Procurement & Contracting Committee.

- k) R2011-0124: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0900375-01 with Wilbur Smith Associates, Inc. Ohio for general engineering services for various projects for the period 4/1/2009 – 3/31/2011 to extend the time period to ~~3/31/2013~~ **12/31/2011**.

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

This item was corrected to read by the Clerk in order to correct an error. Council President Connally referred Resolution No. R2011-0124 to the Public Works, Procurement & Contracting Committee.

- l) R2011-0125: A Resolution authorizing an economic development loan in the amount not-to-exceed \$500,000.00 to 7204 Pearl Road Associates, LLC, to assist in the acquisition and renovation of a facility located at 7204 Pearl Road, Middleburg Heights; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2011-0125 to the Economic Development & Planning Committee.

- m) R2011-0126: A Resolution authorizing an economic development loan in the amount not-to-exceed \$53,000.00 to Archer Realty, LLC, for infrastructure improvements of its headquarters facility located at 15601 Brookpark Road, Brook Park; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2011-0126 to the Economic Development & Planning Committee.

- n) R2011-0127: A Resolution authorizing a Brownfields Revolving Loan Fund (BRLF) Subgrant award between the County of Cuyahoga, through the Department of Development, and the City of Cleveland, in the amount not-to-exceed \$454,953.00; authorizing the County Executive and/or Director of Development to execute all documents in relation to the Revolving Loan Fund Subgrant Agreement; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2011-0127 to the Economic Development & Planning Committee.

- o) R2011-0128: A Resolution authorizing an economic development loan in the amount not-to-exceed \$500,000.00 to MB&W Consumer Collections, Inc. for the acquisition of a facility located at 7088 West 130th Street, Middleburg Heights; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2011-0128 to the Economic Development & Planning Committee.

- p) R2011-0129: A Resolution authorizing the County Executive to enter into a contract (No. CE1100132-01) with Union Eye Care Center, Inc. in the amount not-to-exceed \$549,010.20 for the provision of vision insurance to County employees for the period 1/1/2011 – 12/31/2013, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources

Council President Connally referred Resolution No. R2011-0129 to the Human Resources, Appointments & Equity Committee.

- q) R2011-0130: A Resolution authorizing the County Executive to enter into a contract (No. CE1100162-01, 02, 03, 04) with Ports Petroleum Company, Inc. in the amount not-to-exceed \$633,375.00 for gasoline for various County facilities for the period 1/1/2011 – 12/31/2011.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

Council President Connally referred Resolution No. R2011-0130 to the Public Works, Procurement & Contracting Committee.

- r) R2011-0131: A Resolution authorizing the County Executive to prepare and 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 – 12/31/2010 to exercise an option to extend the time period to 12/31/2011 and for additional funds:

- 1) No. CE1000125-01 with Applewood Centers, Inc. in the amount of \$550,000.00.

- 2) No. CE1000126-01 with Beech Brook in the amount of \$450,000.00.
- 3) No. CE1000127-01 with Bellefaire Jewish Children's Bureau in the amount \$500,000.00.
- 4) No. CE1000129-01 with Catholic Charities Services Corporation dba Parmadale in the amount of \$500,000.00.
- 5) No. CE1000130-01 with The Cleveland Christian Home Incorporated in the amount \$500,000.00.
- 6) No. CE1000132-01 with The Village Network in the amount of \$300,000.00.

Sponsor: County Executive FitzGerald and Juvenile Court

Council President Connally referred Resolution No. R2011-0131 to the Justice Affairs Committee.

- s) R2011-0132: A Resolution authorizing the County Executive to prepare and enter into amendments to contracts with various providers for residential treatment services to exercise an option to extend the time period to 1/31/2012 and for additional funds:
 - 1) for the period 2/1/2010 - 1/31/2011:
 - a) No. CE1000260-01 with The Cleveland Christian Home Incorporated in the amount of \$300,000.00.
 - 2) for the period 6/1/2010 - 1/31/2011:
 - a) No. CE1000724-01 with The Glen Mills Schools in the amount of \$350,000.00.

Sponsor: County Executive FitzGerald and Juvenile Court

Council President Connally referred Resolution No. R2011-0132 to the Justice Affairs Committee.

- t) R2011-0133: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for staff secure shelter care services for the period 1/1/2010 – 12/31/2010 to exercise an option to extend the time period to 12/31/2011 and for additional funds:

- 1) No. CE1000091-01 with Carrington Youth Academy LLC in the amount of \$916,052.00.
- 2) No. CE1000094-01, 02 with The Cleveland Christian Home Incorporated in the amount of \$527,948.00.

Sponsor: County Executive FitzGerald and Juvenile Court

Council President Connally referred Resolution No. R2011-0133 to the Justice Affairs Committee.

- u) R2011-0134: A Resolution authorizing the execution of a Fourteenth Supplemental Base Lease, Fourteenth Supplemental Lease and Tenth Supplemental Assignment of Rights under a Lease with University Hospitals Health System, Inc. in connection with the release of certain property now constituting a portion of the leased real property securing previous issues of Hospital Improvement Revenue Bonds of the County of Cuyahoga, Ohio; authorizing other documents in connection with said release; and declaring the necessity that this Resolution become immediately effective.

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

Bond Counsel: Tucker Ellis & West LLP

Council President Connally referred Resolution No. R2011-0134 to the Health, Human Services & Aging Committee.

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

A motion was made by Mr. Jones, seconded by Ms. Conwell and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution Nos. R2011-0076, R2011-0077, R2011-0078, R2011-0079, R2011-0080, R2011-0081, R2011-0082, R2011-0088, R2011-0089, R2011-0090, R2011-0091, R2011-0092, R2011-0093, R2011-0094, R2011-0095, R2011-0096, R2011-0097, R2011-0098, R2011-0101, R2011-0102 and R2011-0104.

- a) R2011-0076: A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000315-01 with Perk Company, Inc. for rehabilitation of West 130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma for a decrease in the amount of (\$226,457.98).

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

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

On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2011-0076 was considered and adopted by unanimous vote.

- b) R2011-0077: A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000334-01 with Burton Scot Contractors, LLC, for repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township for a decrease in the amount of (\$20,941.27).

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

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

On a motion by Mr. Gallagher with a second by Mr. Greenspan, Resolution No. R2011-0077 was considered and adopted by unanimous vote.

- c) R2011-0078: A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE12377-01 with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. dba GPD Associates for consultant engineering services for replacement of Bellaire Road Bridge No. 24 over Big Creek and replacement of West 130th Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale for additional funds in the amount of \$243,541.66, 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. Schron with a second by Ms. Conwell, Resolution No. R2011-0078 was considered and adopted by unanimous vote.

- d) R2011-0079: A Resolution authorizing the County Executive to enter into an agreement for settlement of property rights in connection with repair of the Stumph Road Sewer Improvement, located in the City of

Parma Heights, County Sewer District No. 1, in an amount equal to the approved appraisal fair market value estimate of \$9,150.00 for Parcel Nos. 473-21-002S & 473-21-029S (Permanent Sanitary Sewer Easements), 6330 Pearl Road, Cleveland, Ohio 44130, and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Germana with a second by Ms. Conwell, Resolution No. R2011-0079 was considered and adopted by unanimous vote.

- e) R2011-0080: A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works to execute said licenses; 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. Schron with a second by Mr. Jones, Resolution No. R2011-0080 was considered and adopted by unanimous vote.

- f) R2011-0081: A Resolution authorizing the County Executive to enter into a revenue generating agreement with LifeBanc for lease of space at the County Coroner's Building, located at 11001 Cedar Avenue, Cleveland, for the period 12/1/2010 - 12/31/2013 for a fee to the County in the amount of \$27,600.00 per annum, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

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

On a motion by Mr. Jones with a second by Mr. Rogers, Resolution No. R2011-0081 was considered and adopted by unanimous vote.

- g) R2011-0082: A Resolution approving a loan in the amount not-to-exceed \$1,000,000.00 to Blue Sky Campus, Inc. for a Brownfields Redevelopment Fund Project, located at 9501 Granger Road, Garfield Heights; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan, and declaring the necessity that this Resolution become immediately effective. (Pending referral from Committee.)

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. Jones, Resolution No. R2011-0082 was considered and adopted by unanimous vote.

- h) R2011-0088: A Resolution accepting the rehabilitation of County parking lots and driveways located at the York Road maintenance yard in the City of North Royalton and the Fitch Road maintenance yard in Olmsted Township as complete and in accordance with plans and specifications; requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63, and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Gallagher with a second by Mr. Greenspan, Resolution No. R2011-0088 was considered and adopted by unanimous vote.

- i) R2011-0089: A Resolution authorizing the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$2,009,091.22 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights, 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. Germana with a second by Mr. Miller, Resolution No. R2011-0089 was considered and adopted by unanimous vote.

- j) R2011-0090: A Resolution approving specifications and estimate of cost in the amount not-to-exceed \$1,800,000.00 for rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the Village of Gates Mills; authorizing the Department of Purchasing to advertise for bids on RQ19651, 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. Schron with a second by Ms. Conwell, Resolution No. R2011-0090 was considered and adopted by unanimous vote.

- k) R2011-0091: A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works to execute said licenses, 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. Schron with a second by Ms. Conwell, Resolution No. R2011-0091 was considered and adopted by majority vote with Mr. Germana recusing himself from the vote.

- l) R2011-0092: A Resolution authorizing the County Executive to prepare and enter into an amendment (Subsidiary No. 1) to Contract No. CE1000111-01 with Suburban Maintenance & Construction, Inc. for replacement of Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville for additional funds in the amount of \$82,720.99, 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. Gallagher with a second by Ms. Conwell, Resolution No. R2011-0092 was considered and adopted by unanimous vote.

- m) R2011-0093: A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000568-01 with Perk Company, Inc. for scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville for a decrease in the amount of (\$17,081.83).

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

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

On a motion by Mr. Schron with a second by Mr. Greenspan, Resolution No. R2011-0093 was considered and adopted by unanimous vote.

- n) R2011-0094: A Resolution approving an award on RQ18812 to Fabrizi Trucking & Paving Co., Inc. in the amount of \$6,696,970.75 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights; 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 Public Works/County Engineer

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

On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2011-0094 was considered and adopted by unanimous vote.

- o) R2011-0095: A Resolution approving an award on RQ18997 to Longo Sewer Construction, Inc. in the amount of \$378,993.00 for replacement of storm and sanitary sewers in Grannis Road and Thraves Road, located in the City of Garfield Heights, County Sewer District No. 9; 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 Public Works/County Engineer

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

On a motion by Mr. Jones with a second by Mr. Miller, Resolution No. R2011-0095 was considered and adopted by unanimous vote.

- p) R2011-0096: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 1) to Contract No. CE0900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$570,439.00 to \$699,239.00 and for additional funds in the amount of \$128,800.00, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Simon with a second by Mr. Gallagher, Resolution No. R2011-0096 was considered and adopted by unanimous vote.

- q) R2011-0097: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$699,239.00 to \$837,239.00 and for additional funds in the amount of \$138,000.00, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Simon with a second by Ms. Conwell, Resolution No. R2011-0097 was considered and adopted by majority vote with Mr. Greenspan casting a dissenting vote.

- r) R2011-0098: A Resolution approving an award on RQ19354 to CourtSmart Digital Systems, Inc. in the amount of \$625,277.00 for

digital audio recording equipment for Juvenile Court in connection with the Cuyahoga County Juvenile Justice Center Project; 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 Public Works/Central Services

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0098 was considered and adopted by unanimous vote.

- s) R2011-0101: A Resolution authorizing the issuance and sale of Self-supporting Housing Revenue Bonds in an amount not-to-exceed \$6,500,000.00 for Famicos Doan Classroom LLC for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a Loan Agreement, Bond Purchase Agreement, Trust Indenture and Tax Regulatory Agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective. (Pending referral from Committee.)

Sponsor: County Executive FitzGerald/Department of Development
Bond Counsel: Squire, Sanders & Dempsey

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Schron with a second by Mr. Germana, Resolution No. R2011-0101 was considered and adopted by unanimous vote.

- t) R2011-0102: A Resolution authorizing Juvenile Court through the County Executive to enter into an agreement with Cuyahoga County Department of Justice Affairs, Office of Mediation in the amount not-to-exceed \$400,000.00 for the Juvenile Court Custody Mediation Project for the period 2/1/2011 - 1/31/2012, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Juvenile Court through County Executive FitzGerald

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Simon with a second by Ms. Conwell, Resolution No. R2011-0102 was considered and adopted by unanimous vote.

- u) R2011-0104: A Resolution authorizing the County Executive to enter into Title IV-D Cooperative Agreement contracts with various providers for child support services for the period 1/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective:
- 1) Court of Common Pleas/Division of Domestic Relations in the amount of \$2,082,307.49.
 - 2) Court of Common Pleas/Division of Juvenile Court in the amount of \$2,218,669.89.
 - 3) Office of the Prosecuting Attorney of Cuyahoga County in the amount of \$2,257,588.70.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Child Support Enforcement Agency

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Simon with a second by Ms. Conwell, Resolution No. R2011-0104 was considered and adopted by unanimous vote.

20. CONSIDERATION OF AN ORDINANCE FOR FIRST READING ~~AND REFERRAL TO COMMITTEE~~ **ADOPTION UNDER SUSPENSION OF RULES**

A motion was made by Mr. Germana, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Ordinance No. O2011-0021.

- a) O2011-0021: An Ordinance authorizing the County Executive to grant a permanent easement to Ferrous Realty Ltd., for the sum of \$500.00, for the right to access, install, maintain, relocate, repair, and replace a sign on, over and under certain portions of County-owned property located at 10991 Memphis Avenue in the City of Brooklyn in connection with construction of Memphis Industrial Parkway; and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer and Councilman Germana

On a motion by Mr. Germana with a second by Mr. Rogers, Ordinance No. O2011-0021 was considered and adopted by unanimous vote.

21. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND
READING ~~ADOPTION UNDER SUSPENSION OF RULES~~

- a) O2011-0015: An Ordinance to expire on or before 6/30/2011 providing for the approval and adoption of Human Resources Policies and Procedures for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Human Resources

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

The Clerk read into the record Ordinance No. O2011-0015; no official action was taken by Council. This item will be placed on the April 5, 2011 special Council meeting agenda for final reading.

22. EXECUTIVE SESSION

- a) Continued discussion regarding pending litigation

Council President Connally announced that Executive Session was cancelled.

23. MISCELLANEOUS COMMITTEE REPORTS

Mr. Greenspan requested proposed amendments to the Code of Ethics Ordinance be submitted to him by March 29th.

Mr. Germana suggested there be a charge for employees to use the Juvenile Justice Center gym.

Mr. Miller requested proposed amendments to the Board of Control and contracting Ordinance be submitted to him and Mr. Jones by April 1st.

24. MISCELLANEOUS BUSINESS

Council President Connally announced the following Councilmember appointment:

- a) **Ms. Simon to the Cuyahoga County Planning Commission.**

25. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

26. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Greenspan with a second by Ms. Simon, the meeting was adjourned at 8:28 p.m., without objection.