



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
WEDNESDAY, MARCH 27, 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 Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones 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 for all faiths celebrating this holiday season.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given related to the agenda.

6. APPROVAL OF MINUTES

- a) March 12, 2013 Work Session
- b) March 12, 2013 Regular Meeting
- c) March 19, 2013 Committee of the Whole Meeting

A motion was made by Mr. Schron, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the March 12, 2013 work session and regular meeting and the March 19, 2013 Committee of the Whole meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

In accordance with Rule 6B of the County Council Rules, a motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to add Resolution No. R2013-0054 to the agenda as an additional item under No. 17.

Council President Connally then reported the following:

- 1) Item No. 15, consideration of a Resolution for first reading adoption under suspension of rules/executive session, would be taken out of order and considered after Item No. 22 on the agenda; and**
- 2) Council hosted a Sunshine Law training presented by the Office of the Ohio Attorney General this morning in Council Chambers.**

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- 1) Made a trip to Washington D.C. with Mr. Ed Jerse, Director of Regional Collaboration, to meet with the Cuyahoga County congressional delegation to discuss issues concerning the sequester and its impact on Cuyahoga County; and**
- 2) Discussed the closure of the Richmond Heights Airport by the FAA. The Law Director has filed an appeal to stay the decision.**

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 Rule 9D and 12A and to place on final passage Motion No. M2013-0013.

- a) M2013-0013: A Motion appointing Robert G. Abrams 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. Germana, Motion No. M2013-0013 was considered and adopted by unanimous vote.

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

- a) M2013-0014: A Motion confirming the County Executive's reappointment of Alexandra Turk to serve on the Cuyahoga County Community-Based Correctional Facility Governing Board, and declaring the necessity that this Motion become immediately effective.

Sponsors: Councilmembers Connally and Conwell

Council President Connally referred Motion No. M2013-0014 to the Human Resources, Appointments & Equity Committee.

- b) M2013-0015: A Motion confirming the County Executive's reappointment of Kathleen K. Palmer to serve on the Cuyahoga County Human Resource Commission, and declaring the necessity that this Motion become immediately effective.

Sponsors: Councilmembers Connally and Conwell

Council President Connally referred Motion No. M2013-0015 to the Human Resources, Appointments & Equity Committee.

11. COMMITTEE REPORTS AND CONSIDERATION OF MOTIONS 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 Nos. M2013-0007, M2013-0008, M2013-0009, M2013-0010 and M2013-0011.

- a) M2013-0007: A Motion appointing Tracy A. Jemison II to serve on the Cuyahoga County Soldiers' and Sailors' Monument Board of Trustees, and declaring the necessity that this Motion become immediately effective.

Sponsors: Councilmembers Connally and Conwell

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

On a motion by Ms. Conwell with a second by Mr. Rogers, Motion No. M2013-0007 was considered and approved by unanimous vote.

- b) M2013-0008: A Motion confirming the County Executive's appointment of various individuals to serve on the Cuyahoga County Public Library

Board of Trustees, and declaring the necessity that this Motion become immediately effective:

- 1) Patricia Shlonsky
- 2) Edward Blakemore

Sponsors: Councilmembers Connally, Conwell and Germana

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

On a motion by Ms. Conwell with a second by Mr. Rogers, Motion No. M2013-0008 was considered and approved by a majority roll-call vote with Councilmember Simon casting the only dissenting vote.

- c) M2013-0009: A Motion confirming the County Executive's appointment of Francis X. Bova upon his taking the oath of office as the Sheriff of Cuyahoga County, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Committee Assignment and Chair: Committee of the Whole – Connally

On a motion by Mr. Greenspan with a second by Mr. Gallagher, Motion No. M2013-0009 was considered and approved by unanimous vote.

- d) M2013-0010: A Motion confirming the County Executive's appointment of Mark A. Parks, Jr. upon his taking the oath of office as the Treasurer of Cuyahoga County, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Committee Assignment and Chair: Committee of the Whole – Connally

On a motion by Mr. Schron with a second by Ms. Conwell, Motion No. M2013-0010 was considered and approved by unanimous vote.

- e) M2013-0011: A Motion confirming the County Executive's appointment of Andrea F. Rocco, Esq. upon her taking the oath of office as the Clerk of Courts of Cuyahoga County, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Committee Assignment and Chair: Committee of the Whole – Connally

On a motion by Mr. Gallagher with a second by Mr. Germana, Motion No. M2013-0011 was considered and approved by unanimous vote.

12. 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. R2013-0056.

- a) R2013-0056: A Resolution supporting a partnership between Cuyahoga County Council and Cleveland State University in the design and establishment of a civic training program for elected and appointed public officials in Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Greenspan, Miller, **Conwell, Rogers, Simon, Jones, Gallagher, Brady, Connally, Germana and Schron**

Dr. Ned Hill, Dean of Maxine Goodman Levin College of Urban Affairs at Cleveland State University, presented an overview of the civic training program for elected and appointed public officials in Cuyahoga County. Discussion ensued.

On a motion by Mr. Greenspan with a second by Mr. Miller, Resolution No. R2013-0056 was considered and adopted by unanimous vote.

13. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION 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 Resolution No. R2013-0046.

- a) R2013-0046: A Resolution amending Resolution No. R2012-0076, which governed the County's acceptance and use of funds from the Soldiers' and Sailors' Monument Support Group.

Sponsor: Council President Connally

Committee Assignment and Chair: Finance & Budgeting – Miller

Council President Connally introduced an amendment on the floor. Discussion ensued. A motion was then made by Ms. Connally, seconded by Mr. Schron and

approved by unanimous vote to amend Section 1 of Resolution No. R2013-0046 to add *“pursuant to a court order in favor of an objecting owner”* after *“meritorious”*.

On a motion by Mr. Miller with a second by Mr. Gallagher, Resolution No. R2013-0046 was considered and adopted by unanimous vote, as amended.

14. 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. R2013-0057.

- a) R2013-0057: 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 Ms. Conwell, Resolution No. R2013-0057 was considered and adopted by unanimous vote.

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

[Note: Item No. 15 was taken out of order and considered after Item No. 22 on the agenda.]

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous roll-call vote to move to Executive Session for the purpose of discussing matters concerning collective bargaining and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 6:13 p.m. The following members were present: Councilmembers Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones and Connally. The following additional attendees were also present: Law Director Majeed Makhoulf and Director of Human Resources John McLaughlin and Interim Labor Relations Manager Christina Brown of the Cuyahoga County Board of Developmental Disabilities. At 6:21 p.m., Executive Session was adjourned, without objection, and Council President Connally then reconvened the regular meeting.

- a) R2013-0058: A Resolution approving a collective bargaining agreement between Cuyahoga County Board of Developmental Disabilities and Ohio Association of Public School Employees, Local 744, representing approximately 105 employees in 5 classifications in transportation services for the period 1/1/2013 - 12/31/2015; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally on behalf of Cuyahoga County Board of Developmental Disabilities

Clerk Schmotzer read Resolution No. R2013-0058 into the record. No legislative action was taken by Council.

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

- a) 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.

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

Council President Connally referred Resolution No. R2013-0059 to the Public Works, Procurement & Contracting Committee.

- b) 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

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

Council President Connally referred Resolution No. R2013-0060 to the Public Works, Procurement & Contracting Committee.

- c) 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.

Sponsor: County Executive FitzGerald/Department of Public Works

Council President Connally referred Resolution No. R2013-0061 to the Public Works, Procurement & Contracting Committee.

- d) 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.

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

Council President Connally referred Resolution No. R2013-0062 to the Public Works, Procurement & Contracting Committee.

- e) 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.

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

Council President Connally referred Resolution No. R2013-0063 to the Public Works, Procurement & Contracting Committee.

- f) R2013-0064: A Resolution authorizing the 2013 Community Development Block Grant Municipal Grant Program in the total amount of \$1,200,000.00; authorizing the County Executive to make awards to eligible municipal applicants under said Program and in accordance with the Urban County Cooperation Agreement; authorizing the County Executive to execute the agreements and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2013-0064 to the Economic Development & Planning Committee.

- g) R2013-0065: A Resolution accepting the final Plat and dedicating Hidden Brook Lane and Grand Oaks Trail as public streets in Grand Oaks Subdivision, located in Olmsted Township; authorizing the County Executive to execute said Plat; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2013-0065 to the Public Works, Procurement & Contracting Committee.

- h) R2013-0066: A Resolution making an award on RQ26531 to Motorola Solutions, Inc. in the amount of \$937,286.97 for ~~165~~ 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

Clerk Schmotzer read a technical amendment into the record correcting the number of radios from 165 to 365.

Council President Connally then referred Resolution No. R2013-0066 to the Public Safety and Justice Affairs Committee.

17. 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. R2013-0049, R2013-0050, R2013-0051, R2013-0052, R2013-0054, and R2013-0055.

- a) R2013-0049: A Resolution declaring that public convenience and welfare requires replacement of Marks Road Culvert 01.03 in the City of Strongsville; total estimated construction cost \$127,000.00; 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 municipality 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

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

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0049 was considered and adopted by unanimous vote.

- b) R2013-0050: A Resolution declaring that public convenience and welfare requires resurfacing of Crossview Road from Chestnut Road to Rockside Road in the City of Seven Hills; total estimated construction cost \$1,210,000.00; 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 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 Councilmember Germana

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

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0050 was considered and adopted by unanimous vote.

- c) R2013-0051: A Resolution declaring that public convenience and welfare requires resurfacing of East Ridgewood Drive from Broadview Road to

Crossview Road in the Cities of Parma and Seven Hills; total estimated construction cost \$770,000.00; 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.

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

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

On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2013-0051 was considered and adopted by unanimous vote.

- d) R2013-0052: A Resolution making an award on RQ25997 to Perk Company, Inc. in the amount not-to-exceed \$5,191,490.00 for repair and resurfacing of Snow Road from West 130th Street to Ridge Road in the Cities of Parma and Parma Heights; 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 \$1,038,298.00 to fund said contract; and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Jones with a second by Mr. Miller, Resolution No. R2013-0052 was considered and adopted by unanimous vote.

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

- e) R2013-0054: A Resolution making an award on RQ23384 to Cardinal Health 411, Inc. in the amount of \$2,400,000.00 for pharmaceutical supplies for the period 4/1/2013 - 3/31/2016; 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.

Sponsor: County Executive FitzGerald/County Sheriff

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

On a motion by Mr. Miller with a second by Mr. Gallagher, Resolution No. R2013-0054 was considered and adopted by unanimous vote.

f) R2013-0055: A Resolution authorizing various revenue generating agreements with Council for Economic Opportunities in Greater Cleveland for lease of space at various Cuyahoga County Board of Developmental Disabilities Centers for operation of Head Start Programs for the period 3/1/2013 - 1/31/2014; authorizing the County Executive to execute the agreements and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:

- 1) William Patrick Day Early Childhood Center, located at 2421 Community College Avenue, Cleveland, in the amount not-to-exceed \$119,183.29.
- 2) Green Road Developmental Center, located at 4329 Green Road, Highland Hills, in the amount not-to-exceed \$65,473.38.

Sponsors: County Executive FitzGerald on behalf of Cuyahoga County Board of Developmental Disabilities

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

On a motion by Mr. Brady with a second by Mr. Gallagher, Resolution No. R2013-0055 was considered and adopted by unanimous vote.

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

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.

Sponsor: County Executive FitzGerald/Department of Public Safety and Justice Services

Council President Connally referred Ordinance No. O2013-0010 to the Public Safety & Justice Affairs Committee.

19. CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION

- a) O2013-0009: An Ordinance establishing the Cuyahoga Countywide Preventive Maintenance Program, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works and Councilmembers Miller, **Simon, Jones, Conwell, Rogers and Germana**

On a motion by Mr. Jones with a second by Ms. Conwell, Ordinance No. O2013-0009 was considered and adopted by unanimous vote.

20. MISCELLANEOUS COMMITTEE REPORTS

Mr. Greenspan reported that the Council Operations & Intergovernmental Relations Committee will meet on Monday, April 1st, Monday, April 22nd and Monday, April 29th at 9:00 a.m.

Mr. Miller reported that the Finance & Budgeting Committee will meet jointly with the Health, Human Services & Aging Committee on Monday, April 1st at 1:00 p.m. Mr. Miller also reported that there will be a substitution to Resolution No. R2013-0039, a Resolution providing for budget realignments within Human Services operating budgets and the Health and Human Services Levy Fund and other funding sources, introduced at the meeting of the two Committees.

Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, April 2nd at 10:00 a.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, April 3rd at 11:00 a.m.

Mr. Rogers reported that the Education, Environment & Sustainability Committee will meet on Tuesday, April 2nd at 3:00 p.m.

21. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

22. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given unrelated to the agenda.

[Note: Item No. 15 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 6:21 p.m., without objection.