



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 26, 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 Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady, Gallagher, Schron and Connally were in attendance and a quorum was determined. Councilmember Germana was absent from the meeting.

A motion was then made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to excuse Mr. Germana 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) February 12, 2013 Regular Meeting

A motion was made by Mr. Brady, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the February 12, 2013 regular meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Connally reported the following:

- a) Item No. 14, 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. 23 on the agenda;**
- b) Congratulated and thanked County Executive FitzGerald on the State of the County Address;**
- c) The County Commissioners Association of Ohio will hold a regional legislative briefing on Friday, March 8th at 9:30 a.m. at the County Administration Building.**
- d) In celebration of Developmental Disabilities Awareness Month, Council will host the Creative Expressions Art Show Opening Reception in the Justice Center Atrium beginning at 4:00 p.m. on Tuesday, March 12th. The art show promotes the work of local artisans with developmental disabilities.**
- e) Sunshine Law Training will be held on Wednesday, March 27th in Council Chambers beginning at 9:00 a.m.**

Mr. Pat McDonald, Director, Cuyahoga County Board of Elections, addressed Council regarding his background, improvements to elections procedures during his tenure at the Board of Elections as well as new initiatives he intends to implement.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- a) Thanked Council for their participation at the State of the County Address;**
- b) Discussed the need to strategically brand and market Cuyahoga County government.**
- c) Discussed establishing a task force to garner support for planning a Great Lakes Expo in 2016.**

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

- a) 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

Sponsor: Council President Connally

Council President Connally referred Motion No. M2013-0008 to the Human Resources, Appointments & Equity Committee.

- b) 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

Council President Connally referred Motion No. M2013-0009 to the Committee of the Whole.

- c) 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

Council President Connally referred Motion No. M2013-0010 to the Committee of the Whole.

- d) 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

Council President Connally referred Motion No. M2013-0011 to the Committee of the Whole.

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

A motion was made by Mr. Rogers, seconded by Mr. Greenspan and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion No. M2013-0006.

- a) M2013-0006: A Motion confirming the County Executive's appointment of various individuals to serve on the Cuyahoga County Board of Developmental Disabilities, and declaring the necessity that this Motion become immediately effective:

- 1) Tania J. Younkin
- 2) Steven M. Licciardi

Sponsor: Council President Connall

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

On a motion by Mr. Schron with a second by Mr. Miller, Motion No. M2013-0006 was considered and adopted by unanimous vote.

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

- a) R2012-0241: A Resolution requesting the Ohio General Assembly to make physical assault on public transit workers a felony under Ohio law, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Councilmember Conwell

On a motion by Ms. Conwell with a second by Mr. Schron, Resolution No. R2012-0241 was considered and adopted by unanimous vote.

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

- a) O2013-0001: An Ordinance establishing general provisions for the Cuyahoga County Code and authorizing the Clerk of Council to officially publish the Cuyahoga County Code as approved by the County's Director of Law; and declaring the necessity that this Ordinance become immediately effective.

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

On a motion by Mr. Schron with a second by Ms. Conwell, Ordinance No. O2013-0001 was considered and adopted by unanimous vote.

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

A motion was made by Mr. Gallagher, seconded by Mr. Schron and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2013-0033 and R2013-0034.

- a) R2013-0033: 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. R2013-0033 was considered and adopted by unanimous vote.

- b) R2013-0034: A Resolution amending Resolution No. R2012-0174 dated 10/9/2012, which authorized an Economic Development Loan in the amount not-to-exceed \$566,312.00 for purchase of test equipment for a facility located at 4535 Renaissance Parkway, Warrensville Heights, to change the name of the borrower from NSL Analytical Services, Inc. to 4535, LLC; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2013-0034 was considered and adopted by unanimous vote.

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

[Note: Item No. 14 was taken out of order and considered after Item No. 23 on the agenda.]

A motion was made by Mr. Jones, seconded by Ms. Conwell and approved by unanimous roll-call vote to move to Executive Session for the purpose of discussing matters concerning collective bargaining, imminent and pending litigation and

matters required to be kept confidential under federal or state law, and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 5:47 p.m. The following members were present: Councilmembers Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady, Gallagher, Schron and Connally. The following additional attendees were also present: County Executive Ed FitzGerald, Law Director Majeed Makhoulf, Deputy Law Director Nora Hurley, Assistant Law Director Ed Morales and Director of Public Works Bonnie Teeuwen. At 5:59 p.m., Executive Session was adjourned, without objection, and Council President Connally then reconvened the regular meeting.

A motion was then made by Mr. Gallagher, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2013-0035.

- a) R2013-0035: A Resolution approving an amendment to a collective bargaining agreement between Cuyahoga County and International Union of Operating Engineers, Local 18-S, representing approximately 4 employees in the classification of Technician in the Department of Public Works for the period 11/1/2010 - 10/31/2013; directing that funds necessary to implement the collective bargaining agreement be budgeted and appropriated; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

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

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2013-0035 was considered and adopted by unanimous vote.

- b) Pending or imminent litigation.
- c) Matters required to be kept confidential under federal or state law.

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

- a) R2013-0036: A Resolution declaring that public convenience and welfare requires replacement of Boston Road Culvert 07.74 in the City of Broadview Heights; total estimated construction cost \$780,000.00; 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

Council President Connally referred Resolution No. R2013-0036 to the Public Works, Procurement & Contracting Committee.

- b) R2013-0037: A Resolution making an award on RQ25797 to Karvo Paving, Co. in the amount not-to-exceed \$1,345,636.15 for resurfacing Columbus Road from Center Street to West 25th Street in the City of Cleveland; 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 in the amount of \$1,076,508.92 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. R2013-0037 to the Public Works, Procurement & Contracting Committee.

- c) R2013-0038: A Resolution authorizing an agreement with Cuyahoga County Board of Developmental Disabilities for participation in the Cuyahoga County Benefits Regionalization Program for the period 1/1/2013 - 12/31/2015; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources

Council President Connally referred Resolution No. R2013-0038 to the Human Resources, Appointments & Equity Committee.

- d) 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.

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

Council President Connally referred Resolution No. R2013-0039 to the Finance & Budgeting Committee and to the Health, Human Services & Aging Committee.

- e) R2013-0040: A Resolution making an award on RQ25951 to Great Lakes Petroleum Co. in the amount not-to-exceed \$1,272,000.00 for middle distillates for various County facilities for the Department of Public Works for the period 5/1/2013 - 4/30/2015; 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/Fiscal Officer/Office of Procurement & Diversity

Council President Connally referred Resolution No. R2013-0040 to the Public Works, Procurement & Contracting Committee.

- f) R2013-0041: A Resolution making an award on RQ25945 to Great Lakes Petroleum Co. in the amount not-to-exceed \$1,272,000.00 for gasoline for various County facilities for the Department of Public Works for the period 5/1/2013 - 4/30/2015; 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/Fiscal Officer/Office of Procurement & Diversity

Council President Connally referred Resolution No. R2013-0041 to the Public Works, Procurement & Contracting Committee.

- g) R2013-0042: A Resolution making an award on RQ26030 to YMCA of Greater Cleveland Foundation in the amount not-to-exceed \$750,000.00 for transitional housing and case management services for the Open Door Housing Program for the period 3/1/2013 - 2/29/2016; 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/Department of Health and Human Services/Division of Community Initiatives/Office of Re-entry

Council President Connally referred Resolution No. R2013-0042 to the Health, Human Services & Aging Committee.

h) R2013-0043: A Resolution authorizing agreements with various providers in the total amount not-to-exceed \$6,867,149.90 for child support services for the period 1/1/2013 - 12/31/2013; 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) Cuyahoga County Court of Common Pleas/Division of Domestic Relations in the amount not-to-exceed \$2,038,053.87.
- 2) Cuyahoga County Court of Common Pleas/Division of Juvenile Court in the amount not-to-exceed \$2,463,045.02.
- 3) Cuyahoga County Prosecuting Attorney's Office in the amount not-to-exceed \$2,366,051.01.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Cuyahoga Job and Family Services/Office of Child Support Services

Council President Connally referred Resolution No. R2013-0043 to the Health, Human Services & Aging Committee.

i) R2013-0044: A Resolution authorizing an agreement with Cuyahoga County Treasurer's Office in the amount not-to-exceed \$42,289.14 for child support services for the period 1/1/2013 - 12/31/2013; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Cuyahoga Job and Family Services/Office of Child Support Services

Council President Connally referred Resolution No. R2013-0044 to the Health, Human Services & Aging Committee.

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

a) R2013-0027: A Resolution authorizing an amendment to Contract No. CE1200357-01 with Kaiser Foundation Health Plan of Ohio for group healthcare benefits for County employees and their eligible dependents for the period 1/1/2012 - 12/31/2012 to exercise an option to extend the time period to 12/31/2013 and for additional funds in the amount of \$8,694,139.68; 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 Human Resources

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

Clerk Schmotzer read Resolution No. R2013-0027 into the record.

This item will move to the March 12, 2013 Council meeting agenda for consideration for third reading adoption.

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. Schron and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2013-0026, R2013-0028 and R2013-0032.

- a) R2013-0026: A Resolution making an award on RQ25869 to Perk Company, Inc. in the amount not-to-exceed \$4,049,718.40 for resurfacing Ontario Street from Lakeside Avenue to approximately 900' north of Carnegie Avenue and East 9th Street from North Marginal Road to Carnegie Avenue in the City of Cleveland; 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 \$4,049,718.40 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 Councilmembers Jones and Conwell**

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

On a motion by Mr. Jones with a second by Mr. Miller, Resolution No. R2013-0026 was considered and adopted by unanimous vote.

- b) R2013-0028: A Resolution authorizing an amendment to Contract No. CE1200104-01 with Sun Life Assurance Company of Canada for stop loss insurance services for County employees and their eligible dependents for the period 1/1/2012 - 12/31/2012 to exercise an option to extend the time period to 12/31/2013 and for additional funds in the amount of

\$2,483,239.92; 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 Human Resources

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

On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2013-0028 was considered and adopted by unanimous vote.

- c) R2013-0032: A Resolution supporting the submission of applications on behalf of Cuyahoga County for fifth-round funding under the Local Government Innovation Fund available through the State of Ohio, Development Services Agency; authorizing the County Executive and Department Directors to take all steps necessary in furtherance of this goal, including entering into partnership initiatives/memoranda of understanding with any other potential partners; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Regional Collaboration

Committee Assignment and Chair: Council Operations & Intergovernmental Relations – Greenspan

On a motion by Ms. Conwell with a second by Mr. Greenspan, Resolution No. R2013-0032 was considered and adopted by unanimous vote.

18. CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION

- a) R2013-0015: A Resolution making an award on RQ24707 to The Guardian Life Insurance Company of America in the amount not-to-exceed \$12,300,000.00 for dental group healthcare benefits for County employees and their dependents for the period 1/1/2013 - 12/31/2015; 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 Human Resources

On a motion by Ms. Conwell with a second by Mr. Rogers, Resolution No. R2013-0015 was considered and adopted by unanimous vote.

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

- a) O2013-0008: An Ordinance providing for adoption of various changes to the Cuyahoga County Non-Bargaining Classification Plan, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources on behalf of Human Resource Commission

Council President Connally referred Ordinance No. O2013-0008 to the Human Resources, Appointments & Equity Committee.

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

Sponsor: County Executive FitzGerald/Department of Public Works

Council President Connally referred Ordinance No. O2013-0009 to the Public Works, Procurement & Contracting Committee.

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

- a) O2013-0007: An Ordinance establishing the Cuyahoga Countywide Inspection Program, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

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

Clerk Schmotzer read Ordinance No. O2013-0007 into the record.

This item will move to the March 12, 2013 Council meeting agenda for consideration for third reading adoption.

21. MISCELLANEOUS COMMITTEE REPORTS

Mr. Rogers reported that the Education, Environment & Sustainability Committee will tentatively meet on Wednesday, March 6th at 3:00 p.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, March 6th at 11:00 a.m.

Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, March 5th at 10:00 a.m.

Mr. Schron reported that the Economic Development & Planning Committee will meet on Monday, March 11th at 3:00 p.m.

Mr. Gallagher reported that the Public Safety & Justice Affairs Committee will meet on Tuesday, March 5th and Tuesday, March 12th at 1:00 p.m.

Mr. Brady reported that the Health, Human Services & Aging Committee will meet on Wednesday, February 27th at 1:00 p.m.

Mr. Miller reported that the Finance & Budgeting Committee will meet jointly with the Health, Human Services & Aging Committee on Monday, March 4th at 1:00 p.m.

Mr. Greenspan reported that the Council Operations & Intergovernmental Relations Committee will meet on Monday, March 4th at 9:00 a.m.

22. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

23. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given unrelated to the agenda.

[Note: Item No. 14 was taken out of order and considered after Item No. 23 on the agenda.]

24. ADJOURNMENT

With no further business to discuss, Council President Connally adjourned the meeting at 6:02 p.m., without objection.