



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, MARCH 12, 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 5:01 p.m.

2. ROLL CALL

Council President Connally asked Clerk Schmotzer to call the roll. Councilmembers Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell 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 be dedicated to thoughts and prayers for the families and friends of the teens in Warren, Ohio who died in a car accident.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given related to the agenda.

6. APPROVAL OF MINUTES

- a) February 26, 2013 Work Session
- b) February 26, 2013 Regular Meeting

A motion was made by Mr. Schron, seconded by Mr. Greenspan and approved by unanimous vote to approve the minutes of the February 26, 2013 work session and regular meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Connally presented Dr. Terrence Ryan, Superintendent and CEO of the Cuyahoga County Board of Developmental Disabilities, with a ceremonial resolution thanking him for his public service on the occasion of his retirement.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- a) Complimented Dr. Ryan and thanked him for his service to the Board of Developmental Disabilities and the community;**
- b) Discussed how the sequester might affect Cuyahoga County, particularly as it concerns air traffic controllers at the Richmond Heights Airport, Homeland Security grants, etc.; and**
- c) Reported that he and Mr. Ed Jerse, Director of Regional Collaboration, will be going to Washington, D.C. to meet with the Cuyahoga County congressional delegation.**

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

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

Sponsors: Councilmembers Connally and Conwell

Council President Connally referred Motion No. M2013-0012 to the Human Resources, Appointments & Equity Committee.

10. 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. M2013-0003, M2012-0004 and M2013-0005.

- a) M2013-0003: A Motion confirming the County Executive's appointment of individuals to serve on the Tax Incentive Review Councils, and declaring the necessity that this Motion become immediately effective:

- 1) Mark A. Parks, Jr.
- 2) Janise Bayne
- 3) Maggie Keenan
- 4) Joe Micciulla

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. Schron, Motion No. M2013-0003 was considered and adopted by unanimous vote.

- b) M2013-0004: A Motion confirming the County Executive's appointment of James R. Wooley to serve on the Cuyahoga County Public Defender Commission, 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 Mr. Schron with a second by Ms. Conwell, Motion No. M2013-0004 was considered and adopted by unanimous vote.

- c) M2013-0005: A Motion confirming the County Executive's reappointment of various Mayors to serve on the Cuyahoga County Planning Commission, and declaring the necessity that this Motion become immediately effective:

- 1) The Honorable Michael P. Byrne for the Southcentral Region
- 2) The Honorable Robert Blomquist for the Southwest Region

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. Miller, Motion No. M2013-0005 was considered and adopted by unanimous vote.

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

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2013-0045.

- a) R2013-0045: A Resolution proclaiming the month of March 2013 as Developmental Disabilities Awareness Month in Cuyahoga County: “Look Beyond and See Our Capabilities”, and declaring the necessity that this Resolution become immediately effective.

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

On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2013-0045 was considered and adopted by unanimous vote.

12. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- 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

Council President Connally referred Resolution No. R2013-0046 to the Finance & Budgeting Committee.

13. 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. R2013-0047.

- a) R2013-0047: 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. R2013-0047 was considered and adopted by unanimous vote.

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

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. R2013-0048.

- a) R2013-0048: A Resolution authorizing a Stipulation for Entry of Consent Decree in the total amount of \$128,268.00 in connection with *Andrew Dombroff vs. Cuyahoga County, et al.*, U.S.D.C. Case No. 1:12cv2189; authorizing the County Executive to execute the Consent Decree and all other documents consistent with this Resolution; authorizing the appropriation of funds for payment of settlement amounts set forth herein; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Law on behalf of Office of the Prosecuting Attorney

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2013-0048 was considered and adopted by unanimous vote.

- ~~b) Pending or imminent litigation.~~

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

- 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

Council President Connally referred Resolution No. R2013-0049 to the Public Works, Procurement & Contracting Committee.

- 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.

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

Council President Connally referred Resolution No. R2013-0050 to the Public Works, Procurement & Contracting Committee.

- 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.

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

Council President Connally referred Resolution No. R2013-0051 to the Public Works, Procurement & Contracting Committee.

- 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.

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

Council President Connally referred Resolution No. R2013-0052 to the Public Works, Procurement & Contracting Committee.

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

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2013-0053 to the Economic Development & Planning Committee.

- f) 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

Council President Connally referred Resolution No. R2013-0054 to the Public Safety & Justice Affairs Committee.

- g) 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

Council President Connally referred Resolution No. R2013-0055 to the Health, Human Services & Aging Committee.

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

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2013-0031, R2013-0036, R2013-0037, R2013-0038, R2013-0040, R2013-0041, R2013-0042, R2013-0043 and R2013-0044.

- a) R2013-0031: A Resolution authorizing an agreement with The MetroHealth System in the amount not-to-exceed \$1,000,000.00 for various jail medical services at the Cuyahoga County Correction Center for the period 3/16/2013 - 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/County Sheriff

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

On a motion by Mr. Gallagher with a second by Mr. Schron, Resolution No. R2013-0031 was considered and adopted by unanimous vote.

- b) 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

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

**On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2013-0036
was considered and adopted by unanimous vote.**

- c) 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.

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 Ms. Conwell, Resolution No. R2013-0037
was considered and adopted by unanimous vote.**

- d) 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

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

**On a motion by Ms. Conwell with a second by Mr. Miller, Resolution No. R2013-0038
was considered and adopted by unanimous vote.**

- 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

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

On a motion by Mr. Jones with a second by Mr. Rogers, Resolution No. R2013-0040 was considered and adopted by unanimous vote.

- 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

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

On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2013-0041 was considered and adopted by unanimous vote.

- 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.

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Re-entry and Councilmembers Jones, Conwell, Miller and Brady

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

On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2013-0042 was considered and adopted by unanimous vote.

- 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

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

On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2013-0043 was considered and adopted by unanimous vote.

- 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

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

On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2013-0044 was considered and adopted by unanimous vote.

17. CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION

- 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

On a motion by Ms. Conwell with a second by Mr. Miller, Resolution No. R2013-0027 was considered and adopted by unanimous vote.

18. COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES FOR SECOND READING

- 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

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

Clerk Schmotzer read Ordinance No. O2013-0008 into the record.

This item will move to the March 27, 2013 Council meeting agenda for consideration for third reading adoption.

- b) 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 Councilmember Miller**

Clerk Schmotzer read Ordinance No. O2013-0009 into the record.

This item will move to the March 27, 2013 Council meeting agenda for consideration for third reading adoption.

19. CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION

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

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

A motion was made by Mr. Jones, seconded by Mr. Gallagher and approved by unanimous vote to amend Ordinance No. O2013-0007 to add the following sentence at the end of Section 2: *“Participating municipalities shall reimburse the County for all the services provided under the Countywide Inspection Program.”*

On a motion by Mr. Miller with a second by Mr. Rogers, Ordinance No. O2013-0007 was considered and adopted by unanimous vote, as amended.

20. MISCELLANEOUS COMMITTEE REPORTS

Mr. Greenspan reported that the Council Operations & Intergovernmental Relations Committee will meet on Monday, March 18th, Monday, April 1st and Monday, April 22nd at 9:00 a.m.

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, March 18th at 1:00 p.m.

Mr. Brady reported that the Health, Human Services & Aging Committee will meet on Wednesday, March 20th at 1:00 p.m.

Ms. Conwell reported that Mr. Doug Cooper had resigned from his position as a Hearing Officer for the Board of Revision. The Department of Human Resources advised Council that it may rely on the process used to hire a previous candidate for selection of a new Hearing Officer to replace Mr. Cooper. She also reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, March 19th at 10:00 a.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, March 20th at 11:00 a.m.

21. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

22. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given unrelated to the agenda.

23. ADJOURNMENT

With no further business to discuss, Council President Connally adjourned the meeting at 5:57 p.m., without objection.