



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, APRIL 24, 2012
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 Greenspan, Miller, Brady, Germana, Gallagher, Conwell, Jones, Rogers, Simon and Connally were in attendance and a quorum was determined. Councilmember Schron 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. Schron 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 be dedicated in memory of The Honorable Peter Sikora, Juvenile Court Judge, who passed away recently. She also asked that a moment be dedicated to murder victims Jim and Wava King, their family and loved ones.

5. PUBLIC COMMENT RELATED TO AGENDA

The following citizens addressed Council regarding issues of concern to them relating to Resolution No. R2012-0070, a Resolution making an award to Motorola, Inc., for the purchase of interoperable radios and vehicular chargers for the Department of Public Safety and Justice Services:

- a) Mr. Rick Zamora
- b) James Dixon, Esq.
- c) Mr. Michael Engelhaupt
- d) Mr. Gus Hoyas

6. APPROVAL OF MINUTES

- a) April 10, 2012 Regular Meeting

A motion was made by Ms. Simon, seconded by Ms. Conwell and approved by majority vote to approve the minutes of the April 10, 2012 meeting, with Councilmember Greenspan abstaining from the vote due to his absence from that particular meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Connally reported that she attended dedication ceremonies for the Warrensville Branch of the Cuyahoga County Library and encouraged all to visit.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- 1) Attended the County Commissioners' Association of Ohio meeting in Columbus with Council President Connally on Friday, April 20th. Topics discussed included how some larger counties are writing bid specifications so that smaller counties can take advantage of their bidding processes and issues concerning hydraulic fracturing, the process of inserting pressurized fluid underground to break up rock and release gas.
- 2) A meeting with the Allegheny County Council will be scheduled in the near future. Council is invited to attend.
- 3) The 10th Annual Rally for the Troops and Welcome Home Ceremony will be held on Sunday, April 29th, at Gateway Plaza. Councilmembers are encouraged to attend; and
- 4) An announcement will be made on Monday, April 30th, to unveil the next stage of the County Health Alliance. The program has continued to

progress with approximately 20 communities and 19 organizations – including hospitals, universities, County Board of Health and County Planning Commission – volunteering to participate in the pilot program.

9. RECEPTION OF REPORT SUBMITTED TO COUNCIL

- a) Summary compilation of proposed Charter amendments recommended by Councilmembers and Administration

Council President Connally referred the report to the Rules, Charter Review, Ethics & Council Operations Committee.

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

- a) M2012-0016: A Motion confirming the County Executive's appointment of Bonita Teeuwen to serve on the Cuyahoga County Justice Center Building Committee, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Council President Connally referred Motion No. M2012-0016 to the Human Resources, Appointments & Equity Committee.

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

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2012-0071.

- a) R2012-0071: A Resolution supporting The MetroHealth System's and State of Ohio's Medicaid Waiver Demonstration application to the U.S. Centers for Medicaid and Medicare Services, and declaring the necessity that this Resolution become immediately effective.

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

On a motion by Mr. Brady with a second by Mr. Gallagher, Resolution No. R2012-0071 was considered and adopted by unanimous vote.

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

[Note: Item No. 12 was taken out of order after Item No. 19 on the agenda.]

- a) R2012-0072: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and Waste Paper Drivers Union, Local 244, affiliated with the International Brotherhood of Teamsters, consisting of approximately 8 employees in the Department of Public Works/Division of Animal Shelter for the period 1/1/2012 - 12/31/2014; 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/Division of Animal Shelter

- b) Matters of Pending Litigation

A motion was made by Ms. Conwell, seconded by Mr. Greenspan, and approved by unanimous roll-call vote to move to Executive Session for the purpose of discussing matters concerning collective bargaining and pending litigation, and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 6:27 p.m. The following members were present: Councilmembers Greenspan, Miller, Brady, Germana, Gallagher, Conwell, Jones, Rogers, Simon and Connally. The following additional invitees were present: County Executive Ed FitzGerald, Director of Law Majeed Makhoulf, Deputy Chief Director of Law Nora Hurley, Assistant Law Director Joe Boatwright, Assistant Law Director Ed Morales, Director of Human Resources Elise Hara and Director of Public Works Bonnie Teeuwen. At 7:04 p.m. Executive Session was adjourned, without objection, and Council President Connally then reconvened the regular meeting.

A motion was then made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2012-0072.

Clerk Schmotzer read Resolution No. R2012-0072 into the record. On a motion by Mr. Miller with a second by Ms. Simon, Resolution No. R2012-0072 was considered and adopted by unanimous vote.

COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES OF COUNCIL FOR SECOND READING

- c) O2011-0056: An Ordinance establishing a General Fund, Fund Balance Reserve Policy and Replenishment Plan; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Greenspan, **Miller and Germana**

Committee Assignment and Chair: Finance & Budgeting – Miller

Clerk Schmotzer read Ordinance No. O2011-0056 into the record.

This item will move to the May 8, 2012 Council meeting agenda for consideration for third reading adoption.

- d) O2011-0058: An Ordinance establishing a Health and Human Services Levy Fund, Fund Balance Reserve Policy and Replenishment Plan; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Greenspan, **Miller and Germana**

Committee Assignment and Chair: Finance & Budgeting – Miller

Clerk Schmotzer read Ordinance No. O2011-0058 into the record.

This item will move to the May 8, 2012 Council meeting agenda for consideration for third reading adoption.

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

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2012-0073.

- a) R2012-0073: A Resolution amending the 2012/2013 Biennial Operating Budget for 2012 by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices and agencies; and declaring the necessity that this Resolution become immediately effective.

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

On a motion by Mr. Miller with a second by Mr. Gallagher, Resolution No. R2012-0073 was considered and adopted by unanimous vote.

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

- a) R2012-0074: A Resolution declaring that public convenience and welfare requires resurfacing of Denison Avenue from Fulton Road to Pearl Road in the City of Cleveland; total estimated construction cost \$850,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project.

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

Council President Connally referred Resolution No. R2012-0074 to the Public Works, Procurement & Contracting Committee.

- b) R2012-0075: A Resolution declaring that public convenience and welfare requires resurfacing of Riverview Road from Brookside Road to Fitzwater Road in the Cities of Brecksville and Independence; total estimated construction cost \$600,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into agreements of cooperation with said municipalities in connection with said project.

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

Council President Connally referred Resolution No. R2012-0075 to the Public Works, Procurement & Contracting Committee.

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

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2012-0050, R2012-0063, R2012-0064, R2012-0065, R2012-0066, R2012-0067, R2012-0068 and R2012-0070.

- a) R2012-0050: A Resolution authorizing a contract with United Way of Greater Cleveland, Inc. in the amount not-to-exceed \$821,587.50 for food

and allocation of funds for Hunger Centers serving needy residents in Cuyahoga County for the period 4/1/2012 - 12/31/2012; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Employment and Family Services/Cuyahoga Support Enforcement Agency

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

On a motion by Mr. Rogers with a second by Ms. Simon, Resolution No. R2012-0050 was considered and adopted by unanimous vote.

- b) R2012-0063: A Resolution declaring that public convenience and welfare requires resurfacing of Sprague Road from Marks Road to Prospect Road in the Cities of Berea and Strongsville; total estimated construction cost \$700,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into agreements of cooperation with said municipalities in connection with said project.

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

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

On a motion by Mr. Jones with a second by Mr. Rogers, Resolution No. R2012-0063 was considered and adopted by unanimous vote.

- c) R2012-0064: A Resolution declaring that public convenience and welfare requires resurfacing of York Road from Bennett Road to State Route 82 in the City of North Royalton; total estimated construction cost \$700,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project.

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

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

On a motion by Mr. Jones with a second by Mr. Gallagher, Resolution No. R2012-0064 was considered and adopted by unanimous vote.

- d) R2012-0065: A Resolution making an award on RQ21215 to O.R. Colan Associates of Florida, LLC, in the amount not-to-exceed \$715,005.00 for right-of-way acquisition services in connection with improvement of Pleasant Valley/Bagley Road from Pearl Road to York Road in the Cities of Middleburg Heights and Parma; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Jones with a second by Ms. Simon, Resolution No. R2012-0065 was considered and adopted by unanimous vote.

- e) R2012-0066: A Resolution making an award on RQ22552 to Burton Scot Contractors, LLC, in the amount not-to-exceed \$2,213,811.02 for resurfacing of Green Road from Chagrin Boulevard to Fairmount Boulevard in the Cities of Beachwood and Shaker Heights; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Jones with a second by Mr. Rogers, Resolution No. R2012-0066 was considered and adopted by unanimous vote.

- f) R2012-0067: A Resolution making an award on RQ22624 to Suburban Maintenance and Construction, Inc. in the amount not-to-exceed \$908,993.93 for replacement of Austin Powder Drive Bridge No. 137 over a branch of Tinkers Creek in the Village of Glenwillow; authorizing the County Executive to enter into a contract consistent with said award; and 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 said amount to fund said contract.

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

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

On a motion by Mr. Jones with a second by Ms. Simon, Resolution No. R2012-0067 was considered and adopted by unanimous vote.

- g) R2012-0068: A Resolution authorizing a revenue generating agreement with Woods Cove II LLC, as purchaser, and Axis Capital Management, Inc., as servicer, in the amount not-to-exceed \$7,000,000.00 for the sale of tax lien certificates; 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/Fiscal Officer/County Treasurer

Committee Assignment and Chair: Finance & Budgeting – Miller

Mr. Miller introduced a proposed substitute to Resolution No. R2012-0068 to change the dollar amount from \$7,000,000.00 to \$13,214,970.23 wherever it appeared in the Resolution.

A motion was then made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to accept the proposed substitute.

On a motion by Ms. Simon with a second by Mr. Gallagher, Resolution No. R2012-0068 was considered and adopted by unanimous vote, as substituted.

- h) R2012-0070: A Resolution making an award on RQ22439 to Motorola Solutions, Inc., in the amount not-to-exceed \$2,071,650.00 for the purchase of interoperable radios and vehicular chargers for the Department of Public Safety and Justice Services; 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/Fiscal Officer/Office of Procurement & Diversity and **Councilmember Germana**

Committee Assignment and Chair: Public Safety – Gallagher

On a motion by Ms. Simon with a second by Mr. Gallagher, Resolution No. R2012-0070 was considered and adopted by unanimous roll-call vote.

16. MISCELLANEOUS COMMITTEE REPORTS

Ms. Simon reported that the Justice Affairs Committee will meet on Friday, April 27, 2012 at 11:30 a.m.

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, April 30, 2012 at 1:00 p.m.

Mr. Greenspan reported that the Rules, Charter Review, Ethics & Council Operations Committee met on Tuesday, April 24, 2012 at 1:00 p.m. and will meet again on Tuesday, May 1, 2012 at 1:00 p.m.

Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Thursday, May 3, 2012 at 10:00 a.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, April 26, 2012 at 11:00 a.m.

17. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

18. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

19. ADJOURNMENT

With no further business to discuss, the meeting was adjourned by Council President Connally at 7:06 p.m., without objection.