



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, JANUARY 10, 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 5:05 p.m.

2. ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Connally requested that a moment of silent meditation be dedicated in honor of the Rev. Dr. Martin Luther King, Jr. and his legacy.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

- a) December 13, 2011 Meeting

A motion was made by Mr. Greenspan, seconded by Ms. Simon and approved by unanimous vote to approve the minutes of the December 13, 2011 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- 1) Discussed the presentation to be made regarding the property study performed by Allegro Realty Advisors. Will keep Council informed of further developments and is looking forward to their input;**
- 2) Discussed the 9-1-1 Study that will come to either the Public Safety Committee or to Council;**
- 3) A Town Hall meeting will be held on Wednesday, January 25, 2012 at 7:00 p.m. at the North Olmsted Library; and**
- 4) Introduced Melvin Davis as the new Special Assistant to the County Executive and Liaison to Council.**

Council President Connally congratulated County Executive FitzGerald on being ranked #1 in the Power 100 by Inside Business Magazine.

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

- a) M2012-0001: A Motion confirming the County Executive's appointment of Alfonso P. Sanchez to serve on the Cuyahoga County Community-Based Correctional Facility Governing Board, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Council President Connally referred Motion No. M2012-0001 to the Human Resources, Appointments & Equity Committee.

- b) M2012-0002: A Motion confirming the County Executive's appointment of Edna Fuentes-Casiano to serve on the Cuyahoga County Public Library Board of Trustees, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Council President Connally referred Motion No. M2012-0002 to the Human Resources, Appointments & Equity Committee.

- c) M2012-0003: A Motion confirming the County Executive's appointment of Barbara J. Thomas to serve on the Office of Homeless Services Advisory Board, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Council President Connally referred Motion No. M2012-0003 to the Human Resources, Appointments & Equity Committee.

9. 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. R2012-0001.

- a) R2012-0001: A Resolution clarifying job titles and adjusting compensation of some Cuyahoga County Council staff, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

On a motion by Mr. Schron with a second by Mr. Rogers, Resolution No. R2012-0001 was considered and adopted by unanimous vote.

10. CONSIDERATION OF AN ORDINANCE 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 Ordinance No. O2012-0002.

- a) O2012-0002: An Ordinance amending Ordinance No. O2011-0008, as amended, which enacted the Cuyahoga County Code of Ethics, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Greenspan

On a motion by Mr. Schron with a second by Ms. Conwell, Ordinance No. O2012-0002 was considered and adopted by unanimous vote.

11. CONSIDERATION OF RESOLUTIONS 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 Nos. R2012-0002 and R2012-0003.

- a) R2012-0002: A Resolution amending the 2012/2013 Biennial Operating Budget 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. R2012-0002 was considered and adopted by unanimous vote.

- b) R2012-0003: A Resolution approving a revenue generating agreement with City of Cleveland/Cleveland Municipal Court in the amount not-to-exceed \$1,804,656.00 for legal services for indigent persons for the period 1/1/2011 - 12/31/2011; 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.

Sponsors: County Executive FitzGerald on behalf of Public Defender

On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2012-0003 was considered and adopted by unanimous vote.

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

[Note: Item No. 12 was taken out of order after Item No. 16 on the agenda.]

- a) R2012-0010: A Resolution **accepting** the report containing findings and recommendations of Fact-finder Nels E. Nelson regarding negotiations between the County and the Ohio Patrolmen's Benevolent Association for a collective bargaining agreement covering approximately 11 employees in the classification of Protective Services Sergeant at the Sheriff's Department; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/County Sheriff

- b) Imminent/Pending Litigation - Discussion
- ~~c) Purchase/Sale of Real Estate - Discussion~~

Council President Connally asked the Clerk to read Resolution No. R2012-0010 into the record. After doing so, a motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to amend the agenda to delete item (c) and to change the order of items (a) and (b).

A motion was then made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to move to Executive Session for the purpose of discussing matters concerning findings and recommendations of a Fact-finder and imminent/pending litigation, and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 5:43 p.m. The following members were present: Councilmembers Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon, Greenspan and Connally. The following additional attendees were present: County Executive Ed FitzGerald, Clerk of Council Jeanne Schmotzer, Law Director Majeed Makhlof, Chief of the County Civil Division David Lambert, Assistant Law Director Christopher Russ, Assistant Law Director Ed Morales, Deputy Chief Director of Law Nora Hurley, Director of Human Resources Elise Hara, Senior Policy Advisor Joanne Gross, Council Chief of Staff Joe Nanni, Legislative Budget Advisor Trevor McAleer, Attorneys at Law with Weston Hurd, LLP, Hilary Taylor and Timothy Obringer and Deputy Clerk of Council Nikima Barnhill. At 7:06 p.m., Executive Session was adjourned, without objection and Council President Connally then reconvened the regular meeting.

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. R2012-0010.

A motion was then made by Mr. Miller, seconded by Ms. Simon and approved by unanimous vote to amend Resolution No. R2012-0010 to state “accepting” the Fact-finder report.

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2012-0010 was considered and adopted by unanimous vote, as amended on the floor.

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

- a) R2012-0004: A Resolution declaring that public convenience and welfare requires deck sealing of various bridges in connection with the Bridge Deck Sealing Program; total estimated construction costs \$150,000.00; and finding that special assessments are not to be levied and collected to pay any part of the County's costs of said improvements:

- 1) Bassett Road Bridge No. 03.57 over Porter Creek in the City of Bay Village.
- 2) Bennett Road Bridge No. 01.82 over the East Branch of Rocky River in the City of North Royalton.
- 3) Harvard Avenue Bridge No. 00.16 over the Cuyahoga River in the City of Cleveland and Village of Cuyahoga Heights.
- 4) Lewis Road Bridge No. 02.91 over the West Branch of Rocky River in Olmsted Township and City of North Olmsted.
- 5) Rockside Road Bridge No. 03.41 over the Ohio Canal in the Village of Valley View.
- 6) Triskett Road Bridge No. 01.34 over the Norfolk Southern Railroad and Greater Cleveland Regional Transit Authority in the City of Cleveland.
- 7) Whiskey Island Drive Bridge No. 00.93 over the Norfolk Southern Railroad in the City of Cleveland.

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

Council President Connally referred Resolution No. R2012-0004 to the Public Works, Procurement & Contracting Committee.

- b) R2012-0005: A Resolution declaring that public convenience and welfare requires replacement of sidewalks on various bridges in connection with the Bridge Sidewalk Replacement Program; total estimated construction costs \$1,250,000.00; and finding that special assessments are not to be levied and collected to pay any part of the County's costs of said improvements:

- 1) East Project:

- i) Chagrin River Road Bridge No. 02.40 over Sulphur Springs Creek in the Village of Bentleyville.
- ii) Pleasant Valley Road Bridge No. 09.68 over Cuyahoga River, Canal Road and Ohio Canal in the City of Independence and Village of Valley View.
- iii) Rockside Road Bridge No. 03.23 over CSXT Railroad and Access Road in the City of Independence.
- iv) Rockside Road Bridge No. 03.32 over Cuyahoga River in the City of Independence and Village of Valley View.
- v) Rockside Road Bridge No. 04.80 over former P&LE Railroad Right-of-Way in the Village of Valley View.

2) West Project:

- i) Bagley Road Bridge No. 05.63 over East Branch of Rocky River in the City of Berea.
- ii) Hilliard Road Bridge No. 03.21 over Cahoon Creek in the City of Westlake.
- iii) Hilliard Road Bridge No. 08.57 over Rocky River, Cleveland MetroParks and Valley Parkway in the Cities of Rocky River and Lakewood.

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

Council President Connally referred Resolution No. R2012-0005 to the Public Works, Procurement & Contracting Committee.

- c) R2012-0006: A Resolution declaring that public convenience and welfare requires various replacements on various bridges; total estimated construction cost \$150,000.00 each; and finding that special assessments are not to be levied and collected to pay any part of the County's costs of said improvements:

- 1) deck replacement on Lee Road Bridge No. 00.77 over Mill Creek in the City of Maple Heights.
- 2) railing replacement on Memphis Road Bridge No. 00.95 over Countryman's Creek in the City of Brooklyn.

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

**Council President Connally referred Resolution No. R2012-0006 to the Public Works,
Procurement & Contracting Committee.**

- d) R2012-0007: A Resolution approving a Participation and Redevelopment Agreement with Cleveland Housing Network, Inc. for the Emerald Alliance VII Redevelopment Project, located at 9431 Lorain Avenue and 3147 West 95th Street, Cleveland, for the period 10/10/2011 - 10/9/2015 in connection with a Clean Ohio Assistance Fund grant agreement with State of Ohio, Department of Development in the amount of \$656,272.00; 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 Development

**Council President Connally referred Resolution No. R2012-0007 to the Economic
Development & Planning Committee.**

- e) R2012-0008: A Resolution proclaiming the month of March 2012 as Save Our Homes Month in Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald on behalf of Common Pleas Court

**Council President Connally referred Resolution No. R2012-0008 to the Health,
Human Services & Aging Committee.**

- f) R2012-0009: A Resolution approving an amendment to Contract No. CE1100151-02 with Berea Children's Home for Community-based Treatment Center management services for the period 1/1/2011 - 6/30/2011 to extend the time period to 6/30/2012 and for additional funds in the amount of \$1,153,828.80; 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.

Sponsors: County Executive FitzGerald on behalf of Juvenile Court

**Council President Connally referred Resolution No. R2012-0009 to the Justice Affairs
Committee.**

14. 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. R2011-0341, R2011-0342, R2011-0343 and R2011-0345.

- a) R2011-0341: A Resolution authorizing a contract with Emerald Development and Economic Network, Inc. in the amount not-to-exceed \$605,412.00 for the Shelter Plus Care Sponsor-based Rental Assistance Program in connection with the FY2010 Continuum of Care Homeless Assistance Grant Programs and the McKinney-Vento Homeless Assistance Act for the period 8/1/2011 - 7/31/2012; 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 Community Initiatives/Office of Homeless Services

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

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0341 was considered and adopted by unanimous vote.

- b) R2011-0342: A Resolution authorizing a contract with MHS, Inc. in the amount not-to-exceed \$600,000.00 for the North Point Transitional Housing for Men Program for the period 10/1/2011 - 3/31/2012; 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 Community Initiatives/Office of Homeless Services

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

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0342 was considered and adopted by unanimous vote.

- c) R2011-0343: A Resolution authorizing a contract with The Salvation Army in the amount not-to-exceed \$527,499.00 for the PASS Transitional Housing Project for the Supportive Housing Program in connection with the FY2010 Continuum of Care for Homeless Assistance Grant Programs

and the McKinney-Vento Homeless Assistance Act for the period 11/1/2011 - 10/31/2012; 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 Community Initiatives/Office of Homeless Services and Councilmember Jones

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

On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2011-0343 was considered and adopted by unanimous vote.

- d) R2011-0345: A Resolution making an award on RQ21089 to Wellness IQ, Inc. in the amount not-to-exceed \$1,231,000.00 for Vitality Wellness Services for tracking County employees participating in the County's health benefit plans for the period 1/1/2012 - 12/31/2014; authorizing the County Executive to execute a 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

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

On a motion by Mr. Rogers with a second by Ms. Simon, Resolution No. R2011-0345 was considered and adopted by unanimous vote.

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

- a) O2012-0001: An Ordinance amending Ordinance No. O2011-0016, as amended, which established the organizational structure of the Department of Law.

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

Council President Connally referred Ordinance No. O2012-0001 to the Human Resources, Appointments & Equity Committee and to the Justice Affairs Committee.

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

- a) O2011-0061: An Ordinance providing for modifications and adoption of the County's Human Resources Personnel Policies and Procedures Manual to be applicable to all County employees, and declaring the necessity that this Ordinance become immediately effective.

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

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

The Clerk read Ordinance No. O2011-0061 into the record. This item will move to the January 24, 2012 Council meeting agenda for third reading.

17. MISCELLANEOUS COMMITTEE REPORTS

Mr. Miller reported that the Finance & Budgeting Committee will meet on Tuesday, January 17, 2012 at 1:00 p.m.

Mr. Greenspan reported that the Rules, Ethics, Charter Review & Council Operations Committee met on Tuesday, January 10, 2012 at 1:00 p.m. The Charter Review Commission Rules were passed out by Mr. Miller for comment. Mr. Miller recommends considering urgent amendments for the 2012 ballot as this will save the County money since 2013 is a non-election year.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, January 19, 2012 at 11:00 a.m.

Council President Connally reported that the Clerk of Courts report regarding the collection of court costs will be submitted to Council by Tuesday, January 17, 2012.

18. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

19. PUBLIC COMMENT UNRELATED TO AGENDA

Mr. Matt Howard addressed Council regarding issues of concern to him relating to the Department of Children & Family Services.

20. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Miller with a second by Mr. Greenspan, the meeting was adjourned at 7:13 p.m., without objection.