



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 14, 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 5:08 p.m.

2. ROLL CALL

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

A motion was then made by Mr. Gallagher, seconded by Mr. Brady 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 reflection on a significant event in our lives.

5. PUBLIC COMMENT RELATED TO AGENDA

The following citizens addressed Council regarding issues of concern to them as it relates to Ordinance No. O2011-0042: Reverend and Mrs. Robert Strommen, Mary Osterdorf, Rob Rivera and Kevin Schmotzer.

6. APPROVAL OF MINUTES

- a) January 24, 2012 Meeting

A motion was made by Mr. Greenspan, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the January 24, 2012 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- 1) Thanked Council for attending the State of the County Address. He indicated that persons from outside the County have requested information and expressed interest in what Cuyahoga County is doing;**
- 2) The Western Reserve Plan is being reviewed for potential legislative actions to be considered by Council within the next few months; and**
- 3) Legislation regarding how casino revenue may be utilized by the County is being deliberated in the state legislature. The legislation does not seem to have enough support to move forward at this time.**

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

- a) M2012-0004: A Motion amending various Rules of the Cuyahoga County Council, and declaring the necessity that this Motion become immediately effective.

Sponsors: Councilmembers Miller and Greenspan

Council President Connally referred Motion No. M2012-0004 to the Rules, Charter Review, Ethics & Council Operations Committee.

- b) M2012-0005: A Motion confirming the County Executive's appointment of Jerry G. Brown to serve on the County Audit Committee, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Council President Connally referred Motion No. M2012-0005 to the Human Resources, Appointments & Equity Committee.

- c) M2012-0006: A Motion confirming the County Executive's appointment of Victor A. Ruiz to serve on the Cuyahoga Community College Board of

Trustees, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Council President Connally referred Motion No. M2012-0006 to the Human Resources, Appointments & Equity Committee.

- d) M2012-0007: A Motion confirming the County Executive's appointment of The Honorable Timothy DeGeeter to serve on the Northeast Ohio Regional Sewer District Board of Trustees, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Council President Connally referred Motion No. M2012-0007 to the Human Resources, Appointments & Equity Committee.

9. CONSIDERATION OF RESOLUTIONS 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 Nos. R2012-0018 and R2012-0019.

- a) R2012-0018: A Resolution providing for the appointment of Janine D. Thurman as Assistant Deputy Clerk of Council, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

On a motion by Mr. Miller with a second by Mr. Rogers, Resolution No. R2012-0018 was considered and adopted by unanimous vote.

- b) R2012-0019: A Resolution recognizing February 19 - 26, 2012 as Cleveland Saves Week in Cuyahoga County; encouraging County Administrative Departments to promote personal and household saving to employees, clients and residents of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Rogers, Jones, Miller, Connally and Conwell

On a motion by Mr. Rogers with a second by Mr. Miller, Resolution No. R2012-0019 was considered and adopted by unanimous vote.

10. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION OF COUNCIL FOR SECOND READING

- a) R2012-0011: A Resolution proclaiming the month of May of each year as Multiple Chemical Sensitivity Awareness Month in Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Miller, Simon and Conwell

Committee Assignment and Chair: Environment & Sustainability – Rogers

Clerk Schmotzer read Resolution No. R2012-0011 into the record.

A motion was then made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to amend Section 3 of Resolution No. R2012-0011 to add, “Public School Superintendents and School Board Presidents.”

This item will move to the February 28, 2012 Council meeting agenda for consideration for third reading adoption.

11. CONSIDERATION OF ORDINANCES OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2012-0003: An Ordinance establishing rules and procedures for operation of Charter Review Commissions in Cuyahoga County, pursuant to Article 12, Section 9, of the Cuyahoga County Charter.

Sponsors: Councilmembers Miller, Conwell and Greenspan

Council President Connally referred Ordinance No. O2012-0003 to the Rules, Charter Review, Ethics & Council Operations Committee.

- b) O2012-0004: An Ordinance amending the Cuyahoga County Code of Ethics, as amended, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Greenspan

Council President Connally referred Ordinance No. O2012-0004 to the Rules, Charter Review, Ethics & Council Operations Committee.

12. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FOURTH READING ADOPTION

- a) O2011-0042: An Ordinance extending health care benefits to domestic partners of County employees; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Simon, Miller, Rogers, Connally, Brady and Conwell

Committee Assignments and Chairs: Human Resources, Appointments & Equity – Conwell and Justice Affairs – Simon

A motion was made by Mr. Miller, seconded by Ms. Simon and approved by unanimous vote to amend Ordinance No. O2011-0042 to change Section 1, Paragraph 2 to delete “*under age*” and to insert the phrase “*years old or less*” after twenty six (26).

A motion was then made by Ms. Simon, seconded by Mr. Miller and approved by unanimous vote to amend Ordinance No. O2011-0042 to change Section 1(a)(8) to delete the word “*state*” and replace it with “*jurisdiction.*”

On a motion by Ms. Simon with a second by Mr. Rogers, Ordinance No. O2011-0042 was considered and adopted by majority vote with Councilmembers Conwell, Rogers, Simon, Miller, Brady and Connally voting in the affirmative and Councilmembers Gallagher, Schron, Jones and Greenspan casting dissenting votes.

[Note: Ordinance No. O2011-0042 did not receive the affirmative vote of eight members of Council; therefore, it will take effect 30 days after signature by the County Executive, in accordance with Rule 11E of the County Council Rules.]

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. R2012-0020.

- a) R2012-0020: 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 Ms. Conwell, Resolution No. R2012-0020 was considered and adopted by unanimous vote.

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

- a) R2012-0021: A Resolution supporting submission of applications on behalf of Cuyahoga County for first-round funding under the Local Government Innovation Fund available through the State of Ohio, Department of Development; 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

Council President Connally referred Resolution No. R2012-0021 to the Economic Development & Planning Committee.

- b) R2012-0022: A Resolution approving Right-of-Way plans as set forth in the Right-of-Way Legend Sheet for Permanent Parcel No. 264-21-020, Project Parcel No. 15, located at 7931 Stearns Road 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 Project Parcel as necessary Right-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. R2012-0022 to the Public Works, Procurement & Contracting Committee.

- c) R2012-0023: A Resolution declaring that public convenience and welfare requires replacement of Rockside Road Bridge No. 3.32 over the Cuyahoga River in the City of Independence and Village of Valley View; total estimated construction cost \$8,000,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; 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. R2012-0023 to the Public Works, Procurement & Contracting Committee.

- d) R2012-0024: A Resolution declaring that public convenience and welfare requires resurfacing of Emery Road from Northfield Road to Merrygold Avenue in the City of Warrensville Heights and Village of North Randall; total estimated construction cost \$3,300,000.00; 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. R2012-0024 to the Public Works, Procurement & Contracting Committee.

- e) R2012-0025: A Resolution declaring that public convenience and welfare requires resurfacing of Turney Road from Sladden Avenue to Hathaway Road in the City of Garfield Heights; total estimated construction cost \$4,125,000.00; 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. R2012-0025 to the Public Works, Procurement & Contracting Committee.

- f) R2012-0026: A Resolution making an award on RQ21908 to The C.A. Agresta Construction Co. in the amount of \$1,314,468.45 for repair and resurfacing of Noble Road from Euclid Avenue to the East Cleveland South Corporation Line in the City of East Cleveland; authorizing the County Executive to execute a contract and all other documents consistent with said award and this Resolution; and 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 said amount to fund said contract.

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

Council President Connally referred Resolution No. R2012-0026 to the Public Works, Procurement & Contracting Committee.

- g) R2012-0027: A Resolution establishing a list of certified providers for occupational skills training services for the Individual Training Account System for the period 11/1/2011 - 6/30/2014; authorizing the County Executive to enter into agreements with said providers for said training services; and declaring the necessity that this Resolution become immediately effective:

- 1) Kaplan Career Institute
- 2) Lincoln College of Technology
- 3) National College
- 4) Phoenix Healthcare Institute, LLC

Sponsor: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3

Council President Connally referred Resolution No. R2012-0027 to the Economic Development & Planning Committee.

- h) R2012-0028: A Resolution making an award on RQ21601 to Great Lakes Petroleum Co. in the amount not-to-exceed \$554,000.00 for middle distillates for various County facilities for the Department of Public Works for the period 5/1/2012 - 4/30/2013, and authorizing the County Executive to execute a contract and all other documents consistent with said award and this Resolution.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Procurement & Diversity

Council President Connally referred Resolution No. R2012-0028 to the Public Works, Procurement & Contracting Committee.

- i) R2012-0029: A Resolution making an award on RQ21602 to Great Lakes Petroleum Co. in the amount not-to-exceed \$648,000.00 for gasoline for various County facilities for the Department of Public Works for the period 5/1/2012 - 4/30/2013, and authorizing the County Executive to

execute a contract and all other documents consistent with said award and this Resolution.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Procurement & Diversity

Council President Connally referred Resolution No. R2012-0029 to the Public Works, Procurement & Contracting Committee.

- j) R2012-0030: A Resolution making an award on RQ21586 to Jack Dohney Supplies Ohio, Inc. in the amount not-to-exceed \$696,211.55 for Vactor 21 Series Plus combination sewer cleaning equipment for use by Department of Public Works/Division of County Engineer, and authorizing the County Executive to execute a contract and all other documents consistent with said award and this Resolution.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Procurement & Diversity

Council President Connally referred Resolution No. R2012-0030 to the Public Works, Procurement & Contracting Committee.

- k) R2012-0031: A Resolution authorizing amendments to Memoranda of Understanding with various providers for the Cuyahoga Tapestry System of Care Provider Services Network for various time periods ending 12/31/2011 to extend the time period to 12/31/2012; authorizing the County Executive to execute the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:

- 1) for the period beginning 2/1/2010:
 - i) African Soul
 - ii) AllSports Academy of Greater Cleveland, Inc.
 - iii) Applewood Centers, Inc.
 - iv) Art Therapy Studio
 - v) Be Healed Family Outreach
 - vi) Beech Brook
 - vii) Bellefaire Jewish Childrens Bureau
 - viii) Berea Children's Home & Family Services
 - ix) Bureau of Drug Abuse, Cleveland Treatment Center, Inc.
 - x) Catholic Charities Services Corporation dba Parmadale
 - xi) Catholic Charities Services Corporation dba St. Martin de Porres Family Center
 - xii) Claudia's Family Development Inc.
 - xiii) Cleveland Furniture Bank

- xiv) Community Care Network, Inc.
- xv) Education Alternatives
- xvi) Family Guidance Center, Inc.
- xvii) Pressley Ridge
- xviii) Reading-R.A.M.M.
- xix) START – Support to At-Risk Teens
- xx) Specialized Alternatives for Families and Youth of Ohio, Inc.
- xxi) Sunrise East Tutoring Services, LLC
- xxii) The Cleveland Christian Home Incorporated
- xxiii) The Village Network dba Boys Village
- xxiv) West 25th Furnishings and Appliances, Inc.
- xxv) Youth Mentoring and At Risk Intervention, Inc.

2) for the period beginning 6/1/2011:

- i) Building Bridges Murals, Inc.
- ii) Cleveland Eastside Ex-Offender Coalition
- iii) Cleveland Urban Minority Alcoholism & Drug Abuse Outreach Project
- iv) Golden Ciphers
- v) In The Hood Foundation, Inc.
- vi) Jackson Express Services, LLC
- vii) L.E.V.Y. Social Programs, Inc.
- viii) Making a Difference Consulting, LLC
- ix) MGW Resource Center
- x) No Limit Leaders
- xi) Quality Care Residential Homes, Inc.
- xii) The East End Neighborhood House Association
- xiii) The Sanctuary Christian Entertainment Complex, Inc.
- xiv) University Settlement, Incorporation
- xv) V.O.I.C.E. Consulting (Vision, Opportunity, Investment, Commitment, Enterprise)

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Children and Family Services

Council President Connally referred Resolution No. R2012-0031 to the Health, Human Services & Aging Committee.

- l) R2012-0032: A Resolution authorizing an agreement with Cuyahoga County Prosecutor's Office in the amount not-to-exceed \$2,074,053.00 for legal services for the Division of Children and Family Services for the period 1/1/2012 - 12/31/2012, and authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Children and Family Services

Council President Connally referred Resolution No. R2012-0032 to the Health, Human Services & Aging Committee.

- m) R2012-0033: A Resolution making awards on RQ21780 to various providers for community wraparound care coordination and family and youth advocacy services for the period 4/1/2012 - 6/30/2013, and authorizing the County Executive to execute contracts and all other documents consistent with said awards and this Resolution:
- 1) Applewood Centers, Inc. in the amount of \$669,468.72.
 - 2) Beech Brook in the amount of \$836,858.40.
 - 3) Catholic Charities Community Services Corporation dba St. Martin de Porres Family Center in the amount of \$449,755.00.
 - 4) Catholic Charities Services Corporation dba Parmadale in the amount of \$836,858.40.
 - 5) The Cleveland Christian Home Incorporated in the amount of \$836,858.40.
 - 6) The East End Neighborhood House Association in the amount of \$475,002.00.
 - 7) University Settlement, Incorporated in the amount of \$375,640.00.
 - 8) West Side Community House in the amount of \$553,865.00.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Children and Family Services

Council President Connally referred Resolution No. R2012-0033 to the Health, Human Services & Aging Committee.

- n) R2012-0034: A Resolution making awards on RQ21241 to various providers for the Family to Family Neighborhood System of Care for the period 1/1/2012 - 3/31/2013, and authorizing the County Executive to execute contracts and all other documents consistent with said awards and this Resolution:
- 1) Catholic Charities Community Services Corporation (St. Martin de Porres Family Center) in the amount of \$640,928.00.
 - 2) Cleveland Urban Minority Alcoholism & Drug Abuse Outreach Project in the amount of \$640,928.00.
 - 3) The East End Neighborhood House Association in the amount of \$776,535.00.
 - 4) Friendly Inn Settlement, Inc. in the amount of \$739,780.00.
 - 5) The Harvard Community Services Center in the amount of \$664,455.00.

- 6) Center for Families and Children in the amount of \$690,430.00.
- 7) City of Lakewood in the amount of \$704,853.26.
- 8) Murtis Taylor Human Services System (East Cleveland) in the amount of \$754,804.00.
- 9) Murtis Taylor Human Services System (Mt. Pleasant) in the amount of \$745,803.00.
- 10) Parma City School District in the amount of \$710,000.00.
- 11) University Settlement, Incorporated in the amount of \$732,054.00.
- 12) West Side Community House in the amount of \$753,105.00.
- 13) Word of Righteousness Family Life Center, Inc. in the amount of \$650,000.00.
- 14) YMCA of Greater Cleveland in the amount of \$774,542.00.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Children and Family Services

Council President Connally referred Resolution No. R2012-0034 to the Health, Human Services & Aging 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. R2011-0344, R2012-0014, R2012-0015 and R2012-0017.

- a) R2011-0344: A Resolution reaffirming and approving a reduced dog license fee for spayed and neutered dogs, effective 12/1/2011; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Fiscal Officer and Councilmember Simon

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Miller with a second by Ms. Simon, Resolution No. R2011-0344 was considered and adopted by unanimous vote.

- b) R2012-0014: A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources and for appropriation transfers between budget accounts, in order to meet the budgetary needs of various County departments, offices and agencies related to year-end close-out activities, in accordance with Resolution No. R2011-0320, and

declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Miller with a second by Mr. Jones, Resolution No. R2012-0014 was considered and adopted by unanimous vote.

- c) R2012-0015: A Resolution approving the appropriation of funds for Year 2012 based on the Statement of Appropriation Status dated 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2012-0015 was considered and adopted by unanimous vote.

- d) R2012-0017: A Resolution authorizing a Water Pollution Control Loan Fund Agreement with Ohio Environmental Protection Agency and Ohio Water Development Authority in the amount of \$378,483.00 for the Jefferson Drive Lateral Rehabilitation/Reconstruction Project; 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 Public Works

Committee Assignment and Chair: Environment & Sustainability – Rogers

On a motion by Mr. Rogers with a second by Ms. Simon, Resolution No. R2012-0017 was considered and adopted by unanimous vote.

16. MISCELLANEOUS COMMITTEE REPORTS

Mr. Rogers reported that he will be bringing forth legislation pertaining to the scholarship program.

Mr. Miller reported that the Finance & Budgeting Committee will meet on Tuesday, February 21, 2012 at 1:00 p.m.

Mr. Brady reported that the Health, Human Services & Aging Committee will meet on Thursday, February 16, 2012 at 1:00 p.m.

Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Thursday, February 23, 2012 at 10:00 a.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, February 16, 2012 at 11:00 a.m.

17. MISCELLANEOUS BUSINESS

- a) Presentation regarding Vitality, the County's new employee wellness program.

The presentation regarding Vitality was cancelled. It will be rescheduled at a later date.

18. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

19. ADJOURNMENT

With no further business to discuss and on a motion by Ms. Conwell with a second by Mr. Greenspan, the meeting was adjourned at 6:03 p.m., without objection.