



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, JUNE 28, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
6:00 PM**

1. CALL TO ORDER

In the absence of Council President Connally, Council Vice-President Simon presided over the meeting. The meeting was called to order at 6:00 p.m.

2. ROLL CALL

Council Vice-President Simon asked the Clerk to call the roll. Councilmembers Gallagher, Schron, Conwell, Rogers, Greenspan, Miller, Germana and Simon were in attendance. Council President Connally and Councilmembers Brady and Jones were absent. A quorum was determined.

A motion was then made by Council Vice-President Simon, seconded by Mr. Miller and approved by unanimous vote to excuse Council President Connally and Mr. Brady from the meeting.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council Vice-President Simon requested a moment of silent meditation to reflect on the positive work of the County, followed by a video montage. Council Vice President Simon then called on Mr. Germana who requested a moment of silent meditation be dedicated in memory of Donna Smallwood, founder of the Donna Smallwood Activity Center for senior citizens in Parma, who passed away.

5. PUBLIC COMMENT RELATED TO AGENDA

Mr. Michael Kelly, representing GLASS, Inc., addressed Council regarding issues of concern to him relating to Resolution No. R2011-0216.

Mr. Jim Carr, Olmsted Township Trustee, addressed Council regarding issues of concern to him relating to Resolution No. R2011-0211.

Mr. Richard Storey, Olmsted Township resident, addressed Council regarding issues of concern to him relating to Ordinance No. O2011-0024.

6. APPROVAL OF MINUTES

- a) June 14, 2011 Meeting

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to approve the minutes of the June 14, 2011 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- a) **The County's first Ethics Training for vendors will be held on June 30, 2011. Council is invited to participate;**
- b) **A report has been drafted regarding the first six months of the new County governance;**
- c) **In connection with the midyear budget hearings , which begin this week, there are approximately 200 fewer employees which equate to a savings of approximately \$10M for the County. Despite reductions in staff there have been no reductions in services;**
- d) **A Town Hall meeting is scheduled in Parma Heights at the Cassidy Theatre.**

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

- a) M2011-0039: A Motion confirming the County Executive's appointment of Lawrence Benders to serve on the Cleveland/Cuyahoga County Workforce Investment Board, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Council Vice-President Simon referred Motion No. M2011-0039 to the Human Resources, Appointments & Equity Committee and to the Economic Development & Planning Committee.

M2011-0040: A Motion confirming the County Executive's appointment of J. B. Silvers, Ph.D. to serve on The MetroHealth System Board of Trustees, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Council Vice-President Simon referred Motion No. M2011-0040 to the Human Resources, Appointments & Equity Committee and to the Health, Human Services & Aging Committee.

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

A motion was made by Ms. Conwell, seconded by Mr. Miller and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion No. M2011-0038.

- a) M2011-0038: A Motion confirming the County Executive's appointment of Wade Steen to serve on the Cuyahoga County Community Improvement Corporation Board of Trustees, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

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

On a motion by Council Vice-President Simon with a second by Mr. Schron, Motion No. M2011-0038 was considered and approved by unanimous vote.

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

The following Resolution was requested to be referred to Committee by Mr. Miller.

- a) R2011-0212: A Resolution amending Resolution No. R2011-0087 dated 3/8/2011, which amended the 2011 Annual Appropriation Measure by approving additional appropriation decreases, to correct typographical errors; and declaring the necessity that this Resolution become immediately effective.

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

After a first reading by the Clerk, Council Vice-President Simon referred Resolution No. R2011-0212 to the Finance & Budgeting Committee.

A motion was then made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2011-0213.

- b) R2011-0213: A Resolution amending the 2011 Annual Appropriation Measure 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. Rogers with a second by Ms. Conwell, Resolution No. R2011-0213 was considered and adopted by unanimous vote.

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

[Note: Item No. 11 was taken out of order after Item No. 19 on the agenda.]

A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2011-0214.

- a) R2011-0214: A Resolution rejecting findings and recommendations of a Fact-finder concerning negotiations between the County and the Ohio Patrolmen's Benevolent Association for a successor contract covering approximately 530 employees in the classification of Correction Officer, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/County Sheriff

A motion was made by Council Vice-President Simon, seconded by Mr. Miller and approved by unanimous vote to move to Executive Session for the purpose of discussing with the Law Director matters concerning findings of a Fact-finder, and for no other purpose whatsoever. Executive Session was then called to order by Council Vice-President Simon at 7:15 p.m. The following members were present: Councilmembers Gallagher, Schron, Conwell, Rogers, Simon, Greenspan, Miller and Germana. The following additional attendees were present: County Executive Ed FitzGerald, Clerk of Council Jeanne Schmotzer, Law Director Majeed Makhlof, Assistant Law Director Christopher Russ, Director of Human Resources Elise Hara, Assistant Law Director Ed Morales and Deputy Clerk of Council Nikima Barnhill. At 7:50 p.m., a motion was made by Mr. Miller, seconded by Mr. Schron and unanimously approved to adjourn Executive Session. Council Vice-President Simon then reconvened the regular meeting.

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0214 was considered and adopted by unanimous vote.

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

- a) R2011-0215: A Resolution authorizing the County Executive to enter into an amendment to Agreement No. AG1000313-02, 03 with City of Euclid for the HOME Rehabilitation and Resale of Single-Family Homes Program for the period 10/1/2010 - 12/31/2012 to change the terms, effective 4/1/2011, and for additional funds in the amount of \$105,966.00; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Council Vice-President Simon referred Resolution No. R2011-0215 to the Economic Development & Planning Committee.

- b) R2011-0216: A Resolution authorizing awards on RQ20209 to Alabasi Construction Incorporated in the amount of \$1,466,661.00 and to Scharton Electric Company, Inc. in the amount of \$106,970.00 for heating unit replacement and associated energy conservation activities at the Westerly Apartments, located at 14300 Detroit Avenue, Lakewood, in connection with the Home Weatherization Assistance Program for the period 8/1/2011 - 11/30/2011; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective. (Executive Approval No. EA2011-0474 - authority to seek proposals.)

Sponsor: County Executive FitzGerald/Department of Development

Council Vice-President Simon referred Resolution No. R2011-0216 to the Economic Development & Planning Committee.

- c) R2011-0217: A Resolution amending the 2011 Annual Appropriation Measure 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

Council Vice-President Simon referred Resolution No. R2011-0217 to the Finance & Budgeting Committee and to the Health, Human Services & Aging Committee.

- d) R2011-0218: A Resolution adopting the Annual Tax Budget, including the Cuyahoga County Library Budget, for the year 2012, and declaring the necessity that this Resolution become immediately effective.

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

Council Vice-President Simon referred Resolution No. R2011-0218 to the Finance & Budgeting Committee.

- e) R2011-0219: A Resolution authorizing the County Executive to enter into a contract with Emerald Development and Economic Network, Inc. in the amount not-to-exceed \$1,325,520.00 for the Shelter Plus Care Sponsor-based Rental Assistance Program in connection with the FY2009 Continuum of Care Homeless Assistance Programs for the period 12/1/2010 - 11/30/2015, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Office of Homeless Services

Council Vice-President Simon referred Resolution No. R2011-0219 to the Health, Human Services & Aging Committee.

13. COMMITTEE REPORT AND RECOMMENDATION TO WITHDRAW RESOLUTION FROM CONSIDERATION

At the request of County Executive FitzGerald, the Chief Information Officer and the recommendation of the Finance & Budgeting Committee, Resolution No. R2011-0151 was considered for withdrawal from consideration.

- a) R2011-0151: A Resolution authorizing the County Executive to enter into a contract with Cranel Incorporated dba Versitec in the amount not-to-exceed \$785,643.60 for maintenance on various Kodak and Fujitsu equipment for various County departments for the period 1/1/2011 - 12/31/2013.

Sponsor: County Executive FitzGerald/Information Services Center

Committee Assignment and Chair: Finance & Budgeting – Miller

A motion was then made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to withdraw Resolution No. R2011-0151 from consideration.

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

A motion was made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2011-0200, R2011-0201, R2011-0202, R2011-0203, R2011-0204, R2011-0206, R2011-0207, R2011-0208, R2011-0209, R2011-0210 and R2011-0211.

- a) R2011-0200: A Resolution adopting an operating budget for the Human Resource Commission, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald and Human Resource Commission

Committee Assignments and Chairs: Human Resources, Appointments & Equity – Conwell and Finance & Budgeting – Miller

On a motion by Council Vice-President Simon with a second by Ms. Conwell, Resolution No. R2011-0200 was considered and adopted by unanimous vote.

- b) R2011-0201: A Resolution authorizing the County Executive to enter into an agreement with Cuyahoga County District Board of Health in the amount not-to-exceed \$5,000.00 for assessment and health monitoring of playgrounds located in East Cleveland in connection with the Brownfields Assessment Coalition Grant Program for the period 8/1/2008 - 9/30/2012.

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignments and Chairs: Economic Development & Planning – Schron and Environment & Sustainability – Rogers

On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2011-0201 was considered and adopted by unanimous vote.

- c) R2011-0202: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE0900765-01 with City of Shaker Heights for the City Building ADA Improvement Project for the FY2009 Municipal Grant Program for the period 6/1/2009 - 12/31/2010 to extend the time period to 6/30/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2011-0202 was considered and adopted by unanimous vote.

d) R2011-0203: A Resolution authorizing the County Executive to enter into amendments to contracts with various political subdivisions for Workforce Investment Act In-School and Out-of-School Youth Training for the period 9/1/2009 - 6/30/2011 to exercise an option to extend the time period to 8/31/2011; authorizing additional funds; and declaring the necessity that this Resolution become immediately effective:

- 1) No. CE0900723-01 with Cleveland Municipal School District.
- 2) No. CE0900740-01 with Cuyahoga Community College District.
- 3) No. CE0900741-01 with Cuyahoga Community College District.
- 4) No. CE0900724-01 with Mayfield City School District and for additional funds in the amount not-to-exceed \$10,500.00.

Sponsor: County Executive FitzGerald/Department of Workforce Development

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2011-0203 was considered and adopted by unanimous vote.

e) R2011-0204: A Resolution authorizing the County Executive to enter into a state contract with Staples Contract & Commercial, Inc. in the amount not-to-exceed \$1,715,534.00 for office supplies for various County departments for the period 7/1/2011 - 6/30/2013, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

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

On a motion by Mr. Schron with a second by Council Vice-President Simon, Resolution No. R2011-0204 was considered and adopted by unanimous vote.

At the request of the Law Director and the recommendation of the Finance & Budgeting Committee, Resolution No. R2011-0205 was considered for withdrawal from consideration.

- f) R2011-0205: A Resolution authorizing an award on RQ20118 to CBS Outdoor, Inc. in the amount of \$69,005.88 for advertising services on Greater Cleveland Regional Transit Authority buses for the Veterans Service Commission Outreach Program for the period 4/4/2011 - 3/4/2012; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

Committee Assignment and Chair: Finance & Budgeting – Miller

A motion was then made by Mr. Miller, seconded by Council Vice-President Simon and approved by unanimous vote to withdraw Resolution No. R2011-0205 from consideration.

- g) R2011-0206: A Resolution authorizing the County Executive, on behalf of Common Pleas Court and Corrections Planning Board, to enter into agreements with various County departments for various programs in connection with the FY2012 Community Correction Act Grant Program for the period 7/1/2011 - 6/30/2012, and declaring the necessity that this Resolution become immediately effective:

- 1) Cuyahoga County Sheriff's Office in the amount not-to-exceed \$113,500.00 for offender apprehension services for the Intensive Special Probation Felony Diversion Program.
- 2) Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County in the amount not-to-exceed \$174,345.00 for intensive out-patient substance abuse treatment services for offenders in the Early Intervention Program.
- 3) Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County in the amount not-to-exceed \$109,500.00 for administration and fiscal agent services for the Dually Diagnosed Offender Intensive Outpatient and Aftercare Program.
- 4) Cuyahoga County Board of Developmental Disabilities in the amount not-to-exceed \$32,200.00 for forensic liaison services for the Offenders with Developmental Disabilities Program.

Sponsors: County Executive FitzGerald, Common Pleas Court/ Corrections Planning Board and Councilmembers Simon and Jones

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Mr. Schron with a second by Council Vice-President Simon, Resolution No. R2011-0206 was considered and adopted by unanimous vote.

- h) R2011-0207: A Resolution authorizing an award on RQ19874 to Oriana House, Inc. in the amount of \$744,000.00 for a Cognitive Skills Development Program for the period 7/1/2011 - 6/30/2014; authorizing the County Executive, on behalf of Common Pleas Court and Corrections Planning Board, to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald, Common Pleas Court/ Corrections Planning Board and Councilmembers Simon and Jones

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Council Vice-President Simon with a second by Ms. Conwell, Resolution No. R2011-0207 was considered and adopted by unanimous vote.

- i) R2011-0208: A Resolution authorizing the County Executive to enter into memoranda of understanding with various social service providers designating them as approved providers in the Cuyahoga Tapestry System of Care Provider Services Network for the period 6/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective:

- 1) Ace Away Pest Control/Animal Man Wild Life Services, LLC
- 2) Building Bridges Murals, Inc.
- 3) Cleveland Eastside Ex-Offender Coalition
- 4) Cleveland Urban Minority Alcoholism Drug Abuse Outreach Project
- 5) Golden Ciphers
- 6) In the Hood Foundation Inc.
- 7) Jackson Express Services, LLC
- 8) L.E.V.Y. Social Programs, Inc.
- 9) Making a Difference Consulting, LLC
- 10) MGW Resource Center
- 11) No Limit Leaders
- 12) Quality Care Residential Homes, Inc.
- 13) The East End Neighborhood House Association
- 14) The Sanctuary Christian Entertainment Complex, Inc.
- 15) University Settlement Incorporated
- 16) V.O.I.C.E. Consulting (Vision, Opportunity, Investment, Commitment, Enterprise)

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

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

On a motion by Ms. Conwell with a second by Mr. Miller, Resolution No. R2011-0208 was considered and adopted by unanimous vote.

- j) R2011-0209: A Resolution authorizing the County Executive to enter into an agreement with The Ohio State University on behalf of its Ohio State University Extension-Cuyahoga County in the amount not-to-exceed \$247,000.00 for educational program services for the period 1/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Ms. Conwell with a second by Council Vice-President Simon, Resolution No. R2011-0209 was considered and adopted by unanimous vote.

- k) R2011-0210: A Resolution authorizing and directing the Cuyahoga County Fiscal Officer to make the necessary levy pursuant to Ohio Revised Code Section 5901.11, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Office of Budget & Management and Veterans Service Commission

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2011-0210 was considered and adopted by unanimous vote.

- l) R2011-0211: A Resolution changing the scope of the project to include the improvement of Barrett Road Culvert No. 12; approving surveys, construction plans, right-of-way plans, profiles, cross-sections, estimates of costs, specifications, and Right-of-Way Plat M-4997; authorizing the County Executive to acquire the necessary right-of-way and to proceed with the widening and reconstruction of Barrett Road from Spafford Road to the Berea West Corporation Line, replacement of Barrett Road Culvert Nos. 8, 9, 10 and 11 and improvement of Barrett Road Culvert No. 12 in Olmsted Township; and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2011-0211 was considered and adopted by unanimous vote.

15. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR THIRD
READING ADOPTION

- a) R2011-0195: A Resolution ratifying Contract No. CP03937-01 with Equity Residential Properties Management Corp. for lease of office space located at 1701 East 12th Street, Cleveland, for use by Department of Senior & Adult Services for the period 6/1/2001 - 1/31/2005; approving the transfer and encumbrance of funds in the amount not-to-exceed \$312,005.91 for payment of rent through 9/30/2011; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

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

On a motion by Council Vice-President Simon with a second by Ms. Conwell, Resolution No. R2011-0195 was considered and adopted by unanimous vote.

16. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND
READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Conwell, seconded by Mr. Miller and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2011-0028.

- a) O2011-0028: An Ordinance amending Ordinance No. O2011-0015 to expire on or before 12/31/2011 providing for the approval and adoption of Human Resources Policies & Procedures for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Human
Resources

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

On a motion by Council Vice President Simon with a second by Mr. Miller, Ordinance No. O2011-0028 was considered and adopted by unanimous vote.

A motion was then made by Council Vice-President Simon, seconded by Mr. Miller and approved by unanimous vote to excuse Mr. Jones from the meeting.

17. MISCELLANEOUS COMMITTEE REPORTS

Mr. Miller reported that there are copies of the budget hearing schedule available by the door.

18. MISCELLANEOUS BUSINESS

Mr. Miller gave a six-month recap of the accomplishments of Council since inauguration. He further stated that the next six months will have a focus on economic development.

Council Vice-President Simon reported that the City of South Euclid passed a rezoning ordinance for commercial development at the Oakwood Country Club site, which will have a great impact on both Council Districts 10 and 11.

Mr. Schron reported that there will be a wind turbine and wind energy conference in Northeast Ohio on Wednesday, July 12th and Thursday, July 13th.

19. PUBLIC COMMENT UNRELATED TO AGENDA

There was no public comment.

20. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Miller with a second by Mr. Schron, the meeting was adjourned at 7:50 p.m., without objection.