



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 11, 2014
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 5:13 p.m.

2. ROLL CALL

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

A motion was then made by Ms. Connally, seconded by Ms. Conwell 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 be dedicated in memory of Mr. Larry Brisker, an active citizen in the Cuyahoga County community, who recently passed away.

5. PUBLIC COMMENT RELATED TO AGENDA

There was no public comment related to the agenda.

6. APPROVAL OF MINUTES

- a) January 21, 2014 Committee of the Whole Meeting
- b) January 23, 2014 Committee of the Whole Meeting
- c) January 28, 2014 Committee of the Whole Meeting
- d) January 28, 2014 Regular Meeting

A motion was made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to approve the minutes of the January 21, 2014; January 23, 2014 and January 28, 2014 Committee of the Whole meetings and the January 28, 2014 regular meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Connally announced that Item No. 13, consideration of a Resolution for first reading adoption under suspension of rules/executive session, would be taken out of order and considered after Item No. 23 on the agenda.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald commended the staff of the Department of Senior and Adult Services and the Fiscal Office for creating a hotline for reporting elder abuse in the community.

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

- a) R2014-0035: A Resolution confirming the County Executive's appointment of Mark A. Parks, Jr. upon his taking the oath of office as Fiscal Officer of Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Connally and Conwell

Council President Connally referred Resolution No. R2014-0035 to the Committee of the Whole.

- b) R2014-0036: A Resolution confirming the County Executive's appointment of various individuals to serve on the Cuyahoga Arts and Culture Board of Trustees for various terms, and declaring the necessity that this Resolution become immediately effective:
 - 1) Joseph P. Gibbons, Esq. for an unexpired term ending 3/31/2015.
 - 2) Eliza Wing for the term 4/1/2014 - 3/31/2017.

Sponsors: Councilmembers Connally and Conwell

Council President Connally referred Resolution No. R2014-0036 to the Human Resources, Appointments & Equity Committee.

- c) R2014-0047: A Resolution confirming the County Executive's appointment of Glenn Coyne to serve on the Northeast Ohio Areawide Coordinating Agency Board of Directors, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Connally and Conwell

Council President Connally referred Resolution No. R2014-0047 to the Human Resources, Appointments & Equity Committee.

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

A motion was made by Mr. Gallagher, seconded by Mr. Schron and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2014-0027 and R2014-0028.

- a) R2014-0027: A Resolution confirming the County Executive's reappointment of Nick Nardi to serve on the Greater Cleveland Regional Transit Authority Board of Trustees for the term 3/1/2014 - 2/28/2017, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Connally, Conwell and Rogers

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

On a motion by Ms. Conwell with a second by Ms. Simon, Resolution No. R2014-0027 was considered and adopted by unanimous vote.

- b) R2014-0028: A Resolution confirming the County Executive's appointment or reappointment of various individuals to serve on the Cuyahoga County Planning Commission for various terms, and declaring the necessity that this Resolution become immediately effective:
 - 1) Appointments:
 - i) The Honorable Merle S. Gorden (Hillcrest Region) for an unexpired term ending 12/31/2014.

- ii) The Honorable Sherri A. Lippus (Southwest Region) for an unexpired term ending 12/31/2015.

2) Reappointment:

- i) The Honorable Eileen A. Patton (Westshore Region) for the term 1/1/2014 - 12/31/2016.

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. Gallagher, Resolution No. R2014-0028 was considered and adopted by unanimous vote.

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

- a) O2014-0004: An Ordinance amending and replacing Chapter 701 of the Cuyahoga County Code, incorporating Chapters 706 and 707 of the Cuyahoga County Code into Chapter 701, and renumbering existing Chapters of Title 7 of the Cuyahoga County Code where appropriate to enact a comprehensive set of financial policies for Cuyahoga County.

Sponsor: Councilmember Miller

Council President Connally referred Ordinance No. O2014-0004 to the Finance & Budgeting Committee.

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

A motion was made by Mr. Gallagher, seconded by Mr. Schron and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2014-0037.

- a) R2014-0037: A Resolution amending the 2014/2015 Biennial Operating Budget for 2014 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. Schron, Resolution No. R2014-0037 was considered and adopted by unanimous vote.

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

[Note: Item No. 13 was taken out of order and considered after Item No. 23 on the agenda.]

A motion was made by Mr. Gallagher, seconded by Ms. Conwell and approved by unanimous roll-call vote to move to Executive Session for the purpose of discussing matters concerning collective bargaining and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 5:55 p.m. The following Councilmembers were present: Simon, Greenspan, Miller, Brady, Gallagher, Schron, Conwell, Jones and Connally. The following additional attendees were also present: County Executive Ed FitzGerald, Assistant Law Director Ed Morales, Assistant Law Director Michael King and Director of Public Works Bonnie Teeuwen. At 6:15 p.m., Executive Session was adjourned, without objection, and Council President Connally then reconvened the regular meeting.

A motion was made by Mr. Gallagher, seconded by Mr. Schron and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2014-0030.

- a) R2014-0030: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and Teamsters, Local 436, affiliated with the International Brotherhood of Teamsters, representing approximately 58 employees in 6 classifications in the Department of Public Works/Division of Maintenance (Sewer) for the period 1/1/2013 - 12/31/2015; 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

On a motion by Ms. Conwell with a second by Mr. Miller, Resolution No. R2014-0030 was considered and adopted by unanimous vote.

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

- a) R2014-0038: A Resolution declaring that public convenience and welfare requires resurfacing of Bennett Road from Edgerton Road to just south of Bridgewater Drive in the City of North Royalton; total estimated project cost \$1,580,669.00; 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.

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

Council President Connally referred Resolution No. R2014-0038 to the Public Works, Procurement & Contracting Committee.

- b) R2014-0039: A Resolution approving Right-of-Way plans as set forth in Plat No. M-5018 for rehabilitation of East 49th Street Bridge No. 00.54 over abandoned railroad tracks in the City of Cleveland; authorizing the County Executive through the Department of Public Works to acquire said necessary Rights-of-Way; 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. R2014-0039 to the Public Works, Procurement & Contracting Committee.

- c) R2014-0040: A Resolution authorizing a Purchase and Sale Agreement with Playhouse Square Foundation in the amount of \$1.00 for the sale of County-owned property commonly known as the Loew's Building, located at 1501 Euclid Avenue, Cleveland; authorizing termination of the Indenture of Lease Agreement, as amended; 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

Council President Connally referred Resolution No. R2014-0040 to the Committee of the Whole.

- d) R2014-0041: A Resolution authorizing an agreement with City of Olmsted Falls for participation in the Cuyahoga County Benefits Regionalization Program for the period 1/1/2014 - 12/31/2016; 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/Department of Human Resources and Councilmember Gallagher

Council President Connally referred Resolution No. R2014-0041 to the Human Resources, Appointments & Equity Committee.

- e) R2014-0042: A Resolution authorizing an amendment to Contract No. CE1200705-01 with Hylant Group, Inc. for insurance brokerage and risk management services and premiums for the period 1/1/2013 - 12/31/2015 for additional funds in the amount not-to-exceed \$888,000.00; 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 Law

Council President Connally referred Resolution No. R2014-0042 to the Human Resources, Appointments & Equity Committee.

[Subsequent to the meeting and at the request of Council President Connally, this referral was withdrawn and Resolution No. R2014-0042 was then referred to the Public Works, Procurement & Contracting Committee.]

- f) R2014-0043: A Resolution making an award on RQ28759 to Lutheran Metropolitan Ministry in the amount not-to-exceed \$553,000.00 for Adult Guardianship Services for the period 1/1/2014 - 12/31/2014; 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/Department of Health and Human Services/Division of Senior and Adult Services

Council President Connally referred Resolution No. R2014-0043 to the Health, Human Services and Aging Committee.

- g) R2014-0044: A Resolution authorizing an agreement with City of Cleveland/Department of Public Health in the amount not-to-exceed \$682,276.00 for the MomsFirst Program for the Invest in Children Program for the period 1/1/2014 - 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 Health and Human Services/Division of Community Initiatives/Office of Early Childhood

Council President Connally referred Resolution No. R2014-0044 to the Education, Environment & Sustainability Committee.

- h) R2014-0045: A Resolution authorizing an agreement with Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County in the amount not-to-exceed \$1,339,104.00 for the Early Childhood Mental Health Program for the Invest in Children Program for the period 1/1/2014 - 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 Health and Human Services/Division of Community Initiatives/Office of Early Childhood

Council President Connally referred Resolution No. R2014-0045 to the Education, Environment & Sustainability Committee.

- i) R2014-0046: A Resolution authorizing an agreement with Cuyahoga County District Board of Health in the amount not-to-exceed \$906,000.00 for the Newborn Home Visiting Program for the Invest in Children Program for the period 1/1/2014 - 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 Health and Human Services/Division of Community Initiatives/Office of Early Childhood

Council President Connally referred Resolution No. R2014-0046 to the Education, Environment & Sustainability Committee.

15. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING

- a) R2014-0031: A Resolution making an award on RQ28818 to Karvo Paving, Co. in the amount not-to-exceed \$8,372,654.20 for reconfiguration of the Warrensville Center Road/Van Aken Boulevard/Chagrin Boulevard/Northfield Road intersection in the City of Shaker Heights and Village of Highland Hills; 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 \$418,632.71 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

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

Clerk Schmotzer read Resolution No. R2014-0031 into the record.

This item will move to the February 25, 2014 Council meeting agenda for consideration for third reading adoption.

- b) R2014-0034: A Resolution authorizing the issuance of not-to-exceed \$11,955,000.00 County of Cuyahoga, Ohio Economic Development Revenue Refunding Bonds, Series 2014 (Cleveland Hearing and Speech Center Project), for the purpose of refunding the outstanding principal amount of County of Cuyahoga, Ohio Tax-exempt Variable Rate Economic Development Revenue Bonds, Series 2008 (Cleveland Hearing and Speech Center Project), that were issued to provide funds to assist the Cleveland Hearing and Speech Center in financing costs of a project consisting generally of the acquisition, construction, improvement, furnishing and equipping of real and personal property consisting of an approximately 48,000 square foot headquarters and operations facility located at 11635 Euclid Avenue, Cleveland, Ohio; authorizing the execution and delivery of a loan agreement and trust indenture; authorizing the execution and delivery of a bond purchase agreement and authorizing the execution and delivery of certain other documents and actions in connection with the issuance of such bonds; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and Councilmember Conwell

Bond Counsel: Thompson Hine LLP

Committee Assignment and Chair: Economic Development & Planning – Schron

Clerk Schmotzer read Resolution No. R2014-0034 into the record.

This item will move to the February 25, 2014 Council meeting agenda for consideration for third reading adoption.

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. Miller and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2014-0008, R2014-0015, R2014-0032 and R2014-0033.

- a) R2014-0008: A Resolution authorizing a payment in the amount of \$350,000.00 to L.A.N.D Studio, Inc. for operational support of the Group Plan Commission; authorizing the County Executive to negotiate and execute any necessary contract or other documents for same; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

Committee Assignment and Chair: Council Operations & Intergovernmental Relations – Greenspan

Mr. Greenspan introduced a proposed substitute on the floor. Discussion ensued. A motion was then made by Mr. Greenspan, seconded by Ms. Conwell and approved by unanimous vote to accept the proposed substitute.

On a motion by Mr. Miller with a second by Ms. Simon, Resolution No. R2014-0008 was considered and adopted by unanimous vote, as substituted.

- b) R2014-0015: A Resolution approving the appropriation of funds for Year 2014 based on the Statement of Appropriation Status dated 12/31/2013, and declaring the necessity that this Resolution become immediately effective:
- 1) Free balances for grants and capital projects;

- 2) Encumbrances for grants and capital projects; and
- 3) Encumbrances for all other funds.

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. R2014-0015 was considered and adopted by unanimous vote.

- c) R2014-0032: A Resolution authorizing an agreement with City of Highland Heights for participation in the Cuyahoga County Benefits Regionalization Program for the period 2/1/2014 - 12/31/2016; 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/Department of Human Resources **and Councilmembers Simon and Connally**

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

On a motion by Ms. Conwell with a second by Ms. Simon, Resolution No. R2014-0032 was considered and adopted by unanimous vote.

- d) R2014-0033: A Resolution authorizing an agreement with City of University Heights for participation in the Cuyahoga County Benefits Regionalization Program for the period 1/1/2014 - 12/31/2016; 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 Ms. Simon, Resolution No. R2014-0033 was considered and adopted by unanimous vote.

17. CONSIDERATION OF RESOLUTIONS FOR THIRD READING ADOPTION

- a) R2013-0294: A Resolution authorizing an Economic Development Fund Large Scale Attraction Loan in the amount not-to-exceed \$805,000.00 to Remedi SeniorCare of Ohio-Northeast, LLC for relocation and expansion of a facility located at 26251 Bluestone Boulevard, Euclid; 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.

Sponsors: County Executive FitzGerald/Department of Development and Councilmember Simon

On a motion by Mr. Schron with a second by Ms. Simon, Resolution No. R2013-0294 was considered and adopted by unanimous vote.

- b) R2014-0014: A Resolution providing for adoption of various changes to the Cuyahoga County Non-Bargaining Classification Plan, and declaring the necessity that this Resolution become immediately effective.

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

On a motion by Mr. Schron with a second by Ms. Simon, Resolution No. R2014-0014 was considered and adopted by unanimous vote.

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

- a) O2014-0005: An Ordinance amending Section 107.01 of the Cuyahoga County Code to streamline the process for oaths and affirmations, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Department of Law

Council President Connally referred Ordinance No. O2014-0005 to the Council Operations & Intergovernmental Relations Committee.

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

- a) O2014-0003: An Ordinance amending Cuyahoga County Code Chapter 506: Procurement Card Program Policies and Procedures to approve

revised Cuyahoga County Procurement Card Program Policies and Procedures, effective 3/1/2014; and declaring the necessity that this Ordinance become immediately effective.

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

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

Clerk Schmotzer read Ordinance No. O2014-0003 into the record.

Councilmember Jones then introduced a proposed amendment to Exhibit A of Ordinance No. O2014-0003 on the floor. Discussion ensued. A motion was then made by Mr. Jones, seconded by Ms. Simon and approved by unanimous vote to accept the amendment.

This item will move to the February 25, 2014 Council meeting agenda for consideration for third reading adoption, as amended.

20. CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION

- a) O2014-0002: An Ordinance amending Cuyahoga County Code Chapter 503: Small Business Enterprise Program Policies and Procedures to approve revised Cuyahoga County Small Business Enterprise Program Policies and Procedures, effective 2/15/2014; and declaring the necessity that this Ordinance become immediately effective.

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

On a motion by Mr. Jones with a second by Ms. Conwell, Ordinance No. O2014-0002 was considered and adopted by unanimous vote.

21. MISCELLANEOUS COMMITTEE REPORTS

Mr. Greenspan reported that the Council Operations & Intergovernmental Relations Committee will meet on Monday, February 24, 2014 at 9:00 a.m.

Mr. Miller reported that the Finance & Budgeting Committee will meet on Tuesday, February 18, 2014 at 1:00 p.m.

Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, February 18, 2014 at 10:00 a.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, February 20, 2014 at 11:00 a.m.

Ms. Simon reported that the Education, Environment & Sustainability Committee will meet on Wednesday, February 19, 2014 at 3:00 p.m.

22. MISCELLANEOUS BUSINESS

Mr. Schron reported that he attended the Investment Advisory Committee meeting on February 3, 2014 where new investment concepts were discussed. County Executive FitzGerald complimented Mr. Schron for his efforts in this area.

23. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given unrelated to the agenda.

[Note: Item No. 13 was taken out of order and considered after Item No. 23 on the agenda.]

24. ADJOURNMENT

With no further business to discuss, Council President Connally adjourned the meeting at 6:16 p.m., without objection.