



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 13, 2015
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
5:00 PM**

1. CALL TO ORDER

Council President Brady called the meeting to order at 5:10 p.m.

2. ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Brady requested a moment of silent meditation be dedicated to contemplating the unacceptable level of gun violence in our community over the last year.

5. PUBLIC COMMENT RELATED TO AGENDA

Rev. Pamela Pinkney-Butts addressed Council related to various agenda and non-agenda matters.

In accordance with Rule 6B of the County Council Rules, a parliamentary motion was made by Mr. Schron, seconded by Mr. Germana and approved by unanimous vote to

add Resolution No. R2015-0216 to the agenda as an additional item under Item No. 9.b) for consideration for first reading and referral to committee.

6. APPROVAL OF MINUTES

- a) September 22, 2015 Regular Meeting

A motion was made by Mr. Hairston, seconded by Ms. Brown and approved by majority vote to approve the minutes of the September 22, 2015 meeting, with Ms. Simon abstaining from the vote.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

There were no messages from Council President Brady.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Budish gave condolences to Edward Kraus on the recent passing of his father.

9. LEGISLATION INTRODUCED BY EXECUTIVE

- a) CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2015-0201.

- 1) R2015-0201: A Resolution amending the 2014/2015 Biennial Operating Budget for 2015 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 Budish/Fiscal Officer/Office of Budget & Management

Mr. Greenspan introduced a proposed substitute to Resolution No. R2015-0201. Discussion ensued.

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

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2015-0201 was considered and adopted by unanimous vote, as substituted.

b) **CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE**

1) R2015-0202: A Resolution confirming the County Executive's appointment of various individuals to serve on The MetroHealth System Board of Trustees for an unexpired term ending 2/28/2021; and declaring the necessity that this Resolution become immediately effective:

- i) Reverend Thomas Anthony Minor
- ii) Mitchell Schneider

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2015-0202 to the Human Resources, Appointments & Equity Committee.

2) R2015-0203: A Resolution confirming the County Executive's appointment of Erika Anthony to serve on the Cuyahoga County Public Defender Commission for an unexpired term ending 12/31/2015, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2015-0203 to the Human Resources, Appointments & Equity Committee.

3) R2015-0204: A Resolution confirming the County Executive's reappointment of Erika Anthony to serve on the Cuyahoga County Public Defender Commission for the term 1/1/2016 - 12/31/2019, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2015-0204 to the Human Resources, Appointments & Equity Committee.

- 4) R2015-0205: A Resolution confirming the County Executive's reappointment of Gary Shamis to serve on the Cuyahoga County Audit Committee for the term 1/1/2016 - 1/1/2021, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2015-0205 to the Human Resources, Appointments & Equity Committee.

- 5) R2015-0206: A Resolution making an award on RQ34074 to R.W. Clark Co. in the amount not-to-exceed \$1,179,073.00 for the Cuyahoga County Courthouse Americans with Disabilities Act Improvements Project; 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 Budish/Department of Public Works

Council President Brady referred Resolution No. R2015-0206 to the Public Works, Procurement & Contracting Committee.

- 6) R2015-0207: A Resolution authorizing a revenue generating Utility Agreement with Village of Newburgh Heights for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District No. 22; 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 Budish/Department of Public Works/Division of County Engineer

Council President Brady referred Resolution No. R2015-0207 to the Public Works, Procurement & Contracting Committee.

- 7) R2015-0208: A Resolution authorizing an amendment to Contract No. CE1000546-01 with Pioneer Building II Ltd for lease of office and warehouse space for a Special Waste Convenience Center, located at 4750 East 131st Street, Garfield Heights, for the period 11/1/2010 - 10/31/2015 to

extend the time period to 10/31/2020 and for additional funds in the amount not-to-exceed \$1,179,525.00; 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.

Sponsors: County Executive Budish/Department of Public Works on behalf of Cuyahoga County Solid Waste District

Council President Brady referred Resolution No. R2015-0208 to the Public Works, Procurement & Contracting Committee.

- 8) R2015-0209: A Resolution adopting the 2016/2017 Biennial Operating Budget and Capital Improvements Program, and declaring the necessity that this Resolution become immediately effective.

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

Mr. Greenspan introduced a proposed substitute to Resolution No. R2015-0209. Discussion ensued.

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

Council President Brady referred Resolution No. R2015-0209 to the Committee of the Whole.

- 9) R2015-0210: A Resolution authorizing the issuance and sale of bonds, in an aggregate principal amount not-to-exceed \$65,000,000.00, for the purpose of paying the cost of constructing, renovating, improving, or repairing sports facilities; and declaring the necessity that this Resolution become immediately effective.

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

Bond Counsel: Squire Patton Boggs

Council President Brady referred Resolution No. R2015-0210 to the Committee of the Whole.

- 10) R2015-0211: A Resolution authorizing a Casino Revenue Fund loan in the amount not-to-exceed \$4,300,000.00 to Van Aken Shopping Center, Ltd. for the benefit of the Van Aken Shopping Plaza Project located at Farnsleigh Road and Warrensville Center Road in the City of Shaker Heights; authorizing the County Executive and Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Development

Council President Brady referred Resolution No. R2015-0211 to the Committee of the Whole.

- 11) R2015-0212: A Resolution declaring the necessity of submitting to the electors of Cuyahoga County the question of a renewal levy of 4.8 mill Health and Human Services levy for the purpose of supplementing general fund appropriations for health and human or social services, for a period of eight years, outside the ten mill limitation, in accordance with the provision of Section 5705.191 of the Ohio Revised Code; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Health and Human Services and Councilmember Miller

Council President Brady referred Resolution No. R2015-0212 to the Committee of the Whole.

- 12) R2015-0213: A Resolution determining to proceed with submitting to the electors of Cuyahoga County to renew an existing 4.8 mill Health and Human Services levy for the purpose of supplementing general fund appropriations for health and human or social services, for a period of eight years, outside the ten mill limitation, in accordance with the provisions of Section 5705.191 of the Ohio Revised Code; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Health and Human Services and Councilmember Miller

Council President Brady referred Resolution No. R2015-0213 to the Committee of the Whole.

- 13) R2015-0214: A Resolution authorizing a contract with United Way of Greater Cleveland in the amount not-to-exceed \$1,095,450.00 for fiscal agent services for emergency food purchases for Cuyahoga County residents for the period 1/1/2016 - 12/31/2016; 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 Budish/Department of Health and Human Services/Cuyahoga Job and Family Services

Council President Brady referred Resolution No. R2015-0214 to the Health, Human Services & Aging Committee.

- 14) R2015-0215: A Resolution authorizing an amendment to Contract No. CE1200260-01 with Mental Health Services for Homeless Persons, Inc. dba FrontLine Service for transitional housing program services for the period 6/1/2012 - 9/30/2015 to extend the time period to 9/30/2016 and for additional funds in the amount not-to-exceed \$1,208,240.00; 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 Budish/Department of Health and Human Services/Division of Community Initiatives/Office of Homeless Services

Council President Brady referred Resolution No. R2015-0215 to the Health, Human Services & Aging Committee.

[Clerk's Note: In accordance with Rule 6B of the County Council Rules, the following item was added to the agenda and read into the record by the Clerk of Council.]

R2015-0216: A Resolution authorizing the execution of a cooperative agreement in furtherance of constructing, reconstructing, refurbishing, renovating and improving permanent improvements to publicly owned park space known as Public Square; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Development

Council President Brady referred Resolution No. R2015-0216 to the Committee of the Whole.

c) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING

- 1) R2014-0271: A Resolution authorizing a Casino Revenue Fund loan in the amount not-to-exceed \$4,000,000.00 to Landmark-May, LLC for the benefit of the May Company Building Project located at 158 Euclid Avenue, Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution.

Sponsors: Former County Executive FitzGerald/Department of Development **and Councilmembers Conwell, Schron, Miller and Germana**

Committee Assignment and Chair: Economic Development & Planning – Schron

Clerk Schmotzer read Resolution No. R2014-0271 into the record.

This item will move to the October 27, 2015 Council meeting agenda for consideration for third reading adoption.

- 2) R2015-0181: A Resolution making an award on RQ34100 to Mark Schaffer Excavating & Trucking, Inc. in the amount not-to-exceed \$4,573,614.00 for Cuyahoga County Airport Runway 6/24 Safety Area Improvements Project No. 1 in connection with the Airport Improvement Program; 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 Budish/Department of Public Works/Division of County Engineer

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

Clerk Schmotzer read Resolution No. R2015-0181 into the record.

This item will move to the October 27, 2015 Council meeting agenda for consideration for third reading adoption.

- 3) R2015-0192: A Resolution approving Right-of-Way plans as set forth in Plat No. M-5022 for replacement of Avery Road Bridge No. 01.16 over Chippewa Creek in the City of Broadview Heights; authorizing the County Executive through the Department of Public Works to acquire said necessary Rights-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 Budish/Department of Public Works/Division of County Engineer

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

Clerk Schmotzer read Resolution No. R2015-0192 into the record.

This item will move to the October 27, 2015 Council meeting agenda for consideration for third reading adoption.

- 4) R2015-0200: A Resolution authorizing a revenue generating agreement with FirstMerit Corporation in the amount of \$10,321,344.00 for the sale of naming rights for the Cleveland Convention Center for the period 11/1/2015 - 10/31/2035; authorizing the County Executive or his authorized designee 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 Budish/Department of Public Works

Committee Assignment and Chair: Committee of the Whole – Brady

Clerk Schmotzer read Resolution No. R2015-0200 into the record.

This item will move to the October 27, 2015 Council meeting agenda for consideration for third reading adoption.

d) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR
SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote suspend Rule 9D and to place on final passage Resolution Nos. R2015-0180, R2015-0182, R2015-0183, R2015-0184, R2015-0193, R2015-0194, R2015-0195, R2015-0197, R2015-0198 and R2015-0199.

- 1) R2015-0180: A Resolution authorizing a revenue generating Utility Agreement with City of Richmond Heights for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District No. 3; 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 Budish/Department of Public Works/Division of County Engineer

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

On a motion by Mr. Germana with a second by Mr. Brady, Resolution No. R2015-0180 was considered and adopted by unanimous vote.

- 2) R2015-0182: A Resolution accepting the rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Fiscal Officer; and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Finance & Budgeting – Greenspan

On a motion by Mr. Greenspan with a second by Mr. Schron, Resolution No. R2015-0182 was considered and adopted by unanimous vote.

- 3) R2015-0183: A Resolution authorizing the use of a portion of the proceeds of the Cuyahoga County Sales Tax Revenue Bonds, Series 2014 (County Facilities Improvement), in an aggregate principal amount not-to-exceed \$2,000,000.00 for

the purposes of paying certain costs of demolition of blighted and nuisance properties and making grants therefor; authorizing other actions related to the use of such proceeds; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Fiscal Officer/Office of Budget & Management **and Councilmember Conwell**

Committee Assignment and Chair: Finance & Budgeting – Greenspan

Mr. Greenspan introduced a proposed substitute to Resolution No. R2015-0183. Discussion ensued.

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

On a motion by Mr. Brady with a second by Ms. Conwell, Resolution No. R2015-0183 was considered and adopted by unanimous vote, as substituted.

- 4) R2015-0184: A Resolution authorizing an Economic Development Fund Redevelopment and Modernization Loan in the amount not-to-exceed \$685,000.00 to LaSalle AMC, LLC for the benefit of the LaSalle Arts and Media Center Project located at 819-829 East 185th Street, Cleveland; authorizing the County Executive and 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 Budish/Department of Development and Councilmembers Schron, Hairston, Jones and Miller

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Schron with a second by Mr. Hairston, Resolution No. R2015-0184 was considered and adopted by unanimous vote.

- 5) R2015-0193: A Resolution approving Right-of-Way plans as set forth in Plat No. M-5023 for replacement of Bagley Road Bridge No. 03.45 over Plum Creek in the City of Olmsted Falls; 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.

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

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

On a motion by Mr. Germana with a second by Mr. Brady, Resolution No. R2015-0193 was considered and adopted by unanimous vote.

- 6) R2015-0194: A Resolution making an award on RQ34179 to S.A. Comunale Co., Inc. in the amount not-to-exceed \$672,000.00 for the Cuyahoga County Juvenile Justice Center Sprinkler Modifications Project for the period 10/1/2015 - 4/1/2016; 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 Budish/Department of Public Works/Division of County Engineer

Committee Assignment and Chair: Public Safety & Justice Affairs – Gallagher

On a motion by Mr. Gallagher with a second by Ms. Conwell, Resolution No. R2015-0194 was considered and adopted by unanimous vote.

- 7) R2015-0195: A Resolution authorizing an amendment to Contract No. CE0500565-05 with JPMC 2001-A Southgate, LLC c/o Capital Services, Inc. for lease of space located at 5398-1/2 Northfield Road, Maple Heights, for the Southeast Neighborhood Family Service Center for the period 6/1/2005 - 5/31/2015 to assign the interest to Southgate Center Associates, LLC, effective 6/1/2014, to change the scope of services, effective 6/1/2014, to extend the time period to 5/31/2016 and for additional funds in the amount not-to-exceed \$489,708.04; 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 Budish/Departments of Public Works and Health and Human Services/Cuyahoga Job and Family Services

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

On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2015-0195 was considered and adopted by unanimous vote.

- 8) R2015-0197: A Resolution making an award on RQ27417 to N. Harris Computer Corporation in the amount not-to-exceed \$3,763,701.00 for software implementation services for the Real Property Tax System for the period 10/1/2015 - 9/30/2020; 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 Budish/County Treasurer

Committee Assignment and Chair: Finance & Budgeting – Greenspan

On a motion by Mr. Greenspan with a second by Mr. Miller, Resolution No. R2015-0184 was considered and adopted by unanimous vote.

- 9) R2015-0198: A Resolution making an award on RQ27417 to N. Harris Computer Corporation in the amount not-to-exceed \$1,441,900.00 for software licenses for the Real Property Tax System, effective 10/1/2015; authorizing the County Executive to execute the Software License Agreement and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/County Treasurer

Committee Assignment and Chair: Finance & Budgeting – Greenspan

On a motion by Mr. Greenspan with a second by Mr. Miller, Resolution No. R2015-0198 was considered and adopted by unanimous vote.

- 10) R2015-0199: A Resolution making an award on RQ27417 to N. Harris Computer Corporation in the amount not-to-exceed \$2,410,668.00 for support and maintenance services for the Real Property Tax System for the period 10/1/2015 - 9/30/2020; 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 Budish/County Treasurer

Committee Assignment and Chair: Finance & Budgeting – Greenspan

On a motion by Mr. Greenspan with a second by Mr. Miller, Resolution No. R2015-0199 was considered and adopted by unanimous vote.

- e) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING AND REFERRAL TO COMMITTEE

- 1) R2015-0196: A Resolution authorizing a Casino Revenue Fund loan in the amount not-to-exceed \$2,000,000.00 to Corning Place Ohio, LLC for the benefit of the Garfield Building Project located at 1965 East 6th Street, Cleveland; authorizing the County Executive and Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

Council President Brady referred Resolution No. R2015-0196 to the Committee of the Whole.

- f) CONSIDERATION OF AN ORDINANCE FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) O2015-0013: An Ordinance enacting Chapter 719 of the Cuyahoga County Code to establish payroll procedures for years in which the number of pay periods exceeds the usual

and customary number of pay periods, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive Budish/Fiscal Officer

Council President Brady referred Ordinance No. O2015-0013 to the Finance & Budgeting Committee.

10. MISCELLANEOUS COMMITTEE REPORTS

Mr. Greenspan reported that the Finance & Budgeting Committee will meet on Monday, October 19, 2015 at 1:00 p.m.

Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, October 20, 2015 at 10:00 a.m.

Mr. Germana reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, October 21, 2015 at 10:00 a.m.

Mr. Jones reported that the Health, Human Services & Aging Committee will meet on Wednesday, October 21, 2015 at 1:00 p.m.

11. MISCELLANEOUS BUSINESS

Mr. Greenspan announced that he is having a Town Hall meeting on Thursday, October 15, 2015 at 7:00 p.m. at Cuyahoga Community College, West Shore Campus.

12. PUBLIC COMMENT UNRELATED TO AGENDA

Mr. Satindur Puri addressed Council regarding the renewal of the excise tax on cigarette sales in order to fund Cuyahoga County arts and cultural programs.

The following citizens addressed Council regarding the Norma Herr Women's Center:

- a) Ms. Loh
- b) Ms. Ramona Turnbull

Rev. Pamela Pinkney-Butts addressed Council regarding violence against women and children.

13. ADJOURNMENT

With no further business to discuss, Council President Brady adjourned the meeting at 6:08 p.m., without objection.