



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, NOVEMBER 15, 2016
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 5:00 p.m.

2. ROLL CALL

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

A motion was made by Mr. Brady, seconded by Mr. Gallagher and approved by unanimous vote to excuse Mr. Schron from the meeting.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Brady requested that a moment of silent meditation be dedicated in honor of the veterans who have served and who currently serve our Country.

5. PUBLIC COMMENT RELATED TO AGENDA

Rev. Pamela Pinkney Butts addressed Council regarding various agenda and non-agenda items.

Mr. Brian Davis addressed Council regarding the Norma Herr Women's Shelter.

6. APPROVAL OF MINUTES

- a) October 24, 2016 Committee of the Whole Meeting
- b) October 24, 2016 Regular Meeting

A motion was made by Ms. Simon, seconded by Mr. Hairston and approved by unanimous vote to approve the minutes of the October 24, 2016 Committee of the Whole and Regular meetings.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Brady announced that Council has a full meeting schedule and a lot of work to complete over the next month.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Budish reported the following:

- a) **Thanked the Board of Elections staff, poll workers and volunteers for helping to ensure a smooth election.**
- b) **Congratulated Councilmembers Miller, Schron, Jones and Hairston on their re-election as well as newly elected Councilmember Scott Tuma on his election to County Council.**
- c) **Congratulated Councilmember Greenspan on his election to the Ohio House of Representatives.**
- d) **Expressed concern regarding the impact of the presidential election on Cuyahoga County and potential consequences of the elimination of Medicaid expansion on County residents.**

9. LEGISLATION INTRODUCED BY COUNCIL

- a) CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING
 - 1) R2016-0202: A Resolution appointing Cory Swaisgood, upon his taking the oath of office, to serve as Director of Internal Auditing of Cuyahoga County for an unexpired term ending 6/30/2020; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Brady on behalf of County Audit Committee

Clerk Schmotzer read Resolution No. R2016-0202 into the record.

Council President Brady announced that this item will move to the November 29, 2016 Council meeting agenda for consideration for second reading adoption under suspension of the rules.

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

- 1) R2016-0203: A Resolution approving The MetroHealth System Year 2017 Budget, in accordance with Ohio Revised Code Section 339.06(D), with the understanding that the allocation of County funds to the System will be made through adoption of the 2016/2017 Biennial Operating Budget and Capital Improvements Program Annual Update for 2017; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Brady on behalf of The MetroHealth System

Council President Brady referred Resolution No. R2016-0203 to the Committee of the Whole.

- 2) R2016-0204: A Resolution approving The MetroHealth System's policies and procedures to participate in one or more joint purchasing associations for the purpose of acquiring supplies, equipment and services provided through joint purchasing arrangements in order to achieve beneficial purchasing arrangements for the year 2017, in accordance with Ohio Revised Code Section 339.05; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Germana on behalf of The MetroHealth System

Council President Brady referred Resolution No. R2016-0204 to the Public Works, Procurement & Contracting Committee.

10. 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. R2016-0205.

- 1) R2016-0205: A Resolution amending the 2016/2017 Biennial Operating Budget for 2016 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 and Management

On a motion by Mr. Greenspan with a second by Mr. Miller, Resolution No. R2016-0205 was considered and adopted by unanimous vote.

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

- 1) R2016-0206: A Resolution approving an agreement with City of Cleveland for the period 8/1/2015 - 7/31/2035 for the purpose of distributing alcohol and cigarette excise tax proceeds; 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

Council President Brady referred Resolution No. R2016-0206 to the Committee of the Whole.

- 2) R2016-0207: A Resolution approving an adjustment of the municipal boundary between Orange Village and City of Pepper Pike in connection with a portion of Lander Road, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works

Council President Brady referred Resolution No. R2016-0207 to the Public Works, Procurement & Contracting Committee.

- 3) R2016-0208: A Resolution approving the vacation of a certain portion of Warrensville Center Road to the City of Shaker Heights in connection with the Van Aken Project; authorizing the County Executive to execute all documents required in connection with said transaction; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works

Council President Brady referred Resolution No. R2016-0208 to the Public Works, Procurement & Contracting Committee.

- 4) R2016-0209: A Resolution approving the vacation of a certain portion of Warrensville Center Road to Van Aken Shopping Center, Ltd. in connection with the Van Aken Project; authorizing the County Executive to execute all documents required in connection with said transaction; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works

Council President Brady referred Resolution No. R2016-0209 to the Public Works, Procurement & Contracting Committee.

- 5) R2016-0210: A Resolution authorizing a Memorandum of Agreement with Federal Aviation Administration in connection with the Air Traffic Control Tower Land Site located at the Cuyahoga County Airport for the period 10/1/2016 - 9/30/2036; 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

Council President Brady referred Resolution No. R2016-0210 to the Public Works, Procurement & Contracting Committee.

- 6) R2016-0211: A Resolution declaring that public convenience and welfare requires replacement of Memphis Road Bridge No. 00.62 over CSXT Railroad in the City of Brooklyn; total estimated project cost \$3,025,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; 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.

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

Council President Brady referred Resolution No. R2016-0211 to the Public Works, Procurement & Contracting Committee.

- 7) R2016-0212: A Resolution making an award on RQ36295 to Burgess & Niple, Inc. in the amount not-to-exceed \$740,169.00 for design engineering services for improvement of Pleasant Valley Road Bridge No. 09.68 over the Cuyahoga River, Canal Road and Ohio Canal in the City of Independence and Village of Valley View; 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

Council President Brady referred Resolution No. R2016-0212 to the Public Works, Procurement & Contracting Committee.

- 8) R2016-0213: A Resolution authorizing an agreement with Northeast Ohio Regional Sewer District in the amount not-to-exceed \$800,000.00 for disposal of wastewater sewer grit for the period 6/1/2016 - 5/31/2018, 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. R2016-0213 to the Public Works, Procurement & Contracting Committee.

- 9) R2016-0214: A Resolution authorizing the Director of Public Works to execute and submit a loan application in the amount of \$1,500,000.00 to Ohio Water Development Authority to finance sewer repairs in connection with the Bagley Road Water/Sewer/Resurfacing Project in Olmsted Township for the period 4/1/2017 - 10/1/2018; authorizing the County Executive to accept said loan, if approved, and to execute the agreement and all other documents required in connection with said loan 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

Council President Brady referred Resolution No. R2016-0214 to the Public Works, Procurement & Contracting Committee.

- 10) R2016-0215: A Resolution accepting a loan in the amount of \$250,000.00 from Ohio Public Works Commission to finance road and sewer repairs in connection with the Turney Road Improvement Project in the Cities of Cleveland and Garfield Heights for the period 9/30/2016 - 10/1/2017; authorizing the County Executive to execute the agreement and all other documents required in connection with said loan 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

Council President Brady referred Resolution No. R2016-0215 to the Public Works, Procurement & Contracting Committee.

- 11) R2016-0216: A Resolution adopting the 2016/2017 Biennial Operating Budget and Capital Improvements Program Annual Update for 2017, and declaring the necessity that this Resolution become immediately effective.

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

Mr. Greenspan introduced a proposed substitute to Resolution No. R2016-0216. Discussion ensued.

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

Council President Brady referred Resolution No. R2016-0216 to the Committee of the Whole.

- 12) R2016-0217: A Resolution authorizing an Economic Development Fund Accelerated Growth Loan in the amount not-to-exceed \$1,500,000.00 to Fat Head's Brewing, L.P. for the benefit of a project located at Engle Road in the City of Middleburg Heights, Permanent Parcel No. 171-21-004; authorizing the County Executive and/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.

Sponsor: County Executive Budish/Department of Development

Council President Brady referred Resolution No. R2016-0217 to the Economic Development & Planning Committee.

- 13) R2016-0218: A Resolution authorizing an Economic Development Fund Redevelopment and Modernization Loan in the amount not-to-exceed \$2,500,000.00 to Detroit Shoreway Community Development Organization for the benefit of a project located at 11801-11825 Lorain Avenue in the City of Cleveland; authorizing the County Executive and/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.

Sponsor: County Executive Budish/Department of Development

Council President Brady referred Resolution No. R2016-0218 to the Community Development Committee.

- 14) R2016-0219: A Resolution authorizing the issuance of not-to-exceed \$11,000,000.00 County of Cuyahoga, Ohio Economic Development Refunding Revenue Bonds, Series 2016, for the purpose of refunding the remaining outstanding principal

amount of \$13,315,000.00 County of Cuyahoga, Ohio Economic Development Revenue Refunding Bonds, Series 2010 (Hathaway Brown School), which were issued to provide funds to assist Hathaway Brown School in the refinancing of costs of a "Project" within the meaning of Chapter 165, Ohio Revised Code; authorizing the execution and delivery of a loan agreement pertaining to the project and refinancing and an assignment securing the payment of the Bonds; 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.

Sponsor: County Executive Budish/Department of Development

Council President Brady referred Resolution No. R2016-0219 to the Economic Development & Planning Committee.

- 15) R2016-0220: A Resolution authorizing an agreement with Educational Service Center of Cuyahoga County in the amount not-to-exceed \$1,554,391.00 for fiscal and administrative services for the Help Me Grow Bright Beginnings Program for the period 10/1/2016 - 12/31/2017; 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 Budish/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood **and Councilmembers Hairston and Miller**

Council President Brady referred Resolution No. R2016-0220 to the Education, Environment & Sustainability Committee.

- 16) R2016-0221: A Resolution authorizing an amendment to Contract No. CE1500310-01 with Maximus Human Services, Inc. for the Work Experience Program for work-required public assistance recipients for the period 1/1/2016 - 12/31/2016 to extend the time period to 12/31/2017 and for additional funds in the amount not-to-exceed \$1,302,648.96; 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/Cuyahoga Job and Family Services

Council President Brady referred Resolution No. R2016-0221 to the Health, Human Services & Aging Committee.

c) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING

- 1) R2016-0198: A Resolution making an award on RQ37936 to Hylant Group, Inc. in the amount not-to-exceed \$1,445,000.00 for insurance brokerage and risk management services for the period 1/1/2017 - 12/31/2017; 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 Law/ Division of Risk Management

Committee Assignment and Chair: Finance & Budgeting – Greenspan

Clerk Schmotzer read Resolution No. R2016-0198 into the record.

This item will move to the November 29, 2016 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 to suspend Rule 9D and to place on final passage Resolution Nos. R2016-0196, R2016-0197, R2016-0199, R2016-0200 and R2016-0201.

- 1) R2016-0196: A Resolution authorizing a revenue generating agreement with Corporate Wings – Cleveland, LLC in the amount not-to-exceed \$1,000,000.00 for lease of hangar space located at the Cuyahoga County Airport for the period 9/1/2016 - 8/31/2026; 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

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

On a motion by Mr. Germana with a second by Ms. Conwell, Resolution No. R2016-0196 was considered and adopted by unanimous vote.

- 2) R2016-0197: A Resolution authorizing an amendment to Contract No. CE1500375-01 with Turner/Ozanne Joint Venture for design-builder services for the Huntington Park Garage Rehabilitation Project for the period 12/7/2015 - 12/2/2016 to change the scope of services and the terms, effective 11/16/2016, to extend the time period to 12/31/2017 and to establish a guaranteed maximum price in the amount not-to-exceed \$22,711,693.00; 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 Public Works

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

On a motion by Mr. Germana with a second by Mr. Brady, Resolution No. R2016-0197 was considered and adopted by unanimous vote.

- 3) R2016-0199: A Resolution authorizing an amendment to Agreement No. AG1400087-01 with Educational Service Center of Cuyahoga County for fiscal and administrative services for the Help Me Grow Bright Beginnings Home Visiting Program for the period 7/1/2014 - 6/30/2016 to extend the time period to 9/30/2016 and for additional funds in the amount not-to-exceed \$470,438.00; 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 Health and Human Services/Division of Community Initiatives/Office of Early Childhood and Councilmembers Hairston and Miller

Committee Assignment and Chair: Education, Environment & Sustainability – Simon

On a motion by Mr. Miller with a second by Ms. Brown, Resolution No. R2016-0199 was considered and adopted by unanimous vote.

- 4) R2016-0200: 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 period 1/1/2016 - 12/31/2017; 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 Budish/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood and Councilmembers Hairston and Miller

Committee Assignment and Chair: Education, Environment & Sustainability – Simon

On a motion by Ms. Simon with a second by Mr. Hairston, Resolution No. R2016-0200 was considered and adopted by unanimous vote.

- 5) R2016-0201: A Resolution authorizing a contract with Starting Point in the amount not-to-exceed \$600,000.00 for the Out-of-School Time Program for the period 10/1/2016 - 1/31/2017; 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.

Sponsors: County Executive Budish/Department of Health and Human Services/Division of Community Initiatives/Family and Children First Council and Councilmembers Hairston, Miller, **Conwell, Simon, Jones and Brown**

Committee Assignment and Chair: Education, Environment & Sustainability – Simon

On a motion by Ms. Simon with a second by Mr. Hairston, Resolution No. R2016-0201 was considered and adopted by unanimous vote.

e) CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION

- 1) R2016-0137: A Resolution authorizing an Electric Service Agreement with City of Cleveland/Department of Public Utilities/Division of Cleveland Public Power in the amount not-to-exceed \$68,000,000.00 for electric power services for various County-owned buildings for the period 9/1/2016 - 5/1/2028; authorizing the County Executive to execute the agreement and all other documents consistent with the agreement and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Sustainability and Councilmembers **Simon, Brady, Germana, Conwell, Jones, Brown and Miller**

On a motion by Ms. Simon with a second by Mr. Brady, Resolution No. R2016-0137 was considered and adopted by unanimous vote.

[Clerk's Note: Due to a revised opinion by the Inspector General, Councilmember Greenspan was no longer required to recuse himself from voting on this item.]

11. MISCELLANEOUS COMMITTEE REPORTS

Ms. Simon reported that the Education, Environment & Sustainability Committee will meet on Wednesday, November 16, 2016 at 3:00 p.m.

Mr. Hairston reported that the Community Development Committee will meet on Tuesday, November 22, 2016 at 9:00 a.m.

Mr. Jones reported that the Health, Human Services & Aging Committee will meet on Wednesday, November 16, 2016 at 1:00 p.m.

Mr. Germana reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, November 16, 2016 at 10:00 a.m.

Mr. Miller reported that the Economic Development & Planning Committee will meet on Tuesday, November 22, 2016 at 10:30 a.m.

Mr. Greenspan reported that the Committee of the Whole will meet on Tuesday, November 29, 2016 at 2:30 p.m. and on Tuesday, December 6, 2016 at 2:00 p.m.

12. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

13. PUBLIC COMMENT UNRELATED TO AGENDA

Rev. Pamela Pinkney Butts addressed Council regarding prayer and community services offered throughout the City of Cleveland.

Mr. Rico Dancy addressed Council regarding text 9-1-1 services.

14. REPORT BY CLERK ON LEGISLATION WITHDRAWN AT REQUEST OF SPONSOR(S)

- a) O2014-0026: An Ordinance enacting Title 13, Chapter 1301 of the Cuyahoga County Code to establish the Cuyahoga County Consumer Protection Code, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Former County Executive FitzGerald/Fiscal Officer/
Department of Consumer Affairs

- b) O2014-0027: An Ordinance enacting Title 13, Chapter 1302 of the Cuyahoga County Code to establish the Cuyahoga County Weights and Measures Code, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Former County Executive FitzGerald/Fiscal Officer/
Department of Consumer Affairs

Clerk Schmotzer reported that Ordinance Nos. O2016-0026 and O2016-0027 were withdrawn at the request of the Law Department.

15. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Hairston with a second by Ms. Brown, the meeting was adjourned at 5:40 p.m., without objection.