



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, APRIL 23, 2019
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 Deputy Clerk Carter to call the roll. Councilmembers Gallagher, Schron, Conwell, Jones, Brown, Stephens, Baker, Miller, Tuma and Brady were in attendance and a quorum was determined. Councilmember Simon entered the meeting shortly after the roll-call was taken.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council Vice-President Jones requested that a moment of silent meditation be dedicated in memory of The Honorable Clint Hall, former Mayor and Councilmember of the City of Warrensville Heights, who recently passed away.

5. PUBLIC COMMENT

Ms. Laurie Albright addressed Council regarding solitary confinement policies at the County Jail.

Ms. Molly Nagin addressed Council regarding criminal justice reform.

Ms. Loh addressed Council regarding the Norma Herr women's shelter.

6. APPROVAL OF MINUTES

- a) April 9, 2019 Committee of the Whole Meeting
- b) April 9, 2019 Regular Meeting

A motion was made by Ms. Brown, seconded by Mr. Schron and approved by unanimous vote to approve the minutes from the April 9, 2019 Committee of the Whole and Regular meetings.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

- a) Recognition of the Cuyahoga County Board of Developmental Disabilities Rockets Basketball Team, Special Olympics Adult Division I State Champions

Ms. Brown congratulated Mr. Darrell Pugh and the Cuyahoga County Board of Developmental Disabilities Rockets basketball team for winning the the State Special Olympics Adult Division I championship. On behalf of County Council, she then presented the coaches and players with proclamations.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Budish reported that the Greater Cleveland Partnership (GCP) conducted a tax study in Cuyahoga County. The survey found that there are higher tax rates in Cuyahoga County compared to other large counties. The Administration intends to work with County Council and local leaders in order to prioritize and address the needs of the community.

9. LEGISLATION INTRODUCED BY COUNCIL

- a) CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) R2019-0102: A Resolution adopting various changes to the Cuyahoga County Non-bargaining Classification Plan, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Brown on behalf of Cuyahoga County Personnel Review Commission

Council President Brady referred Resolution No. R2019-0102 to the Human Resources, Appointments & Equity Committee.

b) CONSIDERATION OF A RESOLUTION OF COUNCIL FOR THIRD READING ADOPTION

- 1) R2019-0077: A Resolution making an award to College Now Greater Cleveland in the amount of \$500,000.00 from the Cuyahoga County Educational Assistance Fund for Component Two of the Cuyahoga County Educational Assistance Program for the period ending 6/30/2023; 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: Councilmember Simon

On a motion by Ms. Simon with a second by Ms. Conwell, Resolution No. R2019-0077 was considered and adopted by unanimous vote.

c) COMMITTEE REPORTS AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2019-0006.

- 1) O2019-0006: An Ordinance amending Section 804.01(C)(1) of the Cuyahoga County Code to expand the list of eligible institutions of the Post-secondary College or University Scholarship Program from those located within Cuyahoga County to those located within the State of Ohio, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Simon, Brown and Miller

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

On a motion by Ms. Simon with a second by Mr. Jones, Ordinance No. O2019-0006 was considered and adopted by majority vote, with Mr. Schron casting the only dissenting vote.

d) COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING

- 1) O2018-0013: An Ordinance amending Section 204.01 of the Cuyahoga County Code to require county agencies to provide a response to recommendations issued as part of an investigation of the Agency of Inspector General and to update the County Code in accordance with the adoption of Article XV of the County Charter, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Baker and Miller

Committee Assignment and Chair: Council Operations, Intergovernmental Relations & Public Transportation – Baker

[Clerk's Note: Ordinance No. O2018-0013 was not read into the record and did not have a second reading. The Council Operation, Intergovernmental Relations Committee meeting was cancelled, so this item did not receive a Committee recommendation and is still pending in Committee.]

10. LEGISLATION INTRODUCED BY EXECUTIVE

a) CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2019-0103 and R2019-0104.

- 1) R2019-0103: A Resolution amending the 2018/2019 Biennial Operating Budget for 2019 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, to meet the budgetary needs of various County departments, offices and agencies; amending Resolution Nos. R2019-0053 dated 2/26/2019 and R2019-0078 dated 3/26/2019 to reconcile appropriations for 2019; 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. Miller with a second by Ms. Conwell, Resolution No. R2019-0103 was considered and adopted by unanimous vote.

- 2) R2019-0104: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and International Union of Operating Engineers, Local 18-S, representing approximately 18 employees in 10 classifications at the Department of Public Works for the period 5/1/2018 - 4/30/2021; 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 Budish/Departments of Law and Public Works

On a motion by Mr. Brady with a second by Ms. Brown, Resolution No. R2019-0104 was considered and adopted by unanimous vote.

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

- 1) R2019-0105: A Resolution confirming the County Executive's appointment of Gregory G. Huth, upon his taking the oath of office, as Cuyahoga County Director of Law; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2019-0105 to the Committee of the Whole.

- 2) R2019-0106: A Resolution confirming the County Executive's appointment of Nancy Mendez to serve on the Cuyahoga Arts and Culture Board of Trustees for the term 4/1/2019 - 3/31/2022, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2019-0106 to the Human Resources, Appointments & Equity Committee.

3) R2019-0107: A Resolution confirming the County Executive's appointment or reappointment of various individuals to serve on the Cuyahoga County Advisory Board on Senior and Adult Services for various terms, and declaring the necessity that this Resolution become immediately effective:

i) Appointments:

a) for an unexpired term:

1) Beth Sipple ending
12/31/2019

2) David Carlson ending
12/31/2020

b) for the term 1/1/2019 - 12/31/2021:

1) Cheryl Crahen
2) Camren Harris
3) Ashley Morrissey

ii) Reappointments for the term 1/1/2019 - 12/31/2021:

a) Dr. Douglas Beach
b) Alan Bedingfield
c) Kathy Foley
d) Susan Wong

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2019-0107 to the Human Resources, Appointments & Equity Committee.

4) R2019-0108: A Resolution declaring that public convenience and welfare requires replacement of Jefferson Avenue Bridge No. 00.57 between West 3rd Street and the Cuyahoga River in the City of Cleveland; total estimated project cost \$3,000,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; 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. R2019-0108 to the Public Works, Procurement & Contracting Committee.

- 5) R2019-0109: A Resolution making an award on RQ44770 to Fabrizi Recycling, Inc. in the amount not-to-exceed \$2,747,725.00 for the 2019 Sewer Repair Program in various County Sewer Districts for the period 6/1/2019 - 5/31/2021; 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. R2019-0109 to the Public Works, Procurement & Contracting Committee.

- 6) R2019-0110: A Resolution making an award on RQ44816 to C&K Industrial Services, Inc. in the amount not-to-exceed \$2,187,597.60 for cleaning and televising sanitary sewers in various communities for the period 6/1/2019 - 5/31/2021; 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. R2019-0110 to the Public Works, Procurement & Contracting Committee.

- 7) R2019-0111: A Resolution approving Right-of-Way Plans as set forth in Plat No. M-5034 for replacement of Memphis Road Bridge No. 00.62 over CSXT Railroad in the City of Brooklyn; 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 cost 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

Council President Brady referred Resolution No. R2019-0111 to the Public Works, Procurement & Contracting Committee.

- 8) R2019-0112: A Resolution amending the 2018/2019 Capital Improvements Program for 2019 by updating both the projects to be completed and the estimated cost of each project, and declaring the necessity that this Resolution become immediately effective.

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

Council President Brady referred Resolution No. R2019-0112 to the Finance & Budgeting Committee.

- c) COMMITTEE REPORTS AND CONSIDERATION OF A RESOLUTION FOR SECOND READING

- 1) R2019-0098: A Resolution authorizing an amendment to Contract No. CE0900320-02 with Terry L. Poltorek Kenneth F. Lutke Partners Investment Properties, LLC fka Investment Properties, Ltd. for lease of office space and parking spaces located at 1835/1849 Prospect Avenue, Cleveland, for use by Cuyahoga County Veterans Service Commission for the period 10/1/2009 - 9/30/2019 to extend the time period to 9/30/2024 and for additional funds in the amount not-to-exceed \$1,050,000.00; 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.

Sponsors: County Executive Budish/Department of Public Works on behalf of Cuyahoga County Veterans Service Commission and Councilmember Conwell

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

Deputy Clerk Carter read Resolution No. R2019-0098 into the record.

This item will move to the May 14, 2019 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. Tuma, seconded by Mr. Schron and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2019-0080, R2019-0094, R2019-0095, R2019-0096, R2019-0097, R2019-0099, R2019-0100 and R2019-0101.

- 1) R2019-0080: A Resolution making an award on RQ44742 to Karvo Companies, Inc. in the amount not-to-exceed \$1,782,778.80 for resurfacing Cedar Road from S.O.M. Center Road to Chagrin River Road in the Villages of Gates Mills and Hunting Valley; 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 \$7.50 License Tax Funds in the amount of \$1,426,223.04 to fund a portion of said contract; 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 – Tuma

Mr. Tuma introduced a proposed substitute to Resolution No. R2019-0080. Discussion ensued.

A motion was then made by Mr. Schron and seconded by Mr. Miller to accept the proposed substitute.

On a motion by Mr. Tuma with a second by Mr. Schron, Resolution No. R2019-0080 was considered and adopted by unanimous vote, as substitute.

- 2) R2019-0094: A Resolution approving and accepting a plat covering the vacation of a certain portion of Warrensville Center Road located in the City of Shaker Heights, as a County Road; ordering the vacation of a certain portion of Warrensville Center Road located in the City of Shaker Heights, Cuyahoga County, Ohio; ordering all proceedings

copied into the proper Road Record of the County by the County Engineer; 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 – Tuma

On a motion by Mr. Tuma with a second by Mr. Miller, Resolution No. R2019-0094 was considered and adopted by unanimous vote.

- 3) R2019-0095: A Resolution making an award on RQ44486 to DLR Group, Inc. dba DLR Group|Westlake Reed Leskosky in the amount not-to-exceed \$1,400,000.00 for Programming Services for the Justice Center Complex Project for the period 4/24/2019 - 12/31/2021; 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

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

On a motion by Mr. Gallagher with a second by Mr. Brady, Resolution No. R2019-0095 was considered and adopted by unanimous vote

- 4) R2019-0096: A Resolution making an award on RQ44617 to EnviroCom Construction, Inc. in the amount not-to-exceed \$989,500.00 for the Medical Examiner Building Improvements Project for the period 4/24/2019 - 12/31/2019; 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.

Sponsors: County Executive Budish/Department of Public Works and Councilmember Conwell

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

On a motion by Mr. Tuma with a second by Mr. Miller, Resolution No. R2019-0096 was considered and adopted by unanimous vote

- 5) R2019-0097: A Resolution making an award on RQ43165 to Enerlogics Solar LLC in the amount not-to-exceed \$1,200,206.13 for the purchase of electricity generated by Rooftop Solar Systems installed at various County facilities in connection with the Aggregated Solar Project for the period 6/1/2019 - 5/31/2029; authorizing the County Executive to execute the Solar Power Purchase Agreement and License and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Departments of Public Works and Sustainability **and Councilmembers Simon and Miller**

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

On a motion by Mr. Tuma with a second by Mr. Schron, Resolution No. R2019-0097 was considered and adopted by unanimous vote.

- 6) R2019-0099: A Resolution authorizing the issuance of not-to-exceed \$25,000,000.00 Multifamily Housing Mortgage Revenue Bonds, Series 2019 (Hamlet Hills LLC) by the County of Cuyahoga, Ohio, the proceeds of which shall be loaned to Hamlet Hills LLC to (i) refund and retire certain indebtedness incurred to finance the acquisition, renovation, and equipping of a multifamily residential rental housing facility, (ii) finance certain additional capital improvements, (iii) fund certain working capital needs for the hereinafter defined Borrower, (iv) fund interest reserve funds, and (v) pay all or a portion of the costs of issuing such bonds; providing for the pledge of revenues for the payment of such Bonds; authorizing a Loan Agreement and Trust Indenture appropriate for the protection and disposition of such revenues and to further secure such Bonds; authorizing a Tax Regulatory Agreement and a Land Use Restriction Agreement; authorizing other actions in connection with the issuance of such Bonds; rescinding Resolution No. R2018-0217 dated 11/13/2018; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Development

Bond Counsel: Dinsmore & Shohl LLP

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Brady with a second by Mr. Schron, Resolution No. R2019-0099 was considered and adopted by unanimous vote.

- 7) R2019-0100: A Resolution authorizing a contract with Motorola Solutions, Inc. in the amount not-to-exceed \$844,399.00 for replacement and installation of new and existing cameras and mounting hardware and a new video management system in connection with the Cleveland Shared Surveillance Camera Project and Video Management System for the period 4/24/2019 - 6/30/2019; 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 Public Safety and Justice Services

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

On a motion by Mr. Gallagher with a second by Ms. Conwell, Resolution No. R2019-0100 was considered and adopted by unanimous vote.

- 8) R2019-0101: A Resolution authorizing an amendment to a Master Contract, which includes Nos. CE1800183-01, CE1800184-01, CE1800185-01 and CE1800186-01, with various providers for emergency assistance services for the period 5/1/2018 - 4/30/2019 to extend the time period to 4/30/2020, to change the terms, effective 1/1/2019, and for additional funds in the amount not-to-exceed \$600,000.00; 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:

- i) A-Z Furniture Co. Inc.
- ii) Dave's Supermarket

- iii) National Mattress & Furniture Warehouse Inc.
- iv) West 25th Furnishings and Appliances, Inc.

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

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

On a motion by Ms. Conwell with a second by Ms. Brown, Resolution No. R2019-0101 was considered and adopted by unanimous vote.

e) CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION

- 1) R2019-0081: A Resolution authorizing an amendment to Agreement No. AG1800067-01 with The MetroHealth System for the MetroHealth Select Network health benefit plan for County employees and their eligible dependents for the period 1/1/2016 - 12/31/2018 to extend the time period to 12/31/2019, to change the terms, effective 1/1/2019, and for additional funds in the amount not-to-exceed \$900,000.00; 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 Budish/Department of Human Resources

On a motion by Ms. Brown with a second by Mr. Brady, Resolution No. R2019-0081 was considered and adopted by unanimous vote.

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

- 1) O2019-0007: An Ordinance amending Section 402.01(L) of the Cuyahoga County Code to modify the definition of “relative” as it is used in the County’s code of ethics, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive Budish

Council President Brady referred Ordinance No. O2019-0007 to the Public Safety & Justice Affairs Committee.

g) CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION

- 1) O2019-0004: An Ordinance enacting Chapters 1303 and 723 of the Cuyahoga County Code authorizing Bicycle and Scooter Share Licensing.

Sponsors: County Executive Budish/Department of Sustainability and Councilmember Simon

On a motion by Mr. Tuma with a second by Mr. Schron, Ordinance No. O2019-0004 was considered and adopted by unanimous vote.

11. MISCELLANEOUS COMMITTEE REPORTS

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, April 29, 2019 at 1:00 p.m.

Ms. Brown reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, April 30, 2019 at 10:00 a.m.

Mr. Gallagher reported that the Public Safety & Justice Affairs Committee will meet on Tuesday, April 30, 2019 at 1:00 p.m.

Ms. Baker reported that the Council Operations, Intergovernmental Relations & Public Transportation Committee will meet on Tuesday, April 30, 2019 at 3:00 p.m.

Mr. Tuma reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, May 1, 2019 at 10:00 a.m.

Ms. Simon reported that the Education, Environment & Sustainability Committee will meet on Wednesday, May 1, 2019 at 3:00 p.m.

12. MISCELLANEOUS BUSINESS

Mr. Miller stated that he would like to follow-up on the concerns presented during public comment regarding solitary confinement policies at the County Jail and Mr. Gallagher announced that the topic would be discussed at the April 30th Public Safety & Justice Affairs Committee meeting.

13. ADJOURNMENT

With no further business to discuss, Council President Brady adjourned the meeting at 5:39 p.m., without objection.