



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, APRIL 24, 2018
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 5:05 p.m.

2. ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Councilmember Schron requested a moment of silent meditation in memory of former First Lady Barbara Bush, who recently passed away.

5. PUBLIC COMMENT

The following citizens addressed Council regarding Ordinance No. O2018-0002, an Ordinance enacting Title 13, Chapter 1301 of the Cuyahoga County Code to establish the Cuyahoga County Consumer Protection Code and to amend Section 202.16(A)(7) of the Code to clarify the duties and responsibilities of the Department of Consumer Affairs/Division of Consumer Protection:

- a) Mr. Bernie Moreno
- b) Mr. Lou Vitantonio

Ms. Loh addressed Council regarding various issues and concerns.

6. APPROVAL OF MINUTES

- a) April 10, 2018 Committee of the Whole Meeting
- b) April 10, 2018 Regular Meeting

A motion was made by Ms. Simon, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the April 10, 2018 Committee of the Whole and Regular meetings.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

There were no announcements from Council President Brady.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Budish asked Council to support the Consumer Affairs legislation included in Council's agenda.

[Clerk's Note: Item No. 10.d)3) was taken out of order after Item No. 8.]

9. LEGISLATION INTRODUCED BY COUNCIL

- a) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION 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 Resolution No. R2018-0079.

- 1) R2018-0079: 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

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

On a motion by Ms. Brown with a second by Ms. Conwell, Resolution No. R2018-0079 was considered and adopted by unanimous vote.

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

- 1) O2018-0005: An Ordinance amending Title 7 of the Cuyahoga County Code to clarify requirements regarding the use of casino tax revenue and update programs funded by such revenue, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Council President Brady and Councilmember Miller

Council President Brady referred Ordinance No. O2018-0005 to the Community Development Committee.

- 2) O2018-0006: An Ordinance amending Section 804.01(C)(2) of the Cuyahoga County Code to increase the maximum amount of individual one-year renewable scholarships from \$1,500.00 to \$1,750.00, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Simon and Houser

Council President Brady referred Ordinance No. O2018-0006 to the Education, Environment & Sustainability 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 Ms. Brown and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2018-0088.

- 1) R2018-0088: A Resolution amending the 2018/2019 Biennial Operating Budget for 2018 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; amending Resolution Nos. R2018-0003

dated 1/9/2018 and R2018-0068 dated 3/27/2018 to reconcile appropriations for 2018; and declaring the necessity that this Resolution become immediately effective.

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

Mr. Miller introduced a proposed substitute on the floor to Resolution No. R2018-0088. Discussion ensued.

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

On a motion by Mr. Miller with a second by Ms. Brown, Resolution No. R2018-0088 was considered and adopted by unanimous vote, as substituted.

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

1) R2018-0089: A Resolution authorizing an agreement with and various payments to Dana Green for the purchase of property located at 430 Richmond Road, Richmond Heights, Permanent Parcel No. 662-22-013, in connection with the Cuyahoga County Airport Master Plan; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; and declaring the necessity that this Resolution become immediately effective:

- i) for the sale and purchase of real estate in the amount of \$128,000.00 (Fair Market Value Estimate); and
- ii) for expenses incidental to the purchase of a replacement house and relocation expenses in the total amount not-to-exceed \$80,000.00.

Sponsor: County Executive Budish/Department of Public Works

Council President Brady referred Resolution No. R2018-0089 to the Public Works, Procurement & Contracting Committee.

2) R2018-0090: A Resolution making an award on RQ41759 to Nerone & Sons, Inc. in the amount not-to-exceed

\$1,915,278.25 for the Broadrock Court Sanitary Relief Sewer Connection in the City of Parma; 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. R2018-0090 to the Public Works, Procurement & Contracting Committee.

- 3) R2018-0091: A Resolution making an award on RQ41397 to The Great Lakes Construction Co. in the amount not-to-exceed \$3,561,561.58 for the Towpath Trail - Stage 1 from Harvard Avenue Trailhead to Steel Yard Commons in the City of Cleveland and Village of Cuyahoga Heights; 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. R2018-0091 to the Public Works, Procurement & Contracting Committee.

- 4) R2018-0092: A Resolution making an award on RQ42093 to Becdir Construction Co. in the amount not-to-exceed \$686,326.80 for rehabilitation of West 41st Street Bridge No. 01.05 over Norfolk Southern Railway and Train Avenue in the City of Cleveland; 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 application for allocation from County Motor Vehicle \$7.50 License Tax Funds in the amount of \$586,326.80 to fund said contract; 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. R2018-0092 to the Public Works, Procurement & Contracting Committee.

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

- 1) R2018-0081: A Resolution authorizing a Lease-Purchase Agreement with Riverbed West, LLC in the amount of \$25.00 for lease of County-owned property located along the Detroit-Superior Bridge on West 25th Street in the City of Cleveland, Permanent Parcel Nos. 003-21-001 and 003-20-004, for the Irishtown Bend Project for the period 5/1/2018 - 4/30/2043; 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 Public Works and Councilmember Conwell

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

Clerk Schmotzer read Resolution No. R2018-0081 into the record.

This item will move to the May 15, 2018 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 Ms. Brown and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2018-0082, R2018-0083, R2018-0085, R2018-0086 and R2018-0087.

- 1) R2018-0082: A Resolution authorizing an amendment to Contract No. CE0800729-01 with Priemer Investment Co., LLC for lease of approximately 128 parking spaces located at 4209, 4213 and 4415 Euclid Avenue, Cleveland, for use by the Division of Children and Family Services for the period 5/1/2008 - 4/30/2018 to extend the time period to 4/30/2023 and for additional funds in the amount not-to-exceed \$415,644.00; 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 – Tuma

On a motion by Mr. Tuma with a second by Mr. Schron, Resolution No. R2018-0082 was considered and adopted by unanimous vote.

- 2) R2018-0083: A Resolution authorizing an amendment to Contract No. CE0800492-01 with Cleveland Commerce Center, Inc. for lease of approximately 125 parking spaces located at East 40th Street and Perkins Avenue, Cleveland, for use by the Division of Children and Family Services for the period 5/1/2008 - 4/30/2018 to extend the time period to 4/30/2023 and for additional funds in the amount not-to-exceed \$367,617.00; 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 – Tuma

On a motion by Mr. Tuma with a second by Mr. Miller, Resolution No. R2018-0083 was considered and adopted by unanimous vote.

- 3) R2018-0084: A Resolution making an award on RQ42445 to a supplier to be determined in the amount estimated not-to-exceed \$3,922,000.00 for electric power services for various County buildings for the period 5/1/2018 - 4/30/2021; 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:
 - i) Dynege Energy Services East, LLC; or
 - ii) Interstate Gas Supply, Inc.

Sponsor: County Executive Budish/Department of Public Works

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

[Clerk's Note: Item No. 10.d)3) was taken out of order after Item No. 8.]

A motion was made by Mr. Miller, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution No. R2018-0084.

Mr. Tuma introduced a proposed substitute on the floor to Resolution No. R2018-0084. Discussion ensued.

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

On a motion by Mr. Tuma with a second by Mr. Brady, Resolution No. R2018-0084 was considered and adopted by unanimous vote, as substituted.

- 4) R2018-0085: A Resolution authorizing an amendment to an agreement with Cuyahoga County District Board of Health for acquisition and maintenance of a permanent facility for the period 1/1/2004 - 12/31/2023 to change the scope and the terms, effective 2/1/2018, to extend the time period to 12/31/2038 and for additional funds in the amount not-to-exceed \$4,789,750.00; 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 and Councilmembers Tuma, Conwell and Miller

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

On a motion by Mr. Miller with a second by Mr. Tuma, Resolution No. R2018-0085 was considered and adopted by unanimous vote.

- 5) R2018-0086: A Resolution making awards on RQ39869 to various providers, each in the amount not-to-exceed \$300,000.00, for general engineering services for the period 4/2/2018 - 4/21/2021; authorizing the County Executive to

execute the contracts and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:

- i) Chagrin Valley Engineering, LTD
- ii) HNTB Ohio, Inc.

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

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

On a motion by Mr. Tuma with a second by Mr. Miller, Resolution No. R2018-0086 was considered and adopted by unanimous vote.

- 6) R2018-0087: A Resolution authorizing an amendment to Contract No. CE0600807-02 with Maple Heights Commerce Two, LLC for lease of space located at 21100 Southgate Park Boulevard, Maple Heights, for the period 2/1/2007 - 1/31/2017 to extend the time period to 12/31/2022, to change the terms, effective 2/1/2017, and for additional funds in the amount not-to-exceed \$394,263.10; 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 Court of Common Pleas/Juvenile Division/Probation Department

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

On a motion by Mr. Tuma with a second by Ms. Conwell, Resolution No. R2018-0087 was considered and adopted by unanimous vote.

e) CONSIDERATION OF RESOLUTIONS FOR THIRD READING ADOPTION

- 1) R2018-0060: A Resolution authorizing the County Executive to accept dedication of land for Ethan Drive in Gates Village Subdivision (Phase 1), located in Olmsted Township, as a public street (60 feet total) with established setback lines, rights-of-way and easements; authorizing the County Executive to accept dedication of easements for construction,

maintenance and operation of public facilities and appurtenances in Gates Village Subdivision (Phase 1) to public use granted to the County of Cuyahoga and its corporate successors; authorizing the County Executive to execute the final Plat in connection with said dedications; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish on behalf of Cuyahoga County Planning Commission

On a motion by Ms. Simon with a second by Ms. Brown, Resolution No. R2018-0060 was considered and adopted by unanimous vote.

- 2) R2018-0069: A Resolution confirming the County Executive's reappointment of The Honorable Bradley D. Sellers to serve on the Cuyahoga County Planning Commission representing the Chagrin/Southeast Region for an unexpired term ending 12/31/2020, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish and Councilmember Brown

On a motion by Ms. Brown with a second by Mr. Miller, Resolution No. R2018-0069 was considered and adopted by unanimous vote.

- 3) R2018-0072: A Resolution making an award on RQ41694 to United Survey, Inc. in the amount not-to-exceed \$2,955,017.00 for the 2018 Sewer Rehabilitation Program in various County Sewer Districts for the period 4/30/2018 - 4/30/2020; 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/Department of Public Works

On a motion by Mr. Tuma with a second by Mr. Miller, Resolution No. R2018-0072 was considered and adopted by unanimous vote.

- 4) R2018-0075: A Resolution amending the Cuyahoga County Travel Policy, by updating the language and policies to conform with the current form of government; and declaring

the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Fiscal Officer **and**
Councilmember Simon

Ms. Brown introduced a proposed substitute on the floor to Resolution No. R2018-0075. Discussion ensued.

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

On a motion by Ms. Brown with a second by Ms. Conwell, Resolution No. R2018-0075 was considered and adopted by unanimous vote, as substituted.

f) **CONSIDERATION OF ORDINANCES FOR THIRD READING ADOPTION**

- 1) O2018-0002: An Ordinance enacting Title 13, Chapter 1301 of the Cuyahoga County Code to establish the Cuyahoga County Consumer Protection Code; amending Section 202.16(A)(7) of the Cuyahoga County Code to clarify the duties and responsibilities of the Department of Consumer Affairs/ Division of Consumer Protection.

Sponsors: County Executive Budish/Department of Consumer Affairs and Councilmembers Simon, Brown, Jones, Miller and Brady

Mr. Brady introduced a proposed substitute on the floor to Ordinance No. O2018-0002. Discussion ensued.

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

Mr. Schron introduced a proposed amendment on the floor to Ordinance No. O2018-0002 to amend Section 1301.06 by adding paragraph (B) as follows and to re-number the subsequent paragraphs:

“(B) In the event of an alleged violation or complaint involving a new motor vehicle dealer as that term is defined in Ohio Revised Code §4517.01, the Director shall refer the alleged violation or complaint to the Attorney General prior to taking any action, including mediation, investigatory, or enforcement action. The Office of the Attorney General shall have the opportunity to address the alleged violation or resolve the complaint internally or through a

third-party program with whom the Attorney General has a Memorandum of Understanding.”

Discussion ensued.

On a motion by Mr. Schron with a second by Ms. Baker, the proposed amendment to Ordinance No. O2018-0002 was considered and not accepted, with Councilmembers Schron and Baker voting in the affirmative and Councilmembers Conwell, Jones, Brown, Houser, Simon, Miller, Tuma, Gallagher and Brady dissenting.

On a motion by Mr. Brady with a second by Mr. Miller, Ordinance No. O2018-0002 was considered and adopted by unanimous vote, as substituted.

- 2) O2018-0003: An Ordinance enacting Title 13, Chapter 1302 of the Cuyahoga County Code to establish the Cuyahoga County Weights and Measures Code.

Sponsors: County Executive Budish/Department of Consumer Affairs and Councilmembers Simon, Brown, Jones, Miller and Brady

On a motion by Mr. Brady with a second by Ms. Brown, Ordinance No. O2018-0003 was considered and adopted by unanimous vote.

11. MISCELLANEOUS COMMITTEE REPORTS

Mr. Jones reported that the Community Development Committee will meet on Monday, April 30, 2018 at 10:00 a.m.

Mr. Tuma reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, May 2, 2018 at 10:00 a.m.

Ms. Conwell reported that the Health, Human Services & Aging Committee will meet on Wednesday, May 2, 2018 and May 16, 2018 at 1:00 p.m.

Ms. Simon reported that the Education, Environment & Sustainability Committee will meet on Wednesday, May 2, 2018 at 3:00 p.m.

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, May 21, 2018 at 1:00 p.m.

12. MISCELLANEOUS BUSINESS

Council President Brady mentioned that the Health and Human Services levy is on the May 8, 2018 ballot and urged everyone to vote “yes” on Issue 9.

13. ADJOURNMENT

With no further business to discuss, Council President Brady adjourned the meeting at 6:31 p.m., without objection.