



AGENDA
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING
COMMITTEE MEETING
WEDNESDAY, OCTOBER 11, 2017
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
10:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES FROM THE OCTOBER 4, 2017 MEETING**
- 4. MATTER REFERRED TO COMMITTEE / 2ND PUBLIC HEARING**
 - a) Q2017-0003: An Ordinance enacting Chapter 720 of the Cuyahoga County Code authorizing Cuyahoga County to levy County Motor Vehicle License Taxes upon the operation of motor vehicles on public roads and highways pursuant to Chapter 4504 of the Ohio Revised Code.
- 5. MISCELLANEOUS BUSINESS**
- 6. OTHER PUBLIC COMMENT**
- 7. ADJOURNMENT**

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***Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*



MINUTES

**CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING
COMMITTEE MEETING
WEDNESDAY, OCTOBER 4, 2017
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
10:00 AM**

1. CALL TO ORDER

Chairman Tuma called the meeting to order at 10:05 a.m.

2. ROLL CALL

Mr. Tuma asked Clerk Schmotzer to call the roll. Committee members Tuma, Miller, Conwell and Baker were in attendance and a quorum was determined. Committee member Schron was absent from the meeting. Councilmember Simon was also in attendance.

3. PUBLIC COMMENT RELATED TO THE AGENDA

There were no public comments given.

4. APPROVAL OF MINUTES FROM THE SEPTEMBER 18, 2017 MEETING

A motion was made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the September 18, 2017 meeting.

[Clerk's Note: Item Nos. 6.a), b), c) and d) were taken out of order and considered before Item No. 5.a).]

5. MATTER REFERRED TO COMMITTEE / 1ST PUBLIC HEARING

- a) O2017-0003: An Ordinance enacting Chapter 720 of the Cuyahoga County Code authorizing Cuyahoga County to levy County Motor

Vehicle License Taxes upon the operation of motor vehicles on public roads and highways pursuant to Chapter 4504 of the Ohio Revised Code.

Mr. Tuma opened the first public hearing pertaining to Ordinance No. O2017-0003. He stated that any correspondence received for or against the Ordinance from citizens who do not testify will be distributed to all Councilmembers and will become part of the official public record for this hearing. He then asked for anyone who wished to speak for or against the proposed Ordinance to come forward to the podium and to identify themselves for the record.

After seeing that there were no proponents or opponents who wished to speak, Mr. Tuma officially closed the public hearing.

Mr. Michael Dever, Director of the Department of Public Works, then addressed the Committee regarding Ordinance No. O2017-0003. Discussion ensued.

Ms. Gina Beim and Mr. Edward Adamczyk of the American Society of Civil Engineers-Cleveland Section; Ms. Grace Gallucci, Executive Director of Northeast Ohio Areawide Coordinating Agency; The Honorable Eileen Patton, Mayor of Fairview Park; and The Honorable Tanisha Briley, City Manager of the City of Cleveland Heights, addressed the Committee regarding Ordinance No. O2017-0003. Discussion ensued.

Committee members asked questions of the Ms. Beim, Mr. Adamczyk, Ms. Gallucci, Mayor Patton and Ms. Briley pertaining to the item, which they answered accordingly.

Mr. Dever and Mr. Michael Chambers, Finance and Operations Administrator, addressed the Committee regarding Ordinance No. O2017-0003. Discussion ensued.

Committee members asked questions of Messrs. Dever and Chambers pertaining to the item, which they answered accordingly.

No further legislative action was taken by the Committee. Mr. Tuma stated that the required second hearing in connection with Ordinance No. O2017-0003 will be held on Wednesday, October 11, 2017, at 10:00 a.m.

6. MATTERS REFERRED TO COMMITTEE

- a) R2017-0174: A Resolution authorizing the County Executive to accept and approve various dedications of land in connection with Permanent Parcel No. 736-12-011 located in the City of Shaker Heights; authorizing the County Executive to execute the final Plat in connection with said dedications; and declaring the necessity that this Resolution become immediately effective.

Mr. Neil Juhnke, Surveyor, addressed the Committee regarding Resolution No. R2017-0174. Discussion ensued.

Committee members asked questions of Mr. Juhnke pertaining to the item, which he answered accordingly.

On a motion by Ms. Baker with a second by Mr. Miller, Resolution No. R2017-0174 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- b) R2017-0175: A Resolution authorizing a second amendment to Contract No. CE1300548-01 with MariSupHam, LLC for lease of office space in the Marion Building, located at 1276 West 3rd Street, Cleveland, for the period 12/1/2013 - 10/31/2017 to extend the time period to 10/31/2018 and for additional funds in the amount not-to-exceed \$1,219,536.00; 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.

Mr. John Myers, Real Estate Manager, addressed the Committee regarding Resolution No. R2017-0175. Discussion ensued.

Committee members asked questions of Mr. Myers pertaining to the item, which he answered accordingly.

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2017-0175 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- c) R2017-0176: A Resolution accepting a loan in the amount of \$225,000.00 from Ohio Public Works Commission to finance the Broadrock Drill Drop Project in the City of Parma; 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.

Mr. David Marquard, Design and Construction Administrator, addressed the Committee regarding Resolution No. R2017-0176. Discussion ensued.

Committee members asked questions of Mr. Marquard pertaining to the item, which he answered accordingly.

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2017-0176 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for second reading.

- d) O2017-0004: An Ordinance amending Section 501.15 of the Cuyahoga County Code to modify the requirements of contractors, and declaring the necessity that this Ordinance become immediately effective.

Mr. Tuma stated that the Construction Employers Association submitted a letter regarding Ordinance No. O2017-0004 and that it was distributed to all Councilmembers and will become part of the official public record.

Ms. Lenora Lockett, Director of the Office of Procurement and Diversity, addressed the Committee regarding Ordinance No. O2017-0004. Discussion ensued.

Committee members asked questions of Ms. Lockett pertaining to the item, which she answered accordingly.

Mr. Miller then introduced a proposed substitute to Ordinance No. O2017-0004. Discussion ensued.

Ms. Sarah Cammock, Assistant Law Director, addressed the Committee regarding the proposed substitute. Discussion ensued.

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

On a motion by Mr. Miller with a second by Ms. Conwell, Ordinance No. O2017-0004 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading, as substituted.

7. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

8. OTHER PUBLIC COMMENT

There were no public comments given.

9. ADJOURNMENT

With no further business to discuss, Chairman Tuma adjourned the meeting at 11:59 a.m., without objection.

County Council of Cuyahoga County, Ohio

Ordinance No. O2017-0003

Sponsored by: County Executive Budish/Department of Public Works	An Ordinance enacting Chapter 720 of the Cuyahoga County Code authorizing Cuyahoga County to levy County Motor Vehicle License Taxes upon the operation of motor vehicles on public roads and highways pursuant to Chapter 4504 of the Ohio Revised Code.
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WHEREAS, Section 4504.02 of the Ohio Revised Code provides that a county may levy an annual license tax for planning, constructing, improving, maintaining, and repairing public roads, highways, and streets; maintaining and repairing bridges and viaducts; paying the county's portion of the costs and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways; paying the county's portion of the compensation, damages, cost, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads; purchasing, erecting, and maintaining street and traffic signs and markers; purchasing, erecting, and maintaining traffic lights and signals; and to supplement revenue already available for such purposes; and

WHEREAS, pursuant to Section 4504.02 of the Ohio Revised Code, the Board of County Commissioners of Cuyahoga County adopted a resolution, Journal No. 151, page 141, on June 17, 1968, authorizing the County to levy an annual County Motor Vehicle License Tax for the operation of motor vehicles on public roads and highways at the rate of \$5.00 per motor vehicle on all motor vehicles registered in Cuyahoga County; and

WHEREAS, pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code, the Board of County Commissioners of Cuyahoga County adopted Resolution No. 737201 on September 22, 1987, authorizing the County to levy a supplemental annual County Motor Vehicle License Tax for the operation of motor vehicles on public roads and highways at the rate of \$10.00 per motor vehicle on all motor vehicles registered in Cuyahoga County; and

WHEREAS, additional funds are necessary to adequately finance the planning, constructing, improving, maintaining and repairing of public roads, highways and streets, and the maintaining and repairing bridges and viaducts; and

WHEREAS, pursuant to Section 4504.24 of the Ohio Revised Code, the County wishes to levy an annual license tax upon the operation of motor vehicles on the public roads and highways in the County, which tax is in addition to the tax levied by

Sections 4504.02, 4504.15 and 4504.16 the Ohio Revised Code and any other taxes levied under Chapter 4504 of the Ohio Revised Code; and

WHEREAS, the tax collected by the County pursuant to Section 4504.24 of the Ohio Revised Code shall be at the rate of \$5.00 per motor vehicle on all motor vehicles registered in Cuyahoga County; and

WHEREAS, prior to the adoption of any legislation authorizing the County to levy an additional motor vehicle annual license tax under Section 4504.24 of the Ohio Revised Code, the County must conduct two public hearings thereon, the second hearing to be not less than three (3) but not more than ten (10) days after the first hearing; and

WHEREAS, pursuant to the requirements of Section 4504.24 of the Ohio Revised Code, the County is required to provide notice of the date, time, and place of both hearings by publication in a newspaper of general circulation in the County, or as provided in section 7.16 of the Ohio Revised Code, once a week on the same day of the week for two (2) consecutive weeks, the second publication being not less than ten (10) but not more than thirty (30) days prior to the first hearing; and

WHEREAS, the first hearing pursuant to law was held on _____, 2017, and the second hearing was held on _____, 2017, at ___ A.M., both hearings being held in the C. Ellen Connelly Council Chambers in the Cuyahoga County Headquarters, located at 279 East 9th Street, 4th Floor, Cleveland, Ohio, and after proper notice required by law; and

WHEREAS, the County desires to codify in the Cuyahoga County Code all prior levies for County Motor Vehicle License Taxes.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Chapter 720 of the Cuyahoga County Code is hereby enacted as follows:

Chapter 720: County Motor Vehicle License Tax upon the operation of motor vehicles

Section 720.01 County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Section 4504.02 of the Ohio Revised Code

- A. That for the purpose stated in Section 4504.02 of the Ohio Revised Code and pursuant to such section, there is hereby levied an annual County Motor Vehicle License Tax, in addition to the tax levied by Sections 4503.02, 4503.07 and 4503.18, of the Ohio Revised Code, upon the

operation of motor vehicles on the public roads or highways. Such tax is levied beginning with the registration year commencing April 16, 1969, at the rate of \$5.00 per motor vehicle on all motor vehicles the district of registration of which, as defined in Section 4503.10 of the Ohio Revised Code, is located in Cuyahoga County and shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.16 of the Ohio Revised Code, subject to quarterly reductions in the manner provided in Section 4503.13 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, and 4503.171 of the Ohio Revised Code.

Section 720.02 Supplemental County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code

- A. That a supplemental annual County Motor Vehicle License Tax is hereby levied pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code; this tax is in addition to any tax levied pursuant to Sections 4503.02, 4503.07, and 4503.18 of the Ohio Revised Code; the tax shall be at the rate of \$10.00 per motor vehicle on all motor vehicles the district of registration of which is in Cuyahoga County, Ohio; the tax shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.16 of the Ohio Revised Code, subject to reductions in the manner provided in Section 4503.11 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, 4503.171, 4503.41 and 4503.43 of the Ohio Revised Code.

Section 720.03 Second Supplemental County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Section 4504.24 of the Ohio Revised Code

- A. That a second supplemental annual County Motor Vehicle Tax is hereby levied pursuant to Section 4504.24 of the Ohio Revised Code; that this tax is in addition to any tax levied pursuant to Sections 4503.02 and 4503.07 of the Ohio Revised Code and any other tax levied under Chapter 4504; the tax shall be at the rate of \$5.00 per motor vehicle on all motor vehicles the district of registration of which is in the County; the tax shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.042 of the Ohio Revised Code, subject to reductions in the manner provided in Section 4503.11 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, 4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 4503.571 of the Ohio Revised Code.

SECTION 2. The Clerk of Council shall provide written notice of the adoption of this Ordinance to the legislative authority of each municipal corporation that is

located in Cuyahoga County, to the board of township trustees of each township that is located in Cuyahoga County, and to the Registrar of the Bureau of Motor Vehicles.

SECTION 3. For the purposes specified in Chapter 720 of the Cuyahoga County Code, the Cuyahoga County Fiscal Officer is hereby authorized to establish one or more special revenue funds for the purpose of depositing moneys distributed to the County by the Registrar of Bureau of Motor Vehicles.

SECTION 4. To the extent this ordinance needs to be considered a resolution, it should be deemed as such.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: September 12, 2017

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2017