



## **MINUTES**

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, MAY 28, 2019  
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS  
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4<sup>TH</sup> 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 Gallagher, Schron, Brown, Stephens, Baker, Miller, Tuma, Brady, Simon, Conwell and Jones were in attendance and a quorum was determined.**

**3. PLEDGE OF ALLEGIANCE**

**The Pledge of Allegiance was recited.**

**4. SILENT MEDITATION**

**There was no moment of silent meditation.**

**5. PUBLIC COMMENT**

**The following individuals addressed Council regarding Ordinance No. O2019-0005, an Ordinance enacting Chapter 1304 of the Cuyahoga County Code to implement a Disposable Bag Ban:**

- a) Mr. Dennis Worthem**
- b) Mr. Michael Melampy**
- c) Ms. Marcia Goldberg**
- d) Ms. Emily Patterson**

- e) Ms. Kathy Schaefer
- f) Ms. Constance Frederickson
- g) Ms. Loh
- h) Ms. Fran Mentch
- i) Ms. Melissa Suarez

**Mr. Michael Seals addressed Council regarding amending the County Charter to provide for an elected Sheriff.**

6. APPROVAL OF MINUTES

- a) May 14, 2019 Committee of the Whole Meeting
- b) May 14, 2019 Regular Meeting
- c) May 23, 2019 Committee of the Whole Meeting/Work Session

**A motion was made by Ms. Conwell, seconded by Ms. Brown and approved by unanimous vote to approve the minutes from the May 14, 2019 Committee of the Whole and Regular meetings and the May 23, 2019 Committee of the Whole meeting/Work Session.**

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

**There were no announcements from Council President Brady.**

8. MESSAGES FROM THE COUNTY EXECUTIVE

**County Executive Budish reported that the Cuyahoga County Medical Examiner released a second public health alert regarding overdose deaths since May 20<sup>th</sup>. The County has funded 15,000 fentanyl test strips, which are available for free at Circle Health Services or Care Alliance Clinic. The County will also host an informational program on Thursday, May 30, 2019, at 3:30 p.m. at Mt. Sinai Baptist Church.**

9. RECEIPT OF DOCUMENT SUBMITTED TO COUNCIL

- a) Cuyahoga County Veterans Service Commission 2020 Tax Budget

**Council President Brady noted that the Cuyahoga County Veterans Service Commission submitted its 2020 Tax Budget in accordance with the Ohio Revised Code.**

10. LEGISLATION INTRODUCED BY COUNCIL

- a) CONSIDERATION OF ORDINANCES OF COUNCIL FOR THIRD READING ADOPTION

- 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 and County Executive Budish

**On a motion by Mr. Miller with a second by Ms. Baker, Ordinance No. O2018-0013 was considered and adopted by unanimous vote.**

- 2) O2019-0005: An Ordinance enacting Chapter 1304 of the Cuyahoga County Code to implement a Disposable Bag Ban.

Sponsors: Councilmembers Simon, Miller, Brady, Jones, Stephens and Brown

**Ms. Simon introduced a proposed substitute on the floor to Ordinance No. O2019-0005. Discussion ensued.**

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

**On a motion by Mr. Miller with a second by Ms. Brown, Ordinance No. O2019-0005 was considered and adopted, as substituted, by a majority roll-call vote of 8 yeas and 3 nays with Councilmembers Conwell, Jones, Brown, Stephens, Simon, Miller, Tuma and Brady voting in the affirmative and Councilmembers Gallagher, Schron and Baker casting dissenting votes.**

## 11. 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. R2019-0128, R2019-0129 and R2019-0130.**

- 1) R2019-0128: 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; 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. R2019-0128. Discussion ensued.**

**A motion was then made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to accept the proposed substitute. Council President Brady then referred Item U to the Education, Environment & Sustainability Committee.**

**On a motion by Mr. Miller with a second by Ms. Brown, Resolution No. R2019-0128 was considered and adopted by unanimous vote, as substituted.**

- 2) R2019-0129: A Resolution approving an amendment to a Collective Bargaining Agreement between Cuyahoga County and Ohio Patrolmen's Benevolent Association representing approximately 160 employees in the classification of Deputy Sheriff for the period 1/1/2018 - 12/31/2020 to amend Article 14: Wages by creating a new section allowing the County to hire experienced law enforcement officers at an advanced step of the wage scale; directing that funds necessary to implement the amendment be budgeted and appropriated; 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/County Sheriff and Department of Human Resources

**On a motion by Mr. Schron with a second by Mr. Brady, Resolution No. R2019-0129 was considered and adopted by unanimous vote.**

- 3) R2019-0130: A Resolution approving an amendment to a Collective Bargaining Agreement between Cuyahoga County and Ohio Patrolmen's Benevolent Association representing approximately 613 employees in the classification of Correction Officer for the period 1/1/2017 - 12/31/2019 to amend Article 7: Probationary Period, Article 14: Wages and Article 27: Post Assignment; directing that funds necessary to

implement the amendment be budgeted and appropriated; 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/County Sheriff and Department of Human Resources

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2019-0130 was considered and adopted by unanimous vote.**

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

- 1) R2019-0131: A Resolution making an award on RQ45102 to Kokosing Construction Company, Inc. in the amount not-to-exceed \$1,127,097.49 for resurfacing Mastick Road from the Fairview Park West Corporation Line to Eaton Road in the City of Fairview Park in connection with the 2019 Operations Resurfacing Program; 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 \$450,839.00 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

**Council President Brady referred Resolution No. R2019-0131 to the Public Works, Procurement & Contracting Committee.**

- 2) R2019-0132: A Resolution making awards on RQ43377 to AT&T Corporation, in the total amount not-to-exceed \$2,157,000.00, for various services for the period 1/1/2019 - 12/31/2023; authorizing the County Executive to execute the various contracts and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:

- i) Long distance services in the amount not-to-exceed \$150,000.00.

- ii) Measured business line services in the amount not-to-exceed \$1,080,000.00.
- iii) Primary Rate Interface services for the Voice over Internet Protocol System in the amount not-to-exceed \$147,000.00.
- iv) Wide Area Network links in the amount not-to-exceed \$780,000.00.

Sponsor: County Executive Budish/Department of Information Technology

**Council President Brady referred Resolution No. R2019-0132 to the Finance & Budgeting Committee.**

c) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING

- 1) R2019-0120: A Resolution making awards on RQ42131 to various providers, each in the amount not-to-exceed \$400,000.00, for general engineering services for the period 6/12/2019 - 6/11/2022; 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) Suhail & Suhail, Inc.
- ii) TRC Engineers, Inc.

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

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

**Clerk Schmotzer read Resolution No. R2019-0120 into the record.**

**This item will move to the June 11, 2019 Council meeting agenda for consideration for third reading adoption.**

- 2) R2019-0121: A Resolution making awards on RQ43995 to various providers, each in the amount not-to-exceed \$300,000.00, for construction management support services

for the period 6/12/2019 - 6/11/2022; 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) Hill International, Inc.
- ii) Quality Control Services, LLC

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

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

**Clerk Schmotzer read Resolution No. R2019-0121 into the record.**

**This item will move to the June 11, 2019 Council meeting agenda for consideration for third reading adoption.**

- 3) R2019-0125: A Resolution providing for the issuance and sale of Taxable General Obligation Bonds in a maximum aggregate principal amount of \$40,000,000.00 to advance refund all of the County's outstanding Excise Tax Revenue Bonds, Series 2015, originally issued for the purpose of paying the costs of constructing, renovating, improving or repairing sports facilities, including specifically major capital repairs to such sports facilities, and reimbursing the County for costs incurred by the County in connection with such construction, renovation, improvement or repairs, to pay capitalized interest on the bonds, and to fund a reserve fund, and to pay the costs of issuance in connection therewith; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a continuing disclosure agreement, a purchase agreement and an escrow agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this resolution become immediately effective. [Pending Committee Recommendation]

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

Bond Counsel: Tucker Ellis LLP

Committee Assignment and Chair: Committee of the Whole –  
Brady

**[Clerk’s Note: This item did not receive a recommendation by the Committee of the Whole to move to the full Council for consideration for second reading and was not read into the record.]**

- 4) R2019-0126: A Resolution providing for the issuance and sale of General Obligation Bonds in a maximum aggregate principal amount of \$40,500,000.00 to provide funds for the purpose of paying the costs of constructing, renovating, improving or repairing sports facilities, including specifically major capital repairs to such sports facilities, and reimbursing the County for costs incurred by the County in connection with such construction, renovation, improvement or repairs of sports facilities together with all necessary appurtenances and work incidental thereto, to pay capital interest on the bonds, and to pay the costs of issuance in connection therewith; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a purchase agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective. [Pending Committee Recommendation]

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

Bond Counsel: Tucker Ellis LLP

Committee Assignment and Chair: Committee of the Whole –  
Brady

**[Clerk’s Note: This item did not receive a recommendation by the Committee of the Whole to move to the full Council for consideration for second reading and was not read into the record.]**

- 5) R2019-0127: A Resolution making awards on RQ42974 to various providers for the Propel Cuyahoga - Workforce Services Program for the period 7/1/2019 - 6/30/2020; 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) Maximus Human Services Inc. in the amount not-to-exceed \$2,606,136.96.
- ii) The Centers for Families and Children in the amount not-to-exceed \$4,440,833.54.

Sponsor: County Executive Budish/Department of Health and Human Services/Cuyahoga Job and Family Services

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

**Clerk Schmotzer read Resolution No. R2019-0127 into the record.**

**This item will move to the June 11, 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. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2019-0118, R2019-0119, R2019-0122, R2019-0123 and R2019-0124.**

- 1) R2019-0118: A Resolution approving Right-of-Way Exhibit as set forth in Plat No. M-5036 for replacement of Jefferson Avenue Bridge No. 00.57 between West 3<sup>rd</sup> Street and the Cuyahoga River in the City of Cleveland; 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.

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. Schron with a second by Ms. Conwell, Resolution No. R2019-0118 was considered and adopted by unanimous vote.**

- 2) R2019-0119: A Resolution approving Right-of-Way Exhibit as set forth in Plat No. M-5037 for the Phase 2 replacement of Lewis Road Culvert No. 01.34 (fka Culvert No. 13) in Olmsted Township; 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.

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 Ms. Conwell, Resolution No. R2019-0119 was considered and adopted by unanimous vote.**

- 3) R2019-0122: A Resolution making an award on RQ44128 to Independence Excavating, Inc. in the amount not-to-exceed \$8,945,609.95 for construction of the Towpath Trail - Stage 4 from various termini in the City of Cleveland; 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) West 13<sup>th</sup> Street to Literary Avenue
- ii) Merwin Avenue to Scranton Road

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

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

**On a motion by Mr. Tuma with a second by Ms. Conwell, Resolution No. R2019-0122 was considered and adopted by unanimous vote.**

- 4) R2019-0123: A Resolution making an award on RQ44839 to Perk Company, Inc. in the amount not-to-exceed \$4,560,424.50 for resurfacing West 130<sup>th</sup> Street from Bagley Road to Snow Road in the Cities of Brook Park, Middleburg Heights, Parma and Parma Heights; 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 \$5.00 License Tax Funds in the amount of \$456,042.45 to fund a portion of said contract; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Public Works/Division of County Engineer and Councilmembers  
**Tuma and Miller**

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

**On a motion by Mr. Tuma with a second by Ms. Conwell, Resolution No. R2019-0123 was considered and adopted by unanimous vote.**

- 5) R2019-0124: A Resolution making an award on RQ44940 to Perk Company, Inc. in the amount not-to-exceed \$933,461.50 for resurfacing an avenue and a road located in the City of Cleveland in connection with the 2019 Operations Resurfacing Program; 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 \$746,769.20 to fund a portion of said contract; and declaring the necessity that this Resolution become immediately effective:
- i) Shaw Avenue from St. Clair Avenue to the Cleveland East Corporation Line
  - ii) Eddy Road from Arlington Avenue to Gray Avenue

Sponsors: County Executive Budish/Department of Public Works/Division of County Engineer and Councilmembers  
**Conwell and Stephens**

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

**On a motion by Mr. Tuma with a second by Mr. Miller, Resolution No. R2019-0124 was considered and adopted by unanimous vote.**

e) CONSIDERATION OF RESOLUTIONS FOR THIRD READING ADOPTION

- 1) 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

**On a motion by Mr. Miller with a second by Mr. Brady, Resolution No. R2019-0109 was considered and adopted by unanimous vote.**

- 2) 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

**On a motion by Mr. Tuma with a second by Ms. Conwell, Resolution No. R2019-0110 was considered and adopted by unanimous vote.**

- 3) 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

**On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2019-0112 was considered and adopted by unanimous vote.**

12. MISCELLANEOUS COMMITTEE REPORTS

**Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, June 3, 2019 at 1:00 p.m.**

**Ms. Brown reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, June 4, 2019 at 10:00 a.m.**

**Ms. Baker reported that the Council Operations, Intergovernmental Relations & Public Transportation Committee will meet on Tuesday, June 4, 2019 at 3:00 p.m.**

**Mr. Tuma reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, June 5, 2019 at 10:00 a.m.**

**Ms. Simon reported that the Education, Environment & Sustainability Committee will meet on Wednesday, June 5, 2019 at 3:00 p.m.**

**13. MISCELLANEOUS BUSINESS**

**Councilmembers thanked Special Counsel Michael King for his many contributions to the Council and to Cuyahoga County and wished him well in his new endeavors.**

**14. ADJOURNMENT**

**With no further business to discuss, Council President Brady adjourned the meeting at 6:12 p.m., without objection.**