



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, SEPTEMBER 10, 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 Clerk Schmotzer to call the roll. Councilmembers Stephens, Simon, Baker, Miller, Tuma, Gallagher, Conwell and Brady were in attendance and a quorum was determined. Councilmembers Schron and Brown were absent from the meeting.

A motion was then made by Ms. Conwell, seconded by Mr. Tuma and approved by unanimous vote to excuse Councilmembers Schron and Brown from the meeting.

Councilmember Jones was in attendance shortly after the vote was taken to excuse the absences of Councilmembers Schron and Brown.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

There was no moment of silent meditation.

5. PUBLIC COMMENT

Mr. Michael Seals addressed Council regarding a request to place a Charter amendment on the ballot concerning the election of a County Sheriff.

Mr. James Lamb addressed Council regarding the Greater Cleveland Regional Transit Authority and the need for elected officials to be out in the communities they serve.

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

6. APPROVAL OF MINUTES

- a) August 6, 2019 Committee of the Whole Meeting
- b) August 6, 2019 Regular Meeting
- c) September 4, 2019 Special Meeting

A motion was made by Ms. Simon, seconded by Mr. Miller and approved by unanimous vote to approve the minutes from the August 6, 2019 Committee of the Whole and Regular meetings and the September 4, 2019 Special meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

There were no announcements from Council President Brady.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Budish gave an update on the County Jail, introduced Interim Sheriff David Schilling, and discussed recommendations contained in the American Correctional Association report regarding the County Jail.

9. LEGISLATION INTRODUCED BY COUNCIL

- a) CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Mr. Tuma and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2019-0180.

- 1) R2019-0180: A Resolution authorizing the Cuyahoga County Council President, or his designee, to have settlement authority on behalf of the Cuyahoga County Council in the matter of In Re: National Prescription Opiate Litigation, Case No. 1:2017-md-02804, before Judge Dan A. Polster in the United States District Court, Northern District of Ohio, Eastern Division, with any manufacturer or distributor Defendant; and

declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Brady

On a motion by Mr. Gallagher with a second by Mr. Tuma, Resolution No. R2019-0180 was considered and adopted by unanimous vote.

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

- 1) R2019-0181: 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. R2019-0181 to the Human Resources, Appointments & Equity Committee.

- 2) R2019-0182: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of City of Brooklyn for the conservation of ecologically significant areas in Stickney Creek Valley – Big Creek in the City of Brooklyn; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Simon on behalf of Cuyahoga County Planning Commission

Council President Brady referred Resolution No. R2019-0182 to the Education, Environment & Sustainability Committee.

- 3) R2019-0183: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of City of Euclid for the conservation of ecologically significant areas in the Euclid Waterfront – Weltman Estate and IRG Properties Acquisition in the City of Euclid; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Simon on behalf of Cuyahoga County Planning Commission

Council President Brady referred Resolution No. R2019-0183 to the Education, Environment & Sustainability Committee.

- 4) R2019-0184: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of Cuyahoga River Restoration for the conservation of ecologically significant areas in the Cuyahoga River Fish Habitat – Carter Road in the City of Cleveland; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Simon on behalf of Cuyahoga County Planning Commission

Council President Brady referred Resolution No. R2019-0184 to the Education, Environment & Sustainability Committee.

- 5) R2019-0185: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of Gates Mills Land Conservancy for the conservation of ecologically significant areas in Clark Forest Preserve in the Village of Gates Mills; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Simon on behalf of Cuyahoga County Planning Commission

Council President Brady referred Resolution No. R2019-0185 to the Education, Environment & Sustainability Committee.

- 6) R2019-0186: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of Village of Orange for the conservation of ecologically significant areas in the Chagrin River and Tinker's Creek Headwaters Wetland Protection in the Village of Orange; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Simon on behalf of Cuyahoga County Planning Commission

Council President Brady referred Resolution No. R2019-0186 to the Education, Environment & Sustainability Committee.

- 7) R2019-0187: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of Ubuntu Cultivators for the conservation of ecologically significant areas in Willey Avenue Land Acquisition and Restoration for Outdoor Classroom in the City of Cleveland; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Simon on behalf of Cuyahoga County Planning Commission

Council President Brady referred Resolution No. R2019-0187 to the Education, Environment & Sustainability Committee.

- 8) R2019-0188: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of the Village of Moreland Hills for the conservation of ecologically significant areas in Chagrin Meadows Preserve in the Village of Moreland Hills; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Simon on behalf of Cuyahoga County Planning Commission

Council President Brady referred Resolution No. R2019-0188 to the Education, Environment & Sustainability Committee.

- 9) R2019-0189: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of West Creek Conservancy for the conservation of ecologically significant areas in Protect, Restore, Connect – West Creek in the City of Parma; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Simon on behalf of Cuyahoga County Planning Commission

Council President Brady referred Resolution No. R2019-0189 to the Education, Environment & Sustainability 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 Mr. Tuma and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2019-0190, R2019-0192 and R2019-0193.

- 1) R2019-0190: 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. R2019-0190. Discussion ensued.

A motion was then made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to substitute Resolution No. R2019-0190.

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2019-0190 was considered and adopted by unanimous vote, as substituted.

- 2) R2019-0191: A Resolution approving a proposed settlement in the matter of Evin King vs. Robert Matuszny, et al., United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:18-CV-2353; authorizing the County Executive and/or his designee to execute the settlement agreement and any related documentation; authorizing the appropriation of funds for payment of settlement amounts set forth herein; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Law

At the request of the County Prosecutor's Office, Council President Brady tabled Resolution No. R2019-0191. No further legislative action was taken on this item.

- 3) R2019-0192: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and United Automobile, Aerospace and Agricultural Implement Workers of America, Region 2-B, representing approximately 6 employees in the classification of Court Security Officer at the Sheriff's Department for the period 1/1/2019 - 12/31/2021; 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/Department of Law and County Sheriff

On a motion by Mr. Brady with a second by Ms. Conwell, Resolution No. R2019-0192 was considered and adopted by unanimous vote.

- 4) R2019-0193: A Resolution authorizing a proposed settlement between the Counties of Cuyahoga and Summit and Mallinckrodt Pharmaceuticals in the total amount of \$24,000,000.00 in cash and \$6,000,000.00 in product in the matter of In Re: National Prescription Opiate Litigation, United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:2017-md-02804; authorizing the County Executive and/or his designee to execute the settlement agreement and any related documentation; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2019-0193 was considered and adopted by unanimous vote.

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

- 1) R2019-0194: A Resolution authorizing an agreement with The Rock and Roll Hall of Fame and Museum, Inc., effective 1/1/2020, to distribute from the County's general fund an

amount equal to 40% of the one percent increase in the excise tax on hotel lodging transactions for transient guests in Cuyahoga County pursuant to Chapter 724 of the Cuyahoga County Code commencing with the 2020 receipts, and moving forward on a quarterly basis subject to the provisions contained in said agreement; 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 and Council President Brady

Council President Brady referred Resolution No. R2019-0194 to the Economic Development & Planning Committee.

- 2) R2019-0195: A Resolution confirming the County Executive's appointment or reappointment of various individuals to serve on the Cuyahoga County Community-Based Correctional Facility Governing Board for various terms, and declaring the necessity that this Resolution become immediately effective:
 - i) Appointment:
 - a) Maggie Keenan for an unexpired term ending 12/31/2021.
 - ii) Reappointment:
 - a) Vincent Holland for the term 1/1/2019 - 12/31/2021.

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2019-0195 to the Human Resources, Appointments & Equity Committee.

- 3) R2019-0196: A Resolution making an award on RQ44111 and authorizing a Purchase and Sale Agreement with The Vallejo Company in the amount of \$550,000.00 for the sale of Brookpark Road Maintenance Yard, located at 4000 Brookpark Road, Cleveland; authorizing the County Executive to take all necessary actions and to execute the agreement 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. R2019-0196 to the Public Works, Procurement & Contracting Committee.

- 4) R2019-0197: A Resolution making an award on RQ44111 and authorizing a Purchase and Sale Agreement with Bridgeworks, LLC in the amount of \$4,150,000.00 for the sale of Permanent Parcel Nos. 003-15-046, 003-15-047, 003-15-048, 003-15-049, 003-15-050, 003-15-051 and 003-15-076 in the City of Cleveland; authorizing the County Executive to take all necessary actions and to execute the agreement 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. R2019-0197 to the Public Works, Procurement & Contracting Committee.

- 5) R2019-0198: A Resolution making an award on RQ44111 and authorizing a Purchase and Sale Agreement with City of North Royalton in the amount of \$250,000.00 for the sale of York Road Maintenance Yard, located at 14875 York Road, North Royalton; authorizing the County Executive to take all necessary actions and to execute the agreement 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. R2019-0198 to the Public Works, Procurement & Contracting Committee.

- 6) R2019-0199: A Resolution making an award on RQ44111 and authorizing a Purchase and Sale Agreement with Board of Park Commissioners of the Cleveland Metropolitan Park District in

the amount of \$2,650,000.00 for the sale of Canal Road Sanitary Maintenance Yard, located at 6100 West Canal Road, Valley View; authorizing the County Executive to take all necessary actions and to execute the agreement 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. R2019-0199 to the Public Works, Procurement & Contracting Committee.

- 7) R2019-0200: A Resolution making an award on RQ46078 to Lakeland Management Systems, Inc. in the amount not-to-exceed \$795,705.10 for the Courthouse Square Freight Elevator Modernization Project; 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. R2019-0200 to the Public Works, Procurement & Contracting Committee.

- 8) R2019-0201: A Resolution authorizing an amendment to the Design-Build Agreement with Turner/Ozanne/VAA A Joint Venture establishing a final guaranteed maximum price in the amount not-to-exceed \$240,610,443.00 for design-build services for the Convention Center Hotel Project and the underground enclosure from Huntington Park Garage to the Hotel; 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

Council President Brady referred Resolution No. R2019-0201 to the Public Works, Procurement & Contracting Committee.

- 9) R2019-0202: A Resolution approving a Right-of-Way Exhibit as set forth in Plat No. M-5038 for rehabilitation of Bishop Road Bridge No. 01.78 over the East Branch of Euclid Creek in the City of Highland Heights; 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

Council President Brady referred Resolution No. R2019-0202 to the Public Works, Procurement & Contracting Committee.

- 10) R2019-0203: A Resolution approving a Right-of-Way Exhibit as set forth in Plat No. M-5041 for Phase 2 of the reconstruction and widening of Sprague Road from West 130th Street to York Road in the Cities of North Royalton and Parma; 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

Council President Brady referred Resolution No. R2019-0203 to the Public Works, Procurement & Contracting Committee.

- 11) R2019-0204: A Resolution authorizing an amendment to Contract No. CE0900629-02 with Shaker West Professional LLC for lease of office space located at 11811 Shaker Boulevard, Cleveland, for a Juvenile Court Regional Probation Office for the period 1/1/2010 - 12/31/2019 to exercise an option to extend the time period to 12/31/2024, to change the scope of services, effective 1/1/2020, and for additional funds in the amount not-to-exceed \$412,755.00; 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 Court of Common Pleas/Juvenile Division

Council President Brady referred Resolution No. R2019-0204 to the Public Works, Procurement & Contracting Committee.

- 12) R2019-0205: A Resolution making an award on RQ45204 to Hylant Group, Inc. in the amount not-to-exceed \$3,511,038.00 for insurance brokerage and risk management services for the period 1/1/2020 - 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 Law/
Division of Risk Management

Council President Brady referred Resolution No. R2019-0205 to the Finance & Budgeting Committee.

- 13) R2019-0206: A Resolution authorizing an Economic Development Fund Business Growth and Attraction Loan in the amount not-to-exceed \$2,000,000.00 to Redwood Corporate One LLC for the benefit of the Redwood Living, Inc. Headquarters Project to be located at 7007 East Pleasant Valley Road in the City of Independence; 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. R2019-0206 to the Economic Development & Planning Committee.

- 14) R2019-0207: A Resolution authorizing an amendment to Contract No. CE1600252-01 with Applewood Centers, Inc. for Multisystemic Therapy/Multisystemic Therapy-Problem Sexual Behavior Services for adjudicated youth for the period 7/1/2016 - 6/30/2019 to extend the time period to 6/30/2020, to change the scope of services, effective 7/1/2019, and for additional funds in the amount not-to-exceed \$550,000.00; 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 on behalf of Cuyahoga County Court of Common Pleas/Juvenile Division

Council President Brady referred Resolution No. R2019-0207 to the Public Safety & Justice Affairs Committee.

- 15) R2019-0208: A Resolution authorizing an amendment to Contract No. CE1700127-01 with OhioGuidestone for community-based treatment center management services for the period 7/1/2017 - 6/30/2019 to extend the time period to 6/30/2020, to change the scope of services, effective 7/1/2019, and for additional funds in the amount not-to-exceed \$1,300,000.00; 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 on behalf of Cuyahoga County Court of Common Pleas/Juvenile Division

Council President Brady referred Resolution No. R2019-0208 to the Public Safety & Justice Affairs Committee.

- 16) R2019-0209: A Resolution authorizing an agreement with Cuyahoga County Prosecutor's Office in the amount not-to-exceed \$2,748,203.00 for legal services for the period 1/1/2019 - 12/31/2019; 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 Health and Human Services/Division of Children and Family Services

Council President Brady referred Resolution No. R2019-0209 to the Health, Human Services & Aging Committee.

- 17) R2019-0210: A Resolution authorizing a contract with United Way of Greater Cleveland in the amount not-to-exceed \$1,095,450.00 for fiscal agent services and emergency food assistance to eligible Cuyahoga County residents for the period 1/1/2020 - 12/31/2020; 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 Health and Human Services/Cuyahoga Job and Family Services

Council President Brady referred Resolution No. R2019-0210 to the Health, Human Services & Aging Committee.

- 18) R2019-0211: A Resolution authorizing an amendment to Contract No. CE1600299-01 with Oriana House, Inc. for operation of a one-stop Re-entry Resource Center for the period 1/1/2017 - 12/31/2019 to extend the time period to 12/31/2020 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.

Sponsor: County Executive Budish/Department of Health and Human Services/Division of Community Initiatives/Office of Re-entry

Council President Brady referred Resolution No. R2019-0211 to the Health, Human Services & Aging Committee.

11. MISCELLANEOUS COMMITTEE REPORTS

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, September 16, 2019 at 1:00 p.m. and that the Committee of the Whole will meet on Thursday, September 19, 2019 at 10:00 a.m.

Mr. Gallagher reported that the Public Safety & Justice Affairs Committee will meet on Tuesday, September 17, 2019 at 1:00 p.m.

Ms. Baker reported that the Council Operations, Intergovernmental Relations & Public Transportation Committee will meet on Tuesday, September 17, 2019 at 3:00 p.m.

Mr. Tuma reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, September 18, 2019 at 10:00 a.m.

Ms. Conwell reported that the Health, Human Services & Aging Committee will meet on Wednesday, September 18, 2019 at 1:00 p.m.

Ms. Simon reported that the Education, Environment & Sustainability Committee will meet on Wednesday, September 18, 2019 at 3:00 p.m.

12. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

13. ADJOURNMENT

With no further business to discuss, Council President Brady adjourned the meeting at 5:32 p.m., without objection.