



MINUTES
CUYAHOGA COUNTY COUNCIL REMOTE* REGULAR MEETING
TUESDAY, MAY 26, 2020
2:00 PM

*Due to the COVID-19 pandemic, the Cuyahoga County Administration Building is closed to the public at this time. As this meeting is being conducted remotely, in accordance with HB 197, interested persons may access the meeting via livestream by using the following link:
<https://www.youtube.com/CuyahogaCounty>

**Public comment for this meeting may be submitted in writing via email to the Clerk of Council at jschmotzer@cuyahogacounty.us no later than 1:00 p.m. on Tuesday, May 26, 2020

1. CALL TO ORDER

Council President Brady called the meeting to order at 2:05 p.m.

2. ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

4. SILENT MEDITATION

There was no moment of silent meditation.

5. PUBLIC COMMENT**

Clerk Schmotzer reported that Ms. Loh submitted public comment via email regarding COVID-19 testing in homeless shelters.

6. APPROVAL OF MINUTES

- a) May 12, 2020 Regular Meeting

A motion was made by Mr. Miller, seconded by Ms. Simon and approved by unanimous vote to approve the minutes from the May 12, 2020 Regular meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

There were no announcements from Council President Brady.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Budish updated Council regarding sourcing and distributing personal protective equipment.

[Clerk's Note: Item No. 9.a) was taken out of order after Item No. 11.c)5].]

9. EXECUTIVE SESSION

- a) Pending or imminent litigation

A motion was made by Mr. Schron, seconded by Ms. Simon and approved by unanimous roll-call vote to move to Executive Session for the purpose of discussing pending or imminent litigation and for no other purpose whatsoever. Executive Session was then called to order by Council President Brady at 2:30 p.m. The following Councilmembers were present: Jones, Brown, Stephens, Simon, Baker, Miller, Tuma, Gallagher, Schron, Conwell and Brady. The following additional attendees were present: Civil Division Chief David Lambert, Assistant Prosecutor Brendan Healy, Director of Law Gregory Huth, Council Chief of Staff Joseph Nanni, Legislative Budget Advisor Trevor McAleer, Special Counsel Brendan Doyle and Research and Policy Analyst James Boyle.

At 3:21 p.m., Executive Session was adjourned without objection and Council President Brady then reconvened the meeting.

10. 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. R2020-0090.

- 1) R2020-0090: 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 Mr. Brady with a second by Mr. Gallagher, Resolution No. R2020-0090 was considered and adopted by unanimous vote.

- b) CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) O2020-0012: An Ordinance enacting Cuyahoga County Code Section 303.08 to establish positions exempted from the Classified Service and County Non-bargaining Classification Plan; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Brown and Miller

Council President Brady referred Ordinance No. O2020-0012 to the Human Resources, Appointments & Equity Committee.

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

- 1) O2020-0011: An Ordinance amending Sections 1304.03 and 1304.04 of the Cuyahoga County Code to provide for a “grace period” wherein Chapter 1304 shall not be enforced until 1/1/2021, and penalties shall only be imposed for violations occurring on or after that date; and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Simon

Clerk Schmotzer read Ordinance No. O2020-0011 into the record.

This item will move to the June 9, 2020 Council meeting agenda for consideration for third reading adoption.

11. 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. R2020-0097.

- 1) R2020-0097: A Resolution amending the 2020/2021 Biennial Operating Budget for 2020 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 No. R2020-0071 dated 4/14/2020 and Resolution No. R2020-0091 dated 5/12/2020 to reconcile appropriations for 2020; 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. Brady, Resolution No. R2020-0097 was considered and adopted by unanimous vote.

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

- 1) R2020-0098: A Resolution making awards on RQ48436 to various contractors, in the total amount not-to-exceed \$30,000,000.00, for On Call – COVID-19 Emergency Building Modifications for the period 6/10/2020 - 6/9/2021; authorizing the County Executive to execute the Master Contract and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:

- i) Gilbane Building Company in the approximate amount reasonably anticipated to be \$5,000,000.00.
- ii) The Whiting-Turner Contracting Company in the approximate amount reasonably anticipated to be \$5,000,000.00.
- iii) Turner Construction Company in the approximate amount reasonably anticipated to be \$5,000,000.00.
- iv) ConstructAbility, Inc. in the approximate amount reasonably anticipated to be \$5,000,000.00.
- v) The Albert M. Higley Co., LLC in the approximate amount reasonably anticipated to be \$5,000,000.00.
- vi) Geis Construction, Inc. in the approximate amount reasonably anticipated to be \$5,000,000.00.

Sponsor: County Executive Budish/Department of Public Works

Council President Brady referred Resolution No. R2020-0098 to the Public Works, Procurement & Contracting Committee.

- 2) R2020-0099: A Resolution making an award on RQ48108 to Relmec Mechanical LLC in the amount not-to-exceed \$679,960.00 for the Medical Examiner's Building Air Handling Unit-4 Replacement Project for the period 6/10/2020 - 1/27/2021; 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

Council President Brady referred Resolution No. R2020-0099 to the Public Works, Procurement & Contracting Committee.

3) R2020-0100: A Resolution declaring that public convenience and welfare requires resurfacing of various roads, avenues and a street located in various municipalities in connection with the 2021-2024 Transportation Improvement Program; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvements; authorizing the County Executive to enter into an agreement of cooperation with said municipalities in connection with said projects; and declaring the necessity that this Resolution become immediately effective:

- i) Harvard Road from East 190th Street to Warrensville Center Road in the City of Warrensville Heights; total estimated project cost \$900,000.00.
- ii) Green Road from Miles Road to Emery Road in the City of Warrensville Heights; total estimated project cost \$780,000.00.
- iii) Green Road from Mayfield Road to Cedar Road in the City of South Euclid; total estimated project cost \$3,200,000.00.
- iv) Wilson Mills Road from Richmond Road to the Eastern Corporation Line in the City of Richmond Heights; total estimated project cost \$860,000.00.
- v) Ridge Road from Pearl Road to Flowerdale Avenue in the Cities of Brooklyn, Cleveland and Parma; total estimated project cost \$3,460,000.00.
- vi) Broadway Avenue from Macedonia Road to Richmond Road in the Village of Oakwood; total estimated project cost \$1,930,000.00.
- vii) Clague Road from Lorain Road to Marion Road in the City of North Olmsted; total estimated project cost \$840,000.00.
- viii) Rockside Road from East 141st Street to Sector Drive in the City of Maple Heights; total estimated project cost \$2,180,000.00.

- ix) Hilliard Road from Warren Road to Riverside Drive in the City of Lakewood; total estimated project cost \$2,850,000.00.
- x) Wilson Mills Road from Lander Road to Alpha Drive in the City of Highland Heights and Village of Mayfield; total estimated project cost \$860,000.00.
- xi) East 200th Street from Mohican Avenue to Lakeshore Boulevard in the Cities of Cleveland and Euclid; total estimated project cost \$1,670,000.00.
- xii) Grant Avenue from East 49th Street to East 71st Street in the City of Cleveland and Village of Cuyahoga Heights; total estimated project cost \$1,050,000.00.
- xiii) Forbes Road from First Place to Richmond Road in the City of Bedford Heights and Village of Oakwood; total estimated project cost \$930,000.00.
- xiv) Sheldon Road from Engle Road to Smith Road in the Cities of Brook Park and Middleburg Heights; total estimated project cost \$770,000.00.

Sponsors: County Executive Budish/Department of Public Works/Division of County Engineer **and Councilmembers Miller, Simon, Brown and Stephens**

Council President Brady referred Resolution No. R2020-0100 to the Public Works, Procurement & Contracting Committee.

- 4) R2020-0101: A Resolution making an award on RQ48104 to CATTs Construction, Inc. in the amount not-to-exceed \$1,645,588.10 for resurfacing East 131st Street from Forestdale Drive to Miles Road in the Cities of Cleveland and Garfield 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.

Sponsors: County Executive Budish/Department of Public Works/Division of County Engineer **and Councilmember Jones**

Council President Brady referred Resolution No. R2020-0101 to the Public Works, Procurement & Contracting Committee.

- 5) R2020-0102: A Resolution making an award on RQ47359 to Trinity Services Group, Inc. in the amount not-to-exceed \$8,926,659.00 for jail food services for the period 6/15/2020 - 6/14/2023; 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: County Executive Budish/County Sheriff

Council President Brady referred Resolution No. R2020-0102 to the Public Safety & Justice Affairs Committee.

- 6) R2020-0103: A Resolution authorizing an amendment to Contract No. CE1900189-01 with J.C. Penney Corporation, Inc. for emergency clothing assistance for the period 5/1/2019 - 4/30/2020 to extend the time period to 4/30/2021 and for additional funds in the amount not-to-exceed \$750,000.00; 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 Children and Family Services

Council President Brady referred Resolution No. R2020-0103 to the Health, Human Services & Aging Committee.

- c) 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. R2020-0092, R2020-0093, R2020-0094, R2020-0095 and R2020-0096.

- 1) R2020-0092: A Resolution confirming the County Executive's appointment of David Merriman, upon his taking the oath of office, as Director of the Department of Health and Human Services; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish **and Councilmembers Miller, Simon, Conwell, Jones and Gallagher**

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

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2020-0092 was considered and adopted by unanimous vote.

- 2) R2020-0093: A Resolution confirming the County Executive's appointment of Jesse S. Drucker, upon his taking the oath of office, as Director of Human Resources; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish **and Councilmember Miller**

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

On a motion by Ms. Brown with a second by Mr. Miller, Resolution No. R2020-0093 was considered and adopted by unanimous vote.

- 3) R2020-0094: A Resolution authorizing an agreement with State of Ohio, Office of the Auditor in the amount not-to-exceed \$526,235.00 for an annual audit for Calendar Year 2019 for the period 1/1/2020 - 12/31/2020; 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/Fiscal Officer

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Miller with a second by Ms. Brown, Resolution No. R2020-0094 was considered and adopted by unanimous vote.

- 4) R2020-0095: A Resolution making an award on RQ47599 to Duct Fabricators, Incorporated in the amount not-to-exceed \$1,376,400.00 for fire and smoke dampers; combination fire and smoke dampers; and systems inspection, repair and replacement services for the period 5/1/2020 - 4/30/2023; 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: County Executive Budish/Department of Public Works

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

On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2020-0095 was considered and adopted by unanimous vote.

- 5) R2020-0096: A Resolution making an award on RQ47939 to Independence Excavating, Inc. in the amount not-to-exceed \$5,853,453.30 for replacement of Memphis Road Bridge No. 00.62 over CSXT Railroad in the City of Brooklyn; 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

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

On a motion by Mr. Tuma with a second by Ms. Simon, Resolution No. R2020-0096 was considered and adopted by unanimous vote.

[Clerk’s Note: Item No. 9.a) was taken out of order after Item No. 11.c)5].]

12. MISCELLANEOUS COMMITTEE REPORTS

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, June 1, 2020 at 1:00 p.m.

Mr. Tuma reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, June 3, 2020 at 10:00 a.m.

Ms. Baker gave a brief report on the May 19, 2020 Council Operations, Intergovernmental Relations & Public Transportation Committee meeting.

13. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

14. ADJOURNMENT

With no further business to discuss, Council President Brady adjourned the meeting at 3:23 p.m., without objection.