

MINUTES OF A MEETING OF THE
COUNCIL OF THE CITY OF BRECKSVILLE

HELD September 5, 2017

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Council was **CALLED TO ORDER** in Regular Session by Council President Greg Skaljac at 8:00 P.M. in Ralph W. Biggs Council Chambers. **CALL TO ORDER**

Following the **PLEDGE OF ALLEGIANCE**, members of Council answered to **PLEDGE OF ALLEGIANCE**
ROLL CALL as follows:

Members Present: G. Broski, L. Carouse, Jr., M. Harwood, N. Murphy,
L. Redinger, G. Skaljac, K. Veras. **ROLL CALL**

Members Absent: None.

Others Present: Mayor Jerry N. Hruby, Law Director D. Matty, Assist. Law
Director S. DiGeronimo, Engineer G. Wise, Assist. Finance
Director L. Starosta, CBO S. Packard, Service Director R.
Weidig, Purchasing Director R. Riser, Fire Chief N. Zamiska,
Police Chief W. Goodrich, Recreation Representative P.
Patnaik, Council Clerk T. Tabor.

MINUTES OF THE AUGUST 15, 2017 REGULAR MEETING: Motion by Carouse, seconded by Redinger, to dispense with the reading of the August 15, 2017 regular meeting minutes and to accept same as presented. **REGULAR MEETING MINUTES OF 8-15-2017 APPROVED**
Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras,
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

RESOLUTION 4776 re: accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer, and declaring an emergency, was read by title. **RES. 4776 ACCEPTING AMOUNTS & RATES AS DETERMINED BY BUDGET COMMISSION AUTHORIZING NECESSARY TAX LEVIES & CERTIFYING TO COUNTY**
Motion by Broski, seconded by Harwood, to suspend the rules and place Resolution 4776 on third and final reading.
Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.
Motion by Redinger, seconded by Carouse, to pass Resolution 4776.
Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

RESOLUTION 4777 re: requesting the County Auditor advance the sums allowed by law from the proceeds of tax levies in the account of the City of Brecksville. Pursuant to Section 321.34 of the Ohio Revised Code, and declaring an emergency, was read by title. **RES. 4777 REQUESTING COUNTY AUDITOR ADVANCE SUMS ALLOWED BY LAW FROM PROCEEDS OF TAX LEVIES IN CITY OF BRECKSVILLE ACCOUNT**
Motion by Broski, seconded by Harwood, to suspend the rules and place Resolution 4777 on third and final reading.
Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.
Motion by Redinger, seconded by Carouse, to pass Resolution 4777.
Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

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ORDINANCE 5099 re: authorizing the purchase of replacement carpet and installation services from D & R Commercial Flooring for the Fitness Center Cardio Room and North Corridors through the State of Ohio Administrative Services Purchasing Program, and declaring an emergency, was read by title. Motion by Veras, seconded by Harwood, to suspend the rules and place Ordinance 5099 on third and final reading. Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Ordinance 5099. Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. ORDINANCE 5100 re: authorizing the purchase of a 2018 Chevrolet Tahoe from Byers Auto and Safety Vehicle Lighting & Accessories from Parr Public Safety in the total amount of \$47,751.23, for use by the Fire Department through the State of Ohio Administrative Services Purchasing Program, and declaring an emergency, was read by title. Motion by Broski, seconded by Harwood, to suspend the rules and place Ordinance 5100 on third and final reading. Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Ordinance 5100. Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. ORDINANCE 5101 re: authorizing the Mayor to execute an agreement with Test Fuchs GmbH concerning the granting by the City of certain incentives to create and preserve jobs within the City of Brecksville, and declaring an emergency, was read by title. Motion by Veras, seconded by Harwood, to suspend the rules and place Ordinance 5101 on third and final reading. Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Ordinance 5101. Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. BOARD OF ZONING APPEALS: Councilmember Veras reported the next meeting of the Board of Zoning Appeals will be September 11, 2017 at 7:30 P.M. PLANNING COMMISSION: Council Representative Harwood reported that there are (5) five items for Council consideration from the August 24th Planning Commission meeting. The next meeting of the Planning Commission will be September 7, 2017 at 7:00 P.M.	ORD. 5099 AUTHORIZ- ING THE PURCHASE OF REPLACE- MENT CARPET IN THE FITNESS CENTER THROUGH STATE OF OHIO PURCHASING PROGRAM ORD. 5100 AUTHORI- ZING THE PURCHASE OF A 2018 CHEVROLET TAHOE AND SAFETY VEHICLE LIGHTING & ACCESS. THROUGH STATE OF OHIO ADMIN. SERVICES PURCHASING ORD. 5101 AUTHORI- ZING AN ECONOMIC INCENTIVE AGREEMENT WITH TEST FUCHS GmbH BD. OF ZONING APPEALS PLANNING COMMISSION
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Motion by Harwood, seconded by Broski, that Council accept the recommendation **ABC ART & COIN EXCHANGE AWNING SIGN** of the Planning Commission to approve an application for a 5 sq. ft. permanent awning identification sign for ABC Art & Coin Exchange at 8910 Brecksville Road, Brecksville, Ohio as described in the application dated August 13, 2017 and attached sketches conditional on City Council's approval of the following deviations: from Section 1187.06(a)(2) from the minimum 8' above the finished sidewalk to allow 7.5'. And from Section 1187.06(a)(5) to permit an awning sign in the right-of-way.

Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.

Nays: None.

Motion Carried 7-Ayes, 0-Nays.

Motion by Harwood, seconded by Broski, that Council accept the recommendation **PAUL DUDA GALLERY AWNING SIGN** of the Planning Commission to approve an application for a 4.6 sq. ft. permanent awning identification sign for Paul Duda Gallery at 8912 Brecksville Road, Brecksville, Ohio as described in the application dated August 13, 2017, and attached sketches conditional on City Council's approval of the following deviations: from Section 1187.06(a)(2) from the minimum 8' above the finished sidewalk to allow 7.5'. And from Section 1187.06(a)(5) to permit an awning sign in the right-of-way.

Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.

Nays: None.

Motion Carried 7-Ayes, 0-Nays.

Motion by Harwood, seconded by Broski, that Council accept the recommendation **MARK PERONI GALLERY AWNING SIGN** of the Planning Commission to approve an application for a 4.6 sq. ft. permanent awning identification sign for The Mark Peroni Gallery at 8914 Brecksville Road, Brecksville, Ohio as described in the application dated August 13, 2017, and attached sketches conditional on City Council's approval of the following deviations: from Section 1187.06(a) (2) from the minimum 8' above the finished sidewalk to allow 7.5'. And from Section 1187.06(a) (5) to permit an awning sign in the right-of-way.

Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.

Nays: None.

Motion Carried 7-Ayes, 0-Nays.

Motion by Harwood, seconded by Broski, that Council accept the recommendation **JOHNSON CONTROLS SIGNS** of the Planning Commission to approve an application for three permits for a 27.76 sq.ft., non-illuminated permanent, wall identification sign, a 0.79 sq. ft. door vinyl sign, and a 2 sq.ft. service entrance sign for Johnson Controls, 6650 w. Snowville Road, Brecksville, Ohio, as described in the application dated July 27, 2017 and attached drawing conditional on City Council's approval of the following deviations: From Section 1187.10© from the maximum of 13.5 sq. ft. to allow a 27.76 sq ft. wall sign. And from Section 187.10© from permitted sign types to allow a door vinyl sign of 0.79 sq. ft.

Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.

Nays: None.

Motion Carried 7-Ayes, 0-Nays.

Motion by Harwood, seconded by Broski, that Council accept the recommendation **FINAL PLAN APPROVAL OF PHASE 2 OF THE VILLAGE** of the Planning Commission for Final Approval of Phase 2 for the final 30 of 57 single family parcels on 24.98 acres on Snowville Road in the City of Brecksville to be known as the Village as depicted on the following drawings by Howard R. Selee & Associates Inc. and OHM submitted July 17, 2017, contingent upon the applicant addressing all the City Engineer's comments in his letter dated August 24, 2017.

The Village Subdivision Plans Phase 2

Sheet 1 of 2 dated May 8, 2017, Sheet 2 of 2 dated May 8, 2017.

The Village Improvement Plans Phase 2 – Roadway and Utility Work – all dated May 10, 2017.

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Pg. 1 Title Sheet, Pg. 2 Site Plan, Pg. 3 General Notes, Pg. 4 General Notes, Pg. 5 **CONTINUED**, Original Survey, Pg. 6 Intermittent Grading Plan, Pg. 7 Final Grading Plan, Pg. 8 **FINAL PLAN** Utility Plan, Pg. 9 Brookhaven Lane Profile, Pg. 10 Covington Court Profile, Pg. 11 **APPROVAL** Intersection Details, Pg. 12 Intersection Details, Pg. 13 City of Brecksville **OF PHASE 2** Subdivision Notes, Pg. 14 City of Brecksville Subdivision Notes, Pg. 15 City of **OF THE** Brecksville Subdivision Notes, Pg. 16 Cleveland Water Notes & Details, Pg. 17 **VILLAGE** Cuyahoga County Details, Pg. 18 Cuyahoga County Sewer Notes, Pg. 19 Landscape Plan - Covington Court, Pg. 20 Landscape Notes & Details , Pg. 21 SWP3 Site Map, Pg. 22 SWP3 Details, Pg. 23 SWP3 Details.

Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.

Nays: None.

Motion Carried 7-Ayes, 0-Nays.

RECREATION COMMISSION: Council Representative Redinger reported the **RECREATION** next meeting of the Recreation Commission will be September 25th at 7:30 P.M. There will **COMMISSION** be a weeklong celebration of the 25th Anniversary of the Brecksville Community Center. Free events and classes will be held at the Community Center the week of September 19th, with ceremonies on the 23rd and 26th.

DEPARTMENT OF HUMAN SERVICES: Council Representative Murphy **DEPT. OF** reported the next meeting of the Human Services Committee will be September 13th at 3:00 **HUMAN** P. M. A Community Cookout will be held at the Human Services Center on September 22nd **SERVICES** from 5:30 – 7:30 P.M.

TELECOMMUNICATIONS COMMISSION. No Report

TELEC. COM.

SAFETY-SERVICE COMMITTEE: Councilmember Veras reported the Safety- **SAFETY-** Service Committee met earlier this evening and has one item for Council consideration. **SERVICE**

Motion by Veras, seconded by Harwood, to approve a Purchase Requisition to **SCBA MASKS** Warren Fire Equipment, Inc. in the amount of \$15,180.00 for (23) SCBA Masks and (23) **& VOICE** Voice Amplifiers for the Brecksville Fire Department. The purchase will be made using the **AMPLIFIERS** remaining grant funds awarded through the Department of Homeland Security, Assistance **FOR USE BY** to Firefighters Grant. *Account # C450260 3300 Project #EQ160002.* **THE FIRE**

Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.

Nays: None.

Motion Carried 7-Ayes, 0-Nays.

STREETS & SIDEWALKS COMMITTEE: Councilmember Broski reported that **STREETS &** the Streets & Sidewalks Committee met earlier this evening and has two items for Council **SIDEWALKS** consideration.

Motion by Broski, seconded by Veras, to authorize Change Order No. 1 to Catts **S.R. 82** Construction for undercutting unstable areas as part of the S.R. 82 Pavement Improvement **PAVEMENT** Project. *Account No. C480171 3501 Project # RD160003.* **IMPROVE-**

Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.

Nays: None.

Motion Carried 7-Ayes, 0-Nays.

CHANGE

ORDER #1

Motion by Broski, seconded by Harwood, to authorize Donald G Bohning & **CHIPPEWA** Associates, Inc. to provide construction related services in the amount of \$6,768.40 for the **CREEK** Chippewa Creek Bridge Repair at Brecksville Road Improvement Project. *Account* **BRIDGE** *#C480171 3501.* **REPAIR ENG.**

Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Veras.

Abstain: Skaljac.

Nays: None.

Motion Carried 6-Aves. 1-Abstain. 0-Navs.

SERVICES

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UTILITIES COMMITTEE: Councilmember Carouse reported the Utilities Committee met earlier this evening and has no further items **UTILITIES COMMITTEE**

BUILDINGS & GROUNDS COMMITTEE: Councilmember Harwood thanked Council for the passage of an Ordinance for the State Contract Purchase from D&R Commercial Flooring for the replacement carpets and installation services. Councilmember Harwood reported the Buildings & Grounds Committee met earlier this evening and has one item for Council consideration. **BUILDINGS & GROUNDS COMMITTEE**

Motion by Harwood, seconded by Broski, to approve a purchase requisition in the amount of \$12,884.00 for the purchase of (86) Fall Trees, account to charge #252530 2201. **PURCHASE OF FALL TREES**
Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.
Nays: None.
Motion Carried 7-Ayes, 0-Nays.

LEGISLATION COMMITTEE: Councilmember Murphy reported that the Legislation Committee met earlier this evening and has set a date of September 13th at 4:30 P.M. to discuss items of concern including drones, fences, pergolas and several other items. **LEGISLATION COMMITTEE**

FINANCE COMMITTEE: Councilmember Redinger reported the Finance Committee met earlier this evening and has three items for Council consideration. **FINANCE COMMITTEE**

Motion by Redinger, seconded by Carouse to approve a Purchase Requisition to the Brecksville Chamber of Commerce for a \$3000.00 contribution to the 2017-2018 Buy Brecksville campaign. Account to charge #110150 2113. **CHAMBER OF COMMERCE-BUY BRECKSVILLE**
Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.
Nays: None.
Motion Carried 7-Ayes, 0-Nays.

Motion by Redinger, seconded by Murphy to approve a Purchase Requisition to Scottsdale Insurance Company in the amount of \$5,775.88, for legal representation, account to charge #110210 2101. **SCOTTSDALE INSURANCE**

Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.
Nays: None.

Motion Carried 7-Ayes, 0-Nays.

Motion by Redinger, seconded by Murphy to approve the payment of monthly bills for professional services, as follows: Matty, Henrikson and & Greve in the amount of \$9,738.04; Sergio I. DiGeronimo in the amount of \$6725.00; Roger Wadsworth in the amount of \$700.00; Kulchytsky Architects, LLC in the amount of \$468.75; J Neusser, LLC in the amount of \$2,000.00; and Donald J. Bohning & Associates in the amount of \$18,085.94. Total of all Invoices: \$37,717.73. **MONTHLY BILLS FOR PROFESSIONAL SERVICES**

Ayes: Broski, Carouse, Harwood, Murphy, Redinger, Skaljac, Veras.
Nays: None.

Motion Carried 7-Ayes, 0-Nays.

REPORT OF LAW DIRECTOR: Law Director Matty reported on August 31st the 8th Appellate, District Court of Appeals, Common Pleas Court affirmed the trial court's decision upholding the ordinance on the tax credit reduction enacted in 2015. The judge indicated that following case law that has been in place since 1951 by The Ohio Supreme Court and the City of Brecksville Charter, in which 4 members of Council control as a majority and did pass Ordinance 4890. That Ordinance stands in place since 2015 and will continue as to the time that it should expire as to the terms when it reaches a certain level of income tax. The Judge spent, it seems, many hours reading the briefs and writing a well-reasoned opinion. Law Director Matty thanked Council and the Mayor for their patience and **REPORT OF LAW DIRECTOR**

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support. Without action enacting the ordinance but allowing the law department to proceed, our community could not benefit from approximately \$900,000.00.

**CONTINUED,
LAW
DIRECTOR**

REPORT OF ENGINEER: No Report

ENGINEER

REPORT OF FINANCE DIRECTOR: No Report

FINANCE

REPORT OF BUILDING DEPARTMENT: CBO Packard reported that the Building Department issued 113 permits with a valuation just under 2.8 million dollars and total receipts for the month of August were \$42,944.35.

BUILDING

REPORT OF SERVICE DIRECTOR: No Report

SERVICE

REPORT OF PURCHASING DIRECTOR: No Report

PURCHASING

REPORT OF POLICE DEPARTMENT: No Report

POLICE

REPORT OF FIRE DEPARTMENT: Fire Chief Zamiska thanked Council for support of the purchase of a new command vehicle and SCBA masks.

FIRE

REPORT OF RECREATION DEPARTMENT: No Report

RECREATION

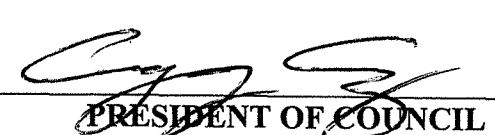
REPORT OF THE MAYOR: Mayor Hruby congratulated Dave Matty and the Matty firm on a job well done representing the City in the McNair suit against the City. Mayor Hruby thanked the four Councilmembers that made the decision to adopt the Ordinance, it was the best decision for the City.

**REPORT OF
THE MAYOR**

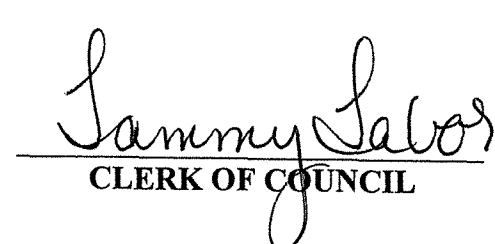
Council President Skaljac acknowledged Brecksville-Broadview Heights High School students and reminded them to sign in so that their names could be entered into the minutes. BBHHS students in attendance: Danijela Popovic, Arsal Mirza, Corey Windelspecht, Alex Jonovich, Cayden Stopov, Wyatt Grant, Miles Manloy, Chad Harper and Luke Moore.

**BBHHS
STUDENTS IN
ATTENDANCE**

Motion by Skaljac, seconded by Carouse, to adjourn the regular meeting at 8:23 P.M. **ADJOURN**



PRESIDENT OF COUNCIL



CLERK OF COUNCIL