

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

HELD June 2, 2020

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Council was **CALLED TO ORDER** in Regular Session by Council President Mike Harwood at 8:10 P.M. in the Ralph W. Biggs Council Chambers. **CALL TO ORDER**

For the safety of our staff and residents live audio will be available on a listen-only basis. To listen the live audio stream for the Brecksville City Council Meeting please go to -

<https://www.facebook.com/233577357056186/live/> Audio of the meeting will be available at a later date on the City's website www.brecksville.oh.us Questions may be e-mailed to ttabor@brecksville.oh.us or by phone to (440) 526-2609 and will be forwarded to the appropriate personnel for a response.

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

Members Present: L. Carouse, Jr., D. Caruso, M. Harwood, A. Koepke, J. Petsche, L. Redinger, K. Veras.

Members Absent: None.

Others Present: Mayor Jerry N. Hruby, Law Director D. Matty, Assistant Law Director DiGeronimo, Finance Director L. Starosta, Purchasing Director R. Riser, Fire Chief N. Zamiska, Police Chief W. Goodrich, Recreation Director T. Tupa, Service Director R. Weidig, Council Clerk T. Tabor.

Present by Teleconference: CBO S. Packard, Human Services Director Dr. S. Paciorek

ROLL CALL

MINUTES OF THE MAY 21, 2020 REGULAR MEETING: Motion by Carouse, seconded by Redinger, to dispense with the reading of the May 19, 2020 regular meeting minutes and to accept same as presented. **REGULAR MEETING MINUTES OF 5-19-2020 APPROVED**

Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

RESOLUTION 5056 re: a Resolution making necessary transfers between certain funds and return an advance of funds for the fiscal year ending December 31, 2020; and declaring an emergency, was read by title. **RES. 5056 FUND TRANSFERS**

Motion by Veras, seconded by Caruso, to suspend the rules and place Resolution 5056 on third and final reading.

Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 5056.

Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

RESOLUTION 5057 re: a Resolution making an award of active an interim funds to eligible depositories; and declaring an emergency, was read by title. **RES. 5057 AWARD**

Motion by Veras, seconded by Caruso, to suspend the rules and place Resolution 5057 on third and final reading. **ELIGIBLE DEPOSITOR-IES**

Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 5057.

Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

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ORDINANCE 5330 re: an Ordinance to amend Ordinance No. 5277, making appropriations for current expenses of the City of Brecksville during the fiscal year ending December 31, 2020, making necessary appropriation and revenue adjustments; and declaring an emergency, was read by title. **ORD. 5330 APPROPRIATIONS #4**

Motion by Veras, seconded by Caruso, to suspend the rules and place Ordinance 5330 on third and final reading.

Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5330.

Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

BOARD OF ZONING APPEALS: Councilmember Caruso reported the next meeting of the Board of Zoning Appeals will be held via teleconference Monday, June 8th at 7:30 P.M. to hear six variance applications. **BD. OF ZONING APPEALS**

PLANNING COMMISSION: Councilmember Harwood reported the next meeting of the Planning Commission will be held via teleconference June 4th at 7:00 P.M. **PLANNING COMMISSION**

RECREATION COMMISSION: Council Representative Redinger reported the next meeting of the Recreation Commission will be June 22nd at 7:30 P.M. **RECREATION COMMISSION**

DEPARTMENT OF HUMAN SERVICES: Council Representative Veras reported the next meeting of the Human Services Advisory Board has been postponed. Notice will be given when a date is re-scheduled. **DEPT. OF HUMAN SERVICES**

TELECOMMUNICATIONS COMMISSION: Council Representative Carouse said notice will be given when the next meeting will be held. **TELEC. COM.**

SAFETY-SERVICE COMMITTEE: Councilmember Caruso reported the committee met earlier today and has no items for Council. **SAFETY-SERVICE**

STREETS & SIDEWALKS COMMITTEE: Councilmember Carouse reported the committee met earlier today and has no items for Council. **STREETS & SIDEWALKS**

UTILITIES COMMITTEE: Councilmember Petsche reported the committee met earlier today and has no items for Council. **UTILITIES COMMITTEE**

BUILDINGS & GROUNDS COMMITTEE: Councilmember Veras reported the Buildings & Grounds Committee met earlier this evening and has one item for Council consideration. **BUILDINGS & GROUNDS COMMITTEE**

Motion by Veras, seconded by Caruso, to approve a purchase requisition to Gardiner in the amount of \$4,900.00 for work on the Chiller at the Human Services Building. Account #110330 2604. **HUMAN SERVICES CHILLER REPAIR**

Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

LEGISLATION COMMITTEE: Councilmember Koepke reported the committee met earlier today and has no items for Council. **LEGISLATION COMMITTEE**

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FINANCE COMMITTEE: Councilmember Redinger thanked Council for the passage of the legislation presented this evening. The Finance Committee has (3) additional items for Council consideration.

Motion by Redinger, seconded by Carouse, to approve an increase to blanket vendor purchase order #P200446 in the amount of \$10,000.00 for miscellaneous supply and material purchases for safe and effective management of the COVID-19 re-opening phases for the City. *Account #110150 2201.*

Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**COVID-19
SUPPLY P.O.
INCREASE
FOR RE-
OPENING OF
THE CITY**

Motion by Redinger, seconded by Carouse, to recommend to Council approval of monthly bills for professional services as follows: Matty, Henrikson and & Greve in the amount of \$8,938.33; Matty, Henrikson and & Greve in the amount of \$1,575.00; Sergio I. DiGeronimo in the amount of \$4,482.00; Squire Patton Boggs in the amount of \$3,135.50; Kulchytsky Architects, LLC in the amount of \$281.25; J Neusser, LLC in the amount of \$2,000.00; and Donald J. Bohning & Associates in the amount of \$20,308.16; and Sixmo in the amount of \$600.00. Huntington National Bank in the amount of \$500.00. Total of all invoices \$44,353.45.

**MONTHLY
BILLS FOR
PROFESS-
IONAL
SERVICES**

Ayes: Carouse, Caruso, Harwood, Koepke, Redinger, Veras.
Abstain: Petsche.
Nays: None.

MOTION CARRIED 6-AYES, 1-ABSTAIN, 0-NAYS.

Motion by Redinger, seconded by Carouse, to approve an increase to the recreation refund purchase order #FN200017 in the amount of \$36,783.00.

Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**RECREATION
REFUND P.O.
INCREASE**

REPORT OF LAW DIRECTOR: No Report.

LAW

REPORT OF ENGINEER: No Report.

ENGINEER

REPORT OF FINANCE DIRECTOR: No Report.

FINANCE

REPORT OF BUILDING DEPARTMENT: No Report.

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: No Report.

FIRE

REPORT OF RECREATION DEPARTMENT: No Report.

RECREATION

REPORT OF HUMAN SERVICES DEPARTMENT: Human Services Director Dr. Paciorek reported the playgrounds still remain closed in accordance with the State of Ohio recommendations. Playgrounds are in the category of entertainment & recreation, auditoriums, theaters and stages. Governor DeWine said the individual school districts will decide when they will re-open. All surgeries are permitted to take place.

**HUMAN
SERVICES**

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REPORT OF THE MAYOR: Mayor Hruby reported Sherwin-Williams will be moving forward with the development in Brecksville. Mayor Hruby said legislation is expected to be presented to Council to enact Tax Increment Financing (TIF) on a piece of property known as the Dalad Property, which is under contract for purchase by the City of Brecksville. Mayor Hruby said he hopes Council will agree with this TIF.

Mayor Hruby said the Community Center is open and is being used at approximately 50% of the normal occupancy. Mayor Hruby said distancing requirements, facial coverings and the frequent cleaning of areas are part of the protocol. The showers are not open for public use and lockers are distanced. The re-opening of playgrounds has not been authorized by the Board of Health or the Governor's Office. The Constitution awards the Governor the authority to create orders. Mayor Hruby said Home Days has been cancelled for 2020. The progress of the Aquatic Center Project continues and the concrete has been poured for both pools. The expected opening date will be August, due to the delays in obtaining supplies. Mayor Hruby thanked Myles Rapkin and the Department Directors for their continued work on putting together the teleconference and live streaming meetings. Mayor Hruby said the City of Brecksville provide Mutual Aid to the City of Cleveland with police and paramedics to assist with the vandalism and violent demonstrations taking place in the City. The City did not send more personnel than we could afford. Mayor Hruby said rumors on social media have mentioned demonstrations to be held in the City of Brecksville. Mayor Hruby said he will notify Council if any information is provided to the City. Mayor Hruby said he is disappointed in some people taking advantage of a situation to commit acts of vandalism, copy catting, painting some of the slogans, painting on property in the City. Mayor Hruby said parents should advise their children that what they are seeing is not good. Mayor Hruby said if people wish to demonstrate they can do so peacefully, perhaps with signs. Emulating criminals is not what parents should be teaching their children. The Brecksville Police will be involved in responding to vandalism in the City, spray painting on property. Mayor Hruby said there is not a lot in Brecksville, but there has been some, and hopes parents will talk to their children regarding the acts of vandalism.

Mayor Hruby said the City of Brecksville website has many resources available to the residents, not only for COVID-19 information. Mayor Hruby said contact information is available for all of Council and the Department Directors if residents have questions. Social media can do a dis-service to the community by spreading rumors.

COMMENTS: Mr. Young asked Mayor Hruby if he was speaking of riots. Mayor Hruby said, no, demonstrations. Facebook and Twitter posts have referenced Brecksville along with Strongsville, North Royalton and Chagrin Falls. Chagrin Falls has begun preparations and have boarded up the business district in the event the demonstrations turn violent. Mayor Hruby said there has been no indication of rioting, looting, vandalism or any criminal activity that has happened in Cleveland. The demonstrations are to show the support in the suburbs as well as in the City. Mr. Young asked if the freedom of speech in this City is discouraged. Mayor Hruby said no, what Mr. Young heard was this City will not tolerate any violations of the law. Mayor Hruby said if people want to demonstrate there are ways to demonstrate legally. Mayor Hruby said people have a right to their opinions, but damage to property, assaulting people will not be tolerated.

Mr. Young asked about installing sidewalks on Glenwood Trail. He is concerned that sidewalks are not part of the plan when a sewer project will be taking place and the road will be torn up. Mr. Young wants to discuss why the City would not want to install sidewalks. Council President Harwood said he discussed the 2022 project and what needs to be done before a project can be considered. The project will be for sewers and roads. Engineer Wise will need to do studies for grading, drainage, where the sewer will be located. Engineer Wise will then present a concept plan, estimated costs and if grant money is available. Councilmember Carouse is the Chairman of the Streets & Sidewalks Committee. Councilmember Carouse said he would be happy to discuss the history of this project and how the projects are decided. Council President Harwood said the City of Brecksville website provides contact information for Councilmembers, you can send your contact information in an e-mail to Councilmember Carouse.

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Meredith Gunzler said she sent an e-mail proposing the issuance of refunds to residents for the Community Center memberships. Ms. Gunzler said the City is only offering credit to members for the time the center is shut down. Ms. Gunzler said if residents choose not to return to the Community Center the credit will be of no value. Ms. Gunzler said the Community Center is not providing the services that were acknowledged when the membership agreement was made. **COMMENTS**

Councilmember Redinger, Chairman of the Finance Committee, said the policy of the City is not to refund membership fees, but to issue refunds for the time the Community Center has been closed. Councilmember Redinger said the credit may be used for further programing. Hardship cases could be discussed with Recreation Director Tupa and determined on a case by case basis. Ms. Gunzler said she thinks the City must refund the membership fees because the Rec Center is not able to provide all of the services that were contractually agreed to when a membership was signed. Ms. Gunzler said she provided stipulations in her e-mail for refunds to be made. The first was that a refund should be requested, the second is the request should be in a timely manner. Ms. Gunzler said she does not feel it is legal to offer credits. Councilmember Redinger asked Law Director Matty if he could assist with this legal question. Law Director Matty suggested the resident should make an appointment with Recreation Director Tupa regarding a credit or refund, as Council has given him that authority. Mayor Hruby said the policy is available on the City's website. Mayor Hruby said City Council has adopted the recommendation of the Recreation Commission, even before the COVID-19 health emergency, to issue no refunds for Community Center programs unless the program is cancelled. Credits are offered for residents who are unable to attend or change their mind after signing up for programs. Ms. Gunzler said the City is unable to offer programs that were contractually offered and the City wants people to sign a waiver. Mayor Hruby said he is not a lawyer, the policy has been on-line and stated no refunds. Ms. Gunzler said the City is not offering services that were offered, big gym is not available and that was in a contract. Mayor Hruby said the contract does not specify what services are provided. Mayor Hruby said, Ms. Gunzler is a resident, the City will work with individual residents as agreed to by Council at the previous meeting. Mayor Hruby said the City originally thought the request for refunds would be \$3,000.00-\$4,000.00 requested for returns, City Council authorized \$40,000.00 for the return of fees to individuals. Mayor Hruby said Ms. Gunzler should talk to Recreation Director Tupa regarding her request. Ms. Gunzler said she does not feel she should be offered a credit that she will not use.

Motion by Harwood, seconded by Carouse, to adjourn the regular meeting at 8:43 **ADJOURN**
P.M.

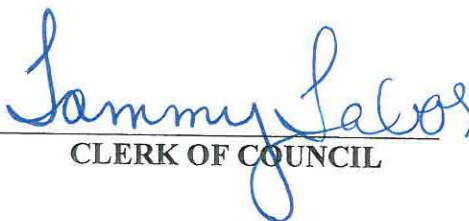
Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL