

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

HELD September 1, 2020

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PUBLIC HEARING

COUNCIL PRESIDENT HARWOOD OPENED THE PUBLIC HEARING AT 8:11 P.M. NOTICE IS HEREBY GIVEN THAT THE BRECKSVILLE CITY COUNCIL WILL HOLD A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED THE 40(C) TIF ORDINANCE FOR THE RESIDENTIAL PORTION OF VALOR ACRES/CROWLAND PROPERTY IN THE CITY OF BRECKSVILLE, SAID HEARING IS TO BE HELD ON THE 1ST DAY OF SEPTEMBER, 2020 AT 7:45 O'CLOCK P.M. IN THE BRECKSVILLE CITY HALL, CITY COUNCIL CHAMBERS, 9069 BRECKSVILLE ROAD, BRECKSVILLE, OHIO 44141.

PUBLIC
HEARING
PROPOSED
40(C) TIF
ORDINANCE
FOR
RESIDENTIAL
PORTION OF
VALOR
ACRES/CROW
LAND
PROPERTY

Mayor Hruby said on behalf of Sherwin-Williams and DiGeronimo Companies City Council has been asked to consider adding a 40(C) TIF to the residential property that is both on the Dalad Property and on Valor Acre Property. The Dalad Property will become part of Valor Acres in the near future. Mayor Hruby said he asked why a TIF was wanted on residential property. Advised that there will be public improvements to that property or on that property. Mayor Hruby said under the 40(C) projects in the State of Ohio, only public improvement dollars can be spent. These moneys cannot go back to the developer towards the development of any buildings or structures that are not clearly defined as infrastructure. The water retention system and/or some of the utilities storm sewer or sanitary sewer, water or gas lines may go onto the residential property, and if so, they would be covered under the TIF's.

Council President asked for any comments or questions regarding this item. Council President Harwood said the Ordinance is on the agenda for a first reading on today's agenda. Hearing none, Council President Harwood continued with the regular meeting.

Council was **CALLED TO ORDER** in Regular Session by Council President Mike Harwood at 8:11 P.M. in Ralph W. Biggs Council Chambers.

CALL TO
ORDER

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

PLEDGE OF
ALLEGIANCE

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

ROLL CALL

Members Absent: None.

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

MINUTES OF THE AUGUST 18, 2020 REGULAR MEETING: Motion by Carouse, seconded by Redinger, to dispense with the reading of the August 18, 2020 regular meeting minutes and to accept same as presented.

REGULAR
MEETING
MINUTES OF
8-18-2020
APPROVED

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

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RESOLUTION 5070 re: a Resolution appointing Maxwell Rapkin as a Full-Time Firefighter in the City of Brecksville Fire Department; and declaring an emergency, was read by title. Motion by Caruso, seconded by Redinger, to suspend the rules and place Resolution 5070 on third and final reading. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Resolution 5070. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	RES. 5070 APPT. MAXWELL RAPKIN AS FULL-TIME FIREFIGHTER
RESOLUTION 5071 re: a Resolution accepting the proposal of Karpinski Engineering to provide professional engineering services for the Chippewa Creek Bridge Electrical Project; and declaring an emergency, was read by title. Motion by Caruso, seconded by Redinger, to suspend the rules and place Resolution 5071 on third and final reading. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Resolution 5071. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	RES. 5071 CHIPPEWA CREEK BRIDGE ELECTRICAL PROJECT ACCEPT PROPOSAL OF KARPINSKI ENGINEER.
RESOLUTION 5072 a Resolution 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. Motion by Caruso, seconded by Redinger, to suspend the rules and place Resolution 5072 on third and final reading. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Resolution 5072. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	RES. 5072 ACCEPT AMTS & RATES OF BUDGET COMMISSION
RESOLUTION 5073: a Resolution requesting the County Fiscal Officer 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. Motion by Caruso, seconded by Redinger, to suspend the rules and place Resolution 5073 on third and final reading. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Resolution 5073. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	RES. 5073 REQUEST ADVANCE FUNDS FROM TAX LEVY PROCEEDS

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ORDINANCE 5342 re: an Ordinance to submit to the electors of the City of Brecksville an initiative petition proposing amendments to the Charter of the City of Brecksville to change the composition of Council to be elected from wards and at-large; and declaring an emergency, was read by title.

**ORD. 5342
CHARTER
AMENDMENT
FOR
COMPOSI-
TION OF
COUNCIL**

Motion by Caruso, seconded by Redinger, to suspend the rules and place Ordinance 5342 on third and final reading.

Ayes: Carouse, Caruso, Harwood, Kingston, Redinger, Veras.

Abstain: Koepke.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5342.

Ayes: Carouse, Caruso, Harwood, Kingston, Redinger, Veras.

Abstain: Koepke.

Nays: None.

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

ORDINANCE 5343 re: an Ordinance authorizing a Development Agreement with the Sherwin-Williams Company to provide for the construction of the Sherwin-Williams Research and Development Facility on both a portion of the Valor Acres Site and a portion of adjacent site in order to provide for the further redevelopment of said sites and create and retain jobs in the City; repealing Ordinance No. 5309 adopted on March 17, 2020; and declaring an emergency, was read by title.

**ORD. 5343
SHERWIN
WILLIAMS
DEVELOP-
MENT
AGREEMENT**

Motion by Redinger, seconded by Caruso, to pass Ordinance 5343 to second reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5344 re: an Ordinance authorizing a Job Creation Incentive Agreement with the Sherwin-Williams Company to provide for the construction of the Sherwin-Williams Research and Development Facility on a portion of the Valor Acres Site and a portion of the adjacent property in order to provide for the further redevelopment of said sites and create and retain jobs in the City; repealing Ordinance No. 5310 adopted on March 17, 2020.; and declaring an emergency, was read by – title.

**ORD. 5344
JOB
CREATION
INCENTIVE
AGREEMENT**

Motion by Redinger, seconded by Caruso, to pass Ordinance 5343 to second reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5345 re: an Ordinance Creating the Valor Acres Phase I TIF pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43, declaring improvements to certain parcels of real property to be a public purpose, and requiring the owners of the improvements on such parcels to make service payments in lieu of taxes.; and declaring an emergency, was read by title.

**ORD. 5345
CREATING
VALOR
ACRES PHASE
I TIF**

Motion by Redinger, seconded by Caruso, to pass Ordinance 5345 to second reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

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ORDINANCE 5346 re: an Ordinance creating the Valor Acres Phase II TIF **ORD. 5346**
pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43, declaring **CREATING**
improvements to certain parcels of real property to be a public purpose, and requiring the **VALOR**
owners of the improvements on such parcels to make service payments in lieu of taxes; and **ACRES PHASE**
declaring an emergency, was read by title. **II TIF**

Motion by Redinger, seconded by Caruso, to pass Ordinance 5346 to second reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5347 re: an Ordinance creating the Sherwin-Williams TIF **ORD. 5347**
pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43, declaring **CREATING AN**
improvements to certain parcels of real property to be a public purpose, and requiring the **INCENTIVE**
owners of the improvements on such parcels to make service payments in lieu of **DISTRICT**
taxes, and repealing Ordinance No. 5306 adopted on March 17, 2020.; and declaring an
emergency, was read by title.

Motion by Redinger, seconded by Caruso, to pass Ordinance 5347 to second reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5348 re: an Ordinance authorizing a Development Agreement with **ORD. 5348**
the Sherwin-Williams Company to provide for the construction of the Sherwin-Williams **CREATING**
Research and Development Facility on both a portion of the Valor Acres Site and a portion **SHERWIN-**
of adjacent site in order to provide for the further redevelopment of said sites and create and **WILLIAMS**
retain jobs in the City; repealing Ordinance No. 5309 adopted on March 17, 2020; and **TIF**
declaring an emergency, was read by title.

Motion by Redinger, seconded by Caruso, to pass Ordinance 5348 to second reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

BOARD OF ZONING APPEALS: Councilmember Caruso reported the next **BD. OF**
meeting of the Board of Zoning Appeals will be Tuesday, September 8th at 7:30 P.M. **ZONING**
APPEALS

PLANNING COMMISSION: Councilmember Harwood reported the next meeting **PLANNING**
of the Planning Commission will be September 3rd at 7:00 P.M. **COMMISSION**

RECREATION COMMISSION: Council Representative Redinger said the **RECREATION**
Recreation Commission meeting was held on Monday, August 30th. The Commission **COMMISSION**
recommended including fees for on-line participation.

DEPARTMENT OF HUMAN SERVICES: Council Representative Veras **DEPT. OF**
reported the Human Services Department plans on re-opening the facility the week of **HUMAN**
September 21st with strict safety protocols in place. Those residents with underlying **SERVICES**
conditions or health concerns are encouraged to stay home.

TELECOMMUNICATIONS COMMISSION: No Report.

TELEC. COM.

SAFETY-SERVICE COMMITTEE: Councilmember Caruso reported the **SAFETY-**
committee met earlier today and congratulated Maxwell Rapkin on his appointment as a full- **SERVICE**
time firefighter/paramedic in the Brecksville Fire Department.

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

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UTILITIES COMMITTEE: Councilmember Kingston reported the committee met earlier and reported the Committee has one additional item for Council consideration. Motion by Kingston, seconded by Redinger, to authorize a change order for an extension of time to complete the Whitewood Aerial Sewer and Storm Sewer Repair Project from September 30, 2020 to October 14, 2020. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	UTILITIES COMMITTEE WHITEWOOD AERIAL SEWER REPAIR PROJECT
BUILDINGS & GROUNDS COMMITTEE: Councilmember Veras reported the Buildings & Grounds Committee met earlier this evening and has two items for Council consideration. Motion by Veras, seconded by Redinger, to approve an increase to purchase order #CT194948 to Professional Service Industries, Inc. in the amount of \$7,500.00 for additional third-party concrete testing required for the New Aquatics Center Project. Account #C492710 3201 Project # BD160001. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	BUILDINGS & GROUNDS COMMITTEE AQUATIC CENTER CONCRETE INSPECTIONS
Motion by Veras, seconded by Redinger, to approve a Blanket Purchase Requisition in the amount of \$40,014.66 for the Vehicle Storage Building Roof Repair Project. Account #C490170 3202 Project #BL200013. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	VEHICLE STORAGE BUILDING ROOF REPAIR PROJECT
LEGISLATION COMMITTEE: Councilmember Koepke reported the committee met earlier today and discussed the appointment of Maxwell Rapkin as a full-time firefighter/paramedic and the Charter Amendment proposed by initiative petition.	LEGISLATION COMMITTEE
FINANCE COMMITTEE: Councilmember Redinger reported the committee met earlier has several items for Council consideration. Motion by Redinger, seconded by Carouse, to approve an Increase to Blanket Vendor Purchase Order #P200446 in the amount of \$20,000.00 for miscellaneous supply and material purchases for the safe and effective management of the COVID-19 re-opening operational phases for the City. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	FINANCE COMMITTEE COVID-19 EXPENSES INCREASE TO P.O.#P200446
Motion by Redinger, seconded by Carouse, to approve additional program fees for the Recreation Center. Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	ADDITIONAL RECREATION FEES
Motion by Redinger, seconded by Carouse, to approve the payment of bills for professional services, as follows: Matty, Henrikson and & Greve in the amount of \$34,696.54; Sergio I. DiGeronimo in the amount of \$6,077.50, Roger Wadsworth in the amount of \$700.00; Squire Patton Boggs, in the amount of \$3,818.00; J Neusser, LLC in the	MONTHLY BILLS FOR PROFESSIONAL SERVICES

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amount of \$2,000.00; and Donald G. Bohning & Associates in the amount of \$31,202.46 and Sixmo in the amount of \$850.00. Total of all invoices \$79,344.50.

Ayes: Carouse, Caruso, Harwood, Kingston, Redinger, Veras.

Abstain: Koepke.

Nays: None.

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

REPORT OF LAW DIRECTOR: No Report.

LAW

REPORT OF ENGINEER: No Report.

ENGINEER

REPORT OF FINANCE DIRECTOR: No Report.

FINANCE

REPORT OF BUILDING DEPARTMENT: C.B.O. Packard reported in August the Building Department issued 127 permits with a valuation of just under \$1,000,000.00 and the total receipts collected of \$38,954.10.

**BUILDING
DEPT.**

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 the appointment of Maxwell Rapkin as a full-time firefighter.

FIRE

REPORT OF RECREATION DEPARTMENT: No Report.

RECREATION

REPORT OF THE MAYOR: Mayor Hruby thanked Myles Rapkin, the Recreation Department, and the Service Department for the work done for the Muni-Lot Movies. The City received many compliments regarding that event. Many communities have contacted the City and if they could utilize the equipment. The equipment does not belong to the City, it belongs to Myles, who uses the equipment in his personal business. The City thanks Myles for the donation of the equipment and for all of the work he did that evening. The City is planning one more movie event this year, possibly held with the Boo-ville event. September 12th from 9:00 A.M. to 12:00 Noon will be the Shredding Day. The truck will be at the Municipal lot, non-perishable food collection will be held at that time. Human Services Building will be reopening on September 21st. Human Services Director Dr. Paciorek will re-open the building with safety protocols. Brecksville remains one of the lowest three communities that have reported COVID-19 cases. Mayor Hruby commended the employees and residents of Brecksville for following safety protocols.

MAYOR

Motion by Harwood, seconded by Carouse, to adjourn the regular meeting at 8:39 P.M. **ADJOURN**

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL