

MINUTES OF A MEETING OF THE

COUNCIL OF THE CITY OF BRECKSVILLE

HELD August 6, 2019

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Council was **CALLED TO ORDER** in Regular Session by Council President Mike Harwood 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, J. Petsche,
L. Redinger, D. Rose, K. Veras.

ROLL CALL

Members Absent: None.

Others Present: 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 Lt. Johnson,
Recreation Director T. Tupa, Service Director
R. Weidig, Council Clerk T. Tabor.

MINUTES OF THE JULY 16, 2019 REGULAR MEETING: Motion by Carouse, seconded by Redinger, to dispense with the reading of the July 16, 2019 regular meeting minutes and to accept same as presented.

REGULAR MEETING MINUTES OF 7-16-2019 APPROVED

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

RESOLUTION 4961 re: a Resolution declaring the intent to appropriate an easement for the installation and maintenance of storm & sanitary sewers and appurtenances on PP# 601-22-013 owned by Joanne M. Salvatore Bochis, Anthony J. Salvatore and Patricia A. Salvatore; and declaring an emergency, was read by title.

RES. 4961 APPROPRIATE EASEMENT ON PP #601-22-013 FOR INSTALL OF STORM & SANITARY SEWERS

Motion by Rose, seconded by Veras, to suspend the rules and place Resolution 4961 on third and final reading.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 4961.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

RESOLUTION 4962 re: a Resolution authorizing the Mayor to renew an agreement with Meeder Investment Management, Inc. for the provision of investment advice; and declaring an emergency, was read by title.

RES. 4962 RENEW AGREEMENT WITH MEEDER INVESTMENT MANAGEMENT

Motion by Broski, seconded by Veras, to suspend the rules and place Resolution 4962 on third and final reading.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 4962.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

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RESOLUTION 4963 re: a Resolution authorizing the Mayor to apply for a grant through the Firehouse Subs Public Safety Foundation for a Forcible Entry Training Door Simulator for the Fire Department; and declaring an emergency, was read by title. Motion by Veras, seconded by Broski, to suspend the rules and place Resolution 4963 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Resolution 4963. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. RESOLUTION 4964 re: a Resolution making necessary advances between certain funds for the fiscal year ending December 31, 2019; and declaring an emergency, was read by title. Motion by Broski, seconded by Rose, to suspend the rules and place Resolution 4964 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Resolution 4964. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. ORDINANCE 5256 re: an Ordinance to amend Ordinance No. 5220, making appropriations for current expenses of the City of Brecksville during the fiscal year ending December 31, 2019, making necessary appropriation and revenue adjustments; and declaring an emergency, was read by title. Motion by Broski, seconded by Veras, to suspend the rules and place Ordinance 5256 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Ordinance 5256. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. ORDINANCE 5257 re: an Ordinance amending Ordinance No. 4846 and the proposal of Perspectus Architecture for Architectural/Engineering Design Services for the Brecksville Police and Jail Facility Project; and declaring an emergency, was read by title. Law Director Matty: If I may, before we go any further, I do want Council to understand in, as I had requested in past meetings I asked if there is any Councilmember who will recuse themselves from a legislative item and I have been informed by Councilmember Petsche that he will be recusing himself from this Ordinance. Thank you. Harwood: Councilmember Rose do you have a question. Rose: No I don't have a question. I will be voting. My firm, I have no relationship with Perspectus in any manner. I already discussed with Mr. Matty, I will be participating. Redinger: Mr. President, I was curious why you won't be voting Mr. Petsche. Petsche: I have a relationship with Panzica Construction. Redinger: But this is for Perspectus. Harwood: Jack (Councilmember Petsche) where the confusion is, in the past; we want to do this right. In the past you voted to increase the Perspectus contract, this is of a similar nature.	RES. 4963 AUTH. APPLICATION THRU THE FIREHOUSE SUBS PUBLIC SAFETY GRANT FOR THE FIRE DEPT. RES. 4964 ADVANCE FUNDS FOR THE FISCAL YEAR ENDING 12-31-2019 ORD. 5256 APPROPRIATI ON FOR THE FISCAL YEAR ENDING 12-31-2019 ORD. 5257 PERSPECTUS ARCHITEC- TURE THIRD AMEND. FOR THE POLICE & JAIL FACILITY PROJECT
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You voted for the bonds & notes for the Brecksville Police Station Project and also voted to increase Panzica's GMP (Guaranteed Maximum Price). There is a voting record here, you have to state if it's personal or financial. There has to be a reason for you to abstain or the only other way that can be done is if Council unanimously votes to let you abstain. So I think what Councilmember Redinger is asking is if it is a personal or financial interest. You need to state that, saying you have a relationship isn't declaring what that is.

Petsche: No I don't have a relationship with Perspectus. I did call Mr. Matty's office several times, I wanted to discuss this, but we didn't have a chance to discuss it. So I was going to error on the side of caution. But if Mr. Matty says I don't have a conflict...

Harwood: For clarity, Becki (Purchasing Director Riser), the change order includes punch list items, is that the purpose of this?

Purchasing Director Riser: Yes.

Harwood: Do you understand what the vote is for the increase for their contract?

Petsche: The vote is to increase Perspectus' contract, yes.

Harwood: Why would you abstain?

Petsche: I understood Panzica will be back charged.

Harwood: That and right now that appears to be a process that will be negotiated at a later date, but I believe, Becki (Purchasing Director Riser), correct me if I'm wrong, that is the intent to do that.

Purchasing Director Riser: The contract is still between the City and Perspectus and we are moving forward as such. With a separate item being they will negotiate with Panzica.

Harwood: Then yes it does impact Panzica, if that's your question.

Petsche: Then I'm wondering if I have a conflict.

Matty: Let me chime in a little bit here. Purchasing Director Riser, my understanding of this, when I drafted the legislation, was that the contract that we have, and by "we" I mean the City, with Perspectus has construction inspections as part of their contract.

Purchasing Director Riser: Correct.

Matty: My understanding is the substance of this needed legislation is for the time period of January 1st of this year through a projected October 31st of this year time period for that inspection, is that understanding correct.

Purchasing Director Riser: Correct.

Matty: It is also my understanding that the reason they are there inspecting is because of, what I will call under construction terminology, "punch list items". Items that were either done improperly, are not functioning like they should, or need some adjustment because they don't meet some plan or some intended design. Is that correct?

Purchasing Director Riser: That is correct.

Matty: Mr. Petsche, I guess the question I would have for you that you put on the floor is "Do you have a personal or financial interest? Do you have any of those punch list items that you, yourself, or your company, USA Roofing has on that project.

Petsche: I did have (2) punch list items.

Harwood: Oh,

Matty: You had some punch list items, excuse me Mr. Chairman, why do you have some punch list items? And is it you or your company USA Roofing that you own?

Petsche: It is USA Roofing that had a couple punch list items.

Matty: Can you explain to this Council how you have those punch list items?

Harwood: Are we talking about the Aquatics Facility?

Broski: No, Police Station.

Matty: Police Station Mr. Chairman.

Harwood: I bring it up because when you approached Dave and I you said you put a bid for the Aquatic Facility roof to Seitz Construction. When we had to re-do that whole process our law director said you need to seek legal counsel and that you cannot bid work for the City. So are we talking about the Police Station or the Aquatic facility that he has punch list items for?

Matty: I am talking about the Police Station and punch list items on the Police Station Project which pre-dates our conversation on Seitz. Not the recent Seitz project. I am talking about

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the Police Station Project. Becki (Purchasing Director Riser), I believe Perspectus is the architect for the Police Station, correct.

Purchasing Director Riser: Correct.

Matty: There is a different architect for the Aquatics Center Project.

Purchasing Director Riser: Correct.

Matty: That is Thendesign and this is Perspectus.

Harwood: The only way I know of that you'd have punch list items is if you held a contract at the Police Station.

Petsche: I had a contract with Panzica dated prior to me coming on to Council to put the roof on at the Police Station.

Redinger: And you're just disclosing that now to us?

Petsche: It's public knowledge.

Redinger: No it's not public knowledge.

Harwood: No, it's not. And at the last, when we had a public hearing, in regards to that very topic for bidding, for Sietz and you were asked about a solar panel company and if USA Roofing was part of a solar panel issue, Dave (Law Director Matty) told you there are, by Charter, 4 items that you have to meet before you can ever bid or hold a contract. I believe you did that. Am I correct?

Matty: Yes, and it is by State Law not Charter, State Law. And Mr. if we're going to make your subcontract on the Police Station for the record, it has to be exact. The contract for the Police Station, the subcontract on the roof, to my knowledge, was not fully executed until January 8, 2018.

Petsche: That is not true.

Matty: Is it true by Panzica's signature on the contract.

Petsche: That would be incorrect. They sent me that contract in October.

Matty: You may have sent the contract in October but you did not sign that contract until December and it wasn't signed by Panzica until January 8th after you were sworn in. The contract was effective. I don't want to argue effective dates. I just want to argue the fact of the matter is the contract was entered into as I understand it. And Council, you will have to tell me as I understand the facts, there was no Councilmember that was aware that this contract was being entered into by USA Roofing and Panzica nor were you told by Mr. Petsche until this evening that he had this contract. I ask you all to tell me if that is the facts because if I have the facts wrong because I want the facts right in my report and in these minutes.

Broski: Jack (Councilmember Petsche), what is your position in USA Roofing, are you a principal?

Petsche: Yes.

Broski: I was never told.

Carouse: Mr. Law Director I had no knowledge.

Veras: I was never told.

Redinger: Mr. Matty I was never told.

Rose: No, I was never told, I'm kind of surprised that, Jack, you thought this was a good idea.

Harwood: Jack (Councilmember Petsche) in multiple meetings and committee meetings the only time you brought this up was that you had a relationship with Panzica, you never ever said you held a contract.

Petsche: Well, I apologize for that.

Harwood: What happened to transparency?

Petsche: I apologize but my deal is with Panzica. Not with the City.

Harwood: No, the City pays the bills.

Petsche: But my contract is with Panzica so that was my interpretation of the law, that my contract is with Panzica it is a private contract with Panzica Construction.

Harwood: But didn't you think that it would be – that when you are sitting in rooms and discussing with us that you would want to notify us, the (6) other members of City Council. Because you are putting us at risk.

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Petsche: I apologize if I put anyone at risk. I thought it was a private contract with Panzica Construction. That was my interpretation of the ethics rules and regulations regarding this issue. My contract is not with the City.

Broski: Did you seek legal counsel when you entered into that contract.

Petsche: I did not.

Carouse: So what you are saying is the basis for your interpretation is one that you made on your own, and not as the law director said and sought someone else's opinion on it.

Petsche: The Law Director advised me to do that on the Aquatic Center. I have withdrawn my bid on the Aquatic Center.

Harwood: So the point here, can we move on this today? I'm just asking about what we have in front of us today.

Matty: I am a bit perplexed Mr. Petsche. I do understand that you have told me that you believe your contract, at least as it related to the Aquatic Center was with Seitz and not the City. I know on at least (3) occasions I told you to seek legal advice. I must tell you as Law Director of the City that if you had researched the law thoroughly – you would see that the law says for purposes of ethics in this state and for purposes of a definition of public contract that your subcontract with Panzica and your attempted contract with Seitz fits the definition of a public contract which is, in this State, a contract for construction services entered into between a company and a public entity or a company and any other party for the use of the facilities by the public entity. Either way, it is public contract. Either way it falls under 2921.42, unlawful contract of a public official. And the requirements of 2921.42(c) must be met for that contract to be able to be-first of all- had, and secondly to be enforced. I understand your position that you always thought you had a contract with another entity and not the City but you ignored the fact that the use of the facility and you ignored the fact of who was paying for that contract. So I will once again advise you to please seek private legal advice on that issue. It is a very serious issue. It is in the terms of \$145,000.00, I believe, that you have been paid to date. That is why Mr. Harwood is asking you these questions and that is why these Council people are a little, I use the word dumbfounded that they are finding out tonight from you – this is the first time you have talked to any of them about this contract. Of course, the Mayor is not here. I will speak to the Mayor to see if you have talked to him about this contract. These are the decision makers of the City- who should have been made aware of that contract. I will go all the way back to June, 2017 when negotiations were started for that contract.

Petsche: Mr. Matty, I believe and I have sought legal counsel regarding this matter. the Police Station probably a couple months ago and my legal counsel says that I did nothing wrong with regard to the Police Station and it is, there are decisions that say a subcontract is OK. So the issue has not been resolved one way or another, or rather it has been resolved that a subcontract is okay and that I have done nothing wrong. So, that's the advice I got and I felt that it was a private matter between Panzica and USA Roofing. That's my interpretation of the law and my legal counsel interprets the situation in the same way.

Matty: And this was done recently?

Petsche: Yes.

Matty: Was anything done back in June 2017, September 2017, October 2017 and December 2017.

Petsche: No, I was new to this in the fall of 2017. I took office in January 2018. I was unaware that this was such a big issue and since I did look at the law myself- being an attorney-my interpretation was that I met the four exceptions the general rules that are laid out in 2921. And I have done nothing wrong.

Broski: Jack (Councilmember Petsche), being an attorney, didn't you feel that there were some ethical considerations that you had to look at now that you are a sitting Councilman. I understand the bidding, but you were running for office at the time of the actual project.

Petsche: I bid the project before.

Broski: You never entered into the contract until you were seated.

Petsche: That's not my fault, I signed the contract.

Broski: Once it was signed, didn't you have any ethical considerations at that point? That you being a subcontractor or being a Councilman?

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Petsche: No, Gerry (Councilmember Broski) because being a subcontractor is a private contract between USA Roofing and Panzica and the fact that Panzica is working for the City doesn't mean my contract is a public contract. If my contract was direct with the City then absolutely, you are correct. But since my contract was with Panzica that makes it a private contract. It is legally a private contract. It's not a public contract.

Harwood: Laura (Councilmember Redinger) you have...

Redinger: Just a couple follow up questions for Mr. Petsche. What other contracts are you working on that the City has any involvement in.

Petsche: None

Redinger: Through all of the fall discussions relative to Four Seasons, a thing that we talked about in this room on a regular basis was transparency. And there was plenty of insinuations that our team was being less than transparent because of the manner in which we had to make decisions for a variety of different reasons. And you were leading the charge in that transparency narrative and I really am just disgusted you didn't think it would be appropriate to share that you had a contract, even if the contract is legal, that we were all approving payments that were going to you personally, to your company.

Petsche: You never approved a payment that was going to my company. You approved payments to go to Panzica.

Redinger: You benefitted from a contract the City had with Panzica.

Harwood: To that note, you do remember that we had a January refresher course that all of the department heads attended when you and Dennis (Councilmember Rose) came on and for the balance of Council. At that refresher course they discussed everything the department heads do and the Law Director went up front and said all of the things we cannot do. These issues were addressed on what you could and could not do. That's point 1. We had a refresher course when you came on board and discussed these issues. That was in January at that point in time you could have said to the Law Director or you could have asked any of us- where do you guys stand on this. Number 2. If you have done nothing wrong or thought you didn't do anything wrong, why have you not disclosed to any of us until tonight. And Number 3. If you don't think it's wrong when you informed the law director and myself that you were bidding on the Seitz work and then negotiating a contract, why didn't you keep doing that then?

Petsche: You've asked several questions. Can you give them to me one at a time?

Harwood: We had a refresher course in January that discussed what council representatives can and cannot do, it revolved around ethics and how we function.

Petsche: Yes.

Harwood: Why didn't you disclose that at the time? That you bid the job and may potentially be awarded the contract.

Petsche: I had been awarded the contract at that time.

Harwood: Why didn't you disclose it when this was discussed?

Petsche: Because I thought it was a private contract and outside the reach of the law. I mean I just didn't think it was a big deal.

Harwood: If our Law Director says....

Petsche: I had never been in public life before and I didn't think it was a big deal and I did look at the regulation myself and the law on this and I made the call that it's a private contract and not a public contract.

Harwood: So you still didn't think, you use the word transparency all the time, you didn't think you should let us know that? After he talked about ethics?

Petsche; Why, Why, Why?

Harwood: Because we would have to vote on things, we would increase contracts. We would make decisions on money for that facility. Like Laura (Councilmember Redinger) said you were benefitting from, you received payment.

Petsche: I did, my company did. That is true.

Matty: Mr. Petsche, again, I would advise you, maybe more specifically this time, since I now understand fully what you think the law is. Please consult with your own personal attorney again and please have your own personal attorney check longstanding Ohio Ethics Commission advisory opinions which hold that the type of contract you have for the services

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you rendered to the Police Station is within the definition, under Ohio Law, a public contract, not private contract. Whether it is the traditional method of bidding as you did with Seitz or a Construction Manager at Risk. More recent laws which have been put in place. You have, as the owner of USA Roofing a public contract with the Police Station Project. Please have your attorney take a look at those longstanding opinions.

Petsche: I have.

Rose: Mr. President, I'm not going to... Mr. Matty will address this. I'm concerned, because we are public officials, I believe I have a fiduciary obligation to all of the citizens of Brecksville and I am shocked that when we first met as council people that you didn't say, hey, that's a great Police Station over there, I put the roof on. I'm proud I did the roof. In my view you hid that from all of us. And I know you say legally "I didn't have to do that". Well you are a lawyer, I'm a lawyer, Mr. Matty is a lawyer, Mr. DiGeronimo's a lawyer. But, there is legally what you can do and what's right and what's wrong. In my mind you open your mouth and say hey, I put the roof on.

Petsche: Are you aware that Panzica had to give the City a list of subcontractors, it's not a secret.

Rose: I'm not talking about that, but you didn't say anything.

Petsche: I thought it was understood when I recused myself in regard to Panzica that you understood I put the roof on the Police Station.

Harwood: That's the farthest from the truth. In the back room in committees when you were asked why you were abstaining you said "I have a relationship with Panzica", you didn't say I'm the roofing contractor for Panzica.

Petsche: Well you didn't ask a follow up question.

Unknown/Audience: Wow

Harwood: That's Transparency.

Petsche: I didn't mean to hide it and I am proud that we put the roof on the Police Station.

Harwood: So Dave (Law Director Matty) can we move on this?

Matty: Well..

Purchasing Director Riser: If it has to wait until the 20th, it can wait.

Harwood: You should talk to the Mayor.

Matty: No, for the sake of that project and what Ron (Service Director Weidig) and Becki (Purchasing Director Riser) are involved with Scott (CBO Packard) on a daily basis to get a project that was due in March that is not going to be done now until October, I, personally would not delay a moment if I was Council. I think the record is accurate in that Mr. Petsche has disclosed his personal financial interest for the first time so that Council understands he is the sole owner as I understand him to say of USA Roofing and USA Roofing has had a contract on the Police Station since January 8, 2018 when it was

Petsche: December 12th.

Matty: You might have signed it that date but Panzica didn't sign it until January 8, 2018.

Unintelligible Discussion

Matty: If I may. So that there is a contract in place at that Police Station for an amount, which I believe is \$154,000. Becki's (Purchasing Director Riser) numbers to me show \$145,000 has been paid. Some monies are being retained and if I understand what Council is telling me this evening, this is August 6, 2019, and each one of you is being told for the first time by Mr. Petsche that he had that subcontract and that he is, in fact the sole owner of USA Roofing. If you knew that at that time, please tell me if you knew that in January 2018, because I am hearing otherwise. And the rest can be handled by Mr. Petsche and his attorneys with the appropriate State agencies as they see fit and we go from there. But there is no reason for you not to vote with his recusal on record. And so Council knows under 121.01 of the code, you have a rule. And you can look it up it's rule (7), drafted way back when. And rule No. 7 says the following: it is captioned Duty to Vote: and you rule under duty to vote says: Every member present at any meeting of Council shall vote on all questions presented for a vote unless excused by a unanimous consent of Council. And then there is a second sentence which read no member shall vote on any question involving personal or financial interest or personal or private rights. I take it this evening that Mr. Petsche is recusing himself from the vote on Perspectus Third Amendment because he has punch list

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items either performed or to be performed under a subcontract for the Police Station Project. So that recusal that he has entered is proper, and your discussion of what personal financial interest is proper and if you go forward with him recusing, to me your minutes will reflect consent on going forward with voting because he has disclosed that to you. But I would not hold up the vote on this issue. If you have any questions concerning anything in the process up until this time you can either call me or call Mr. Petsche. I will try to answer to the best of my knowledge, if I have it, if not I'll direct you to Mr. Petsche.

Rose: Mr. Matty, I just want to clarify one thing. The Ordinance as I read it the materials that were sent to us. The discussion we heard at some point in time there may be a negotiation with Panzica. This Ordinance does not say we are going to charge back or anything. If this Ordinance is in any way related to Panzica I will recuse myself. That this Ordinance is authorizing to negotiate or do anything, I did not read that at all, that is why I didn't recuse myself.

Matty: This Ordinance, Mr. Rose, is authorizing an extension of inspection time of the Architectural firm Perspectus. This Ordinance at this point in time has nothing to do with Panzica.

Matty: It has to do with items on the punch list that need completed, so that we can finally enter that Police Station.

Rose: That is my understanding, I just wanted to clarify that.

Broski: The findings of Perspectus in reference to the punch list if they indicate additional payments or in our settlement, whether it be American Roofing or to others would be a totally separate legislative action.

Harwood: USA Roofing?

Broski: USA Roofing.

Matty: Becki (Purchasing Director Riser) explain to me where we are at with our GMP and contingencies. Are there monies that have been authorized or will new monies need to be authorized if any further payments are made.

Purchasing Director Riser: I can't answer that question because we have yet to continue the negotiations once the punch list was completed. So, there will be one, if not multiple meetings with Panzica and Perspectus once the punch list is completed to resolve many items of which one will be discussion of whether or not any responsibility, included in the amount being approved tonight is the responsibility is not the responsibility of the City or is the responsibility of one of the other parties. So there are no numbers for which you are asking.

Matty: Mr. Broski and Mr. Rose, if that issue that Purchasing Director Riser has explained results in a negotiation that comes back to Council, Mr. Rose at that time my advice to you would be to recuse yourself.

Rose: That is what I will do. Thank you for the clarification.

An Ordinance amending Ordinance No. 4846 and the proposal of Perspectus Architecture for Architectural/Engineering Design Services for the Brecksville Police and Jail Facility Project; and declaring an emergency, was read by title

Motion by Broski, seconded by Veras, to suspend the rules and place Ordinance 5257 on third and final reading.

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

Abstain: Petsche.

Nays: None.

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

Motion by Redinger, seconded by Carouse, to pass Ordinance 5257.

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

Abstain: Petsche.

Nays: None.

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

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ORDINANCE 5258 re: an Ordinance authorizing the purchase of HVAC **ORD. 5258**
equipment and controls for the Brecksville City Hall through the U.S. Communities **CITY HALL**
Government Purchasing Alliance; and declaring an emergency, was read by title. **HVAC**
Motion by Broski, seconded by Veras, to suspend the rules and place Ordinance 5258 **EQUIPMENT a**
on third and final reading. **AND**
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. **CONTROLS**
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5258.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

BOARD OF ZONING APPEALS: Councilmember Rose reported the next meeting **BD. OF**
of the Board of Zoning Appeals will be Monday, August 12th at 7:30 P.M. to hear two **ZONING**
variance applications. **APPEALS**

PLANNING COMMISSION: Councilmember Harwood reported the next meeting **PLANNING**
of the Planning Commission will be August 22nd at 7:00 P.M. **COMMISSION**

Motion by Harwood, seconded by Veras, to accept the recommendation of the **LOT SPLIT &**
Planning Commission for approval of a lot split and consolidation at 601-32-002 & Parcel # **CONSOLID.**
601-32-017 to create parcel A, 2.2024 acres and Parcel B, 2.0746 acres at 9060 Highland **FOR 9060 &**
Dr., Brecksville, Ohio, as described in the attached plat drawing and topographic survey by **9054**
Cardinal Surveying and Mapping, dated 6/6/19, and contingent upon approval of the City **HIGHLAND**
Engineer and approval of the Brecksville Board of Zoning Appeals of the following **DRIVE**
variances:

- From Section 1117.09 requiring that lot design be generally rectangular to allow the creation of two irregularly shaped lots.
- From Section 1151.22 a variance of 54.3 feet from the minimum required lot width of 200 feet to allow 145.7 feet for Parcel B.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

RECREATION COMMISSION: Council Representative Redinger said the **RECREATION**
baseball & softball season has ended and thanked Recreation Director Tupa and his staff for **COMMISSION**
a great season. The staff is preparing for the beginning of soccer season. The next meeting
of the Recreation Commission will be Monday, August 26th at 7:30 P.M.

DEPARTMENT OF HUMAN SERVICES: Council Representative Veras **DEPT. OF**
reported the next meeting of the Human Services Advisory Board will be August 14th at 3:00 **HUMAN**
P.M. **SERVICES**

TELECOMMUNICATIONS COMMISSION: No Report.

TELEC. COM.

SAFETY-SERVICE COMMITTEE: Councilmember Carouse reported the **SAFETY-**
committee met earlier today and has two items for council consideration. The committee **SERVICE**
thanked Council for the approval of legislation passed earlier today.

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Motion by Carouse, seconded by Broski, to approve a purchase requisition to Signal WALLING & Service Company in the amount of \$5,531.00 for the installation of a battery back-up system S.R. 21 to the existing traffic signal equipment at Route 21 and Wallings. Account #C110171 3300. TRAFFIC

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Carouse, seconded by Veras, to approve an increase to Blanket Purchase YARD WASTE Order #BL196601 for Yard Waste Disposal Fees in the amount of \$10,000.00. Account DISPOSAL #110623 2126. FEES

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

STREETS & SIDEWALKS COMMITTEE: Councilmember Broski thanked STREETS & Service Director Weidig and the Service Department for their work during the heat wave and SIDEWALKS look forward to completing the road projects.

UTILITIES COMMITTEE: Councilmember Petsche reported the committee met UTILITIES earlier and thanked Council for the passage of legislation authorizing the Law Director to COMMITTEE appropriate easements for the Whitewood Aerial Sewer Project.

Motion by Petsche, seconded by Rose, to authorize a purchase requisition to AUTH. Charles P. Braman & Company in the amount of \$2,950.00 for an appraisal of PP#601-22- CHARLES P. 013 required for the easement necessary for the Whitewood Aerial Sewer Project. BRAMAN & CO. TO

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

PREPARE AN APPRAISAL

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

Motion by Veras, seconded by Broski, to authorize a Purchase Requisition in the GILLESPIE amount of \$ 3,619.00 to Gillespie Company for year 3 of a 3-year agreement to provide the COMPANY annual services for Backflow Preventer Inspections for (39) City locations, and charged to BACKFLOW (7) different accounts as detailed on the requisition and location summary provided. PREVENTION

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Veras, seconded by Broski, to authorize a purchase requisition to HUMAN PoolPak LLC in the amount of \$3,447.58 for a replacement blower on the PoolPak at the SERVICES Center. Account #110330 2604. POOLPAK

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

REPLACE-

MENT

Motion by Veras, seconded by Redinger, to authorize an increase to Purchase Order BLOSSOM #P180873 in the amount of \$450.00 for additional electrical supplies needed for completion HILL TURF of the new scoreboard on the Blossom Hill turf field. Account #C240710 2501. FIELD

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

SCOREBOARD

LEGISLATION COMMITTEE: No Report

LEGISLATION COMMITTEE

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

Motion by Redinger, seconded by Rose, to approve an increase to the Finance **POLICE** Department's Utility Blanket Purchase Order #FN190022 for electricity in the amount of **STATION** \$30,000.00 for electricity to the new Police Station building. *Account #110210 2902.* **ELECTRICITY**
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. **INCREASE**
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Petsche, to authorize the salary continuation for **SALARY** Service Department Employee Phillip Helman through 9-15-2019. **CONTINUA-**
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. **TION**
Nays: None. **HELMAN**
MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to approve the payment of bills for **MONTHLY** professional services, as follows: Matty, Henrikson & Greve in the amount of **BILLS FOR** \$9,000.83; Sergio I. DiGeronimo in the amount of \$7,095.00; Roger Wadsworth in the **PROFESS-** amount of \$1,050.00; Kulchitsky Architects, LLC in the amount of \$300.00; J Neusser, **IONAL** LLC in the amount of \$2,578.00; Donald G. Bohning & Associates in the amount of **SERVICES** \$22,109.87 and Sixmo in the amount of \$762.50. Total of all invoices \$42,896.20.
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 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 for the **BUILDING** month of July the Building Department issued 113 permits with a valuation of just under \$3.7 million. Total of receipt collect is \$39,076.13.

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**

BRECKSVILLE BROADVIEW HEIGHTS STUDENTS: The following Brecksville Broadview Heights students were in attendance: James Mandat

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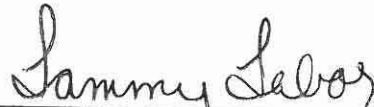
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P.M. Motion by Harwood, seconded by Carouse, to adjourn the regular meeting at 8:50
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL