

MINUTES

Council Committee Meetings

April 7, 2020

Council Committee regular meeting was held on Tuesday April 7, 2020.

VIA CONFERENCE CALL DUE TO COVID-19 PUBLIC HEALTH EMERGENCY

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This meeting has been duly noticed and are held in accordance with Ohio Revised Code Section 121.22 specific to recent amendments made in light of the current COVID-19 declared emergency.

Present: Council Vice President L. Redinger, Councilmembers L. Carouse, D. Caruso, A. Koepke, J. Petsche, K. Veras, Mayor Jerry N. Hruby, Law Director D. Matty, Assistant Law Director S. DiGeronimo, Engineer G. Wise, Finance Director L. Starosta, Fire Chief N. Zamiska, Police Chief W. Goodrich, Purchasing Director R. Riser, C.B.O. S. Packard, Service Director R. Weidig, Clerk of Council T. Tabor.

Absent: None.

Committee of the Whole Meeting: Motion by Harwood, seconded by Carouse, to convene a Committee of the Whole meeting at 7:00 P.M. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Approval of Committees meeting minutes.

Motion by Harwood, seconded by Carouse, to approve the March 17, 2020 Buildings & Grounds, Finance, Legislation, Safety Service, Streets & Sidewalks and Utilities Committees as submitted. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Council President Harwood said the committees will be meeting today as a Committee of the Whole. President Harwood will introduce each item and then acknowledge the Department Heads, Mayor Hruby, Committee Chair followed by Committee Members and the remainder of Council, for any comments, questions or concerns.



(Committee of the Whole Meeting, continued)

Aquatic Center Concession Equipment: Councilmember Harwood said a request has been submitted to authorize a SourceWell Contract purchase from Stafford-Smith in the aggregate amount of \$36,708.37 for various pieces of equipment for the concession area of the new Aquatics Center. Purchasing Director Riser said the concession equipment was selected with assistance from food equipment consultant based on input from the Recreation Department, the menu items and expected needs. The concession equipment was not included in the construction contract to assure quality equipment was purchased. A quote tabulation was prepared and provided for Council's review and consideration. Purchasing Director Riser said five bids were received for the concession equipment. Stafford-Smith provided the lowest overall bid for the equipment and delivery. The equipment will arrive in time for the opening of the Aquatic Center. If storage of the equipment is necessary, funds have been included in the budget.

- Motion by Harwood, seconded by Caruso, to recommend to Council an Ordinance authorizing the purchase of concession equipment from Stafford-Smith, Inc. for the Aquatic Center through Sourcewell (formerly the National Joint Powers Alliance) in the amount of \$36,708.37. *Account #C492710 3201 Project #BD 160001*. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

City Hall Roof Replacement & Air Handlers Project: Council President Harwood said legislation is prepared, awarding to the lowest and best bidder, Apex Construction & Management for the Brecksville City Hall Roof Replacement & New Air Handlers Project. Service Director Weidig said a copy of the tabulation from the March 13th bid opening is provided, as well as recommendations for the award are presented in an email from Makovich & Pusti Architects for Council's review and consideration. Service Director Weidig said Law Director Matty has included language in the contract that allow for cancellation or delay of the project. Work will not begin until a notice to proceed has been issued from the City. Service Director Weidig said the current health emergency has halted the decommissioning of the firing range at City Hall in the former Police Station. The roof and air handler project will not proceed until the range has been decommissioned. Purchasing Director Riser said execution of the contract will be evaluated during the next 30 to 60 days and ongoing discussion will continue. Law Director Matty said the City or Apex may terminate the contract with a (30) day notice, due to cost. Mayor Hruby said any major projects on the books for this year, with costs like these, will need to be evaluated and may need to be terminated based on the City's revenues. Councilmember Redinger asked if the project is delayed, will the City incur additional charges for storage of the equipment. Purchasing Director Riser said the equipment order is currently on hold through Trane and has not been delivered at this time. If the equipment is delivered additional costs will be added to the cost for storage.

- Motion by Harwood, seconded by Veras, to recommend to Council passage of an Ordinance awarding to the lowest and best bidder, Apex Construction & Management for the Brecksville City Hall Roof Replacement & Air Handlers Project. *Account #C490166 3202 Project #BII90003*. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

(Committee of the Whole Meeting, continued)

Community Resilience Grant: Council President Harwood said a grant application was prepared by Human Services Director. Dr. Steven Paciorek. Purchasing Director Riser said legislation has been prepared to accept, if awarded, \$2,000.00 in funding that would be used to purchase food, containers, utensils and miscellaneous supplies for delivering meals to our senior residents in need. Councilmember Koepke said the application noted donations levels are lower than expected, is there a place where residents can see what donations are needed and where to donate. Mayor Hruby said the City website does have information on the food pantry, and that donations are welcome. Mayor Hruby said Dr. Paciorek will continue to make the needs of the residents known. At this time the City has been able to meet the needs of the residents. Updates will continue to be made on the City's social media pages include that information.

- Motion by Harwood, seconded by Redinger, to recommend to Council passage of a Resolution authorizing the Mayor to submit an application for a Community Resilience Grant through ServeOhio. If awarded, the funds will be used to purchase food, container, utensils and supplies for delivering food to seniors in need. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Appropriations: Council President Harwood said an Ordinance making necessary appropriations for current expenses during the Fiscal Year ending December 31, 2020 has been prepared. Finance Director Starosta said a memo was submitted, she will answer any questions Council has.

- Motion by Harwood, seconded by Redinger, to recommend to Council passage of an Ordinance to make appropriations for current expenditures and other expenditures of the City of Brecksville. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Monthly Bills: Council President Harwood asked if there were any questions or comments related to the professional service bills presented. Hearing none, Council President Harwood continued with a motion.

- Motion by Harwood, seconded by Redinger, to recommend passage of a motion authorizing the payment of the monthly bills for professional services as follows: Matty, Henrikson and & Greve in the amount of \$12,077.08; Matty, Henrikson and & Greve in the amount of \$3,340.00; Sergio I. DiGeronimo in the amount of \$5,940.00; Squire Patton Boggs in the amount of \$11,459.92, Kulchytsky Architects, LLC in the amount of \$1,518.75; J Neusser, LLC in the amount of \$2,000.00; and Donald G. Bohning & Associates in the amount of \$21,952.17; and Sixmo in the amount of \$550.00. Total of all invoices \$58,927.92. Ayes: Carouse, Caruso, Harwood, Koepke, Redinger, Veras. Abstain: Petsche. Nays: None. Motion carried 6-Ayes, 1-Abstain, 0-Nays.

Codified Supplement: Council President Harwood said an Ordinance enacting and adopting a supplement to the Codified Ordinances of the City of Brecksville has been presented. Assistant Law Director DiGeronimo said each year the City incorporates all of the changes authorized by Council since the previous update. The City works with American Legal Publishing to incorporate the City of Brecksville updates as well as updates to the Ohio Revised Code. Asst. Law Director DiGeronimo said he has also reviewed the document prior to authorizing this update.

(Committee of the Whole Meeting, continued)

- Motion by Harwood, seconded by Redinger, to recommend passage of an Ordinance enacting and adopting Supplement S-28 to the Codified Ordinances of the City of Brecksville. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Infectious Disease Outbreak (or Potential Outbreak) Policy: Council President Harwood said legislation has been prepared to adopt an Infectious Disease Policy for the City of Brecksville. Mayor Hruby said Council is aware that the policies and procedures may need to be revised to include changes that relate to the current COVID-19 pandemic. Mayor Hruby said some permanent part-time employees are not covered under the current policy. The City has (9) employees that work a set schedule with a set number of hours. The Finance Department has averaged the number of hours the permanent part time employees have worked over the previous 6 months. Mayor Hruby said the proposed legislation will allow permanent part-time workers administrative leave with pay.

Mayor Hruby said the second piece of legislation allows employees to use accumulated sick time by employees during a declared health emergency.

Mayor Hruby said legislation has also been prepared to allow Mayor Hruby to authorize a leave for employees that have worked in the City less than (5) years. Mayor Hruby said there may be employees that have worked less than (5) years and would prefer to take a leave of absence.

Law Director Matty said the legislation and the policy itself, permits the Mayor to declare a health and safety workplace cautionary period. This will permit safeguards for employees while they are working during this period. It also provides for rotation of employees while they are working at City Hall and for employees to work remotely when they are not working at City Hall. The duration will be set following the Governor's lead regarding social distancing. The Mayor has the authority under the Charter and the Ohio Revised Code §124.388 to deal as he sees fit regarding paid administrative leave. This is a policy that the Mayor deems necessary and the consultation with Council is required following the Charter. The (2) amendments to the Administrative Code is necessary to comply with the policy. Councilmember Koepke asked if adding epidemic to the policy would be possible as that may be a local rather than a global issue. Law Director Matty said that is possible, an amendment to the legislation would need to be made and then voted on. Councilmember Koepke said she feels this legislation needs to be passed tonight and, if necessary may be amended at a later time.

- Motion by Harwood, seconded by Carouse, to recommend passage of a Resolution adopting the Infectious Disease Outbreak (or Potential Outbreak) and extenuating circumstances policy. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

(Committee of the Whole Meeting, continued)

Administrative Code Section 145.06: Council President Harwood said an Ordinance amending Section 145.06 of the Administrative Code to amend the leave of absence code has been prepared.

- Motion by Harwood, seconded by Caruso, to recommend passage of an Ordinance amending Section 145.06 of the Administrative Code to include the use of sick leave during a health and safety workplace cautionary period. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Administrative Code Section 145.14: Council President Harwood said an Ordinance amending Section 145.14 of the Administrative Code to amend leave of absence code has been prepared.

- Motion by Harwood, seconded by Caruso, to recommend passage of an Ordinance amending Section 145.14 of the Administrative Code to amend leave of absence. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

National Park Service Agreement: Council President Harwood said an agreement has been prepared to renew an agreement with the National Park System. Police Chief Goodrich said this is a renewal of a mutual aid agreement with the National Park Service. The renewal of the agreement is for (5) years. This current agreement will expire in July. Mayor Hruby said this is a renewal of a mutual aid agreement between the City and the National Park.

- Motion by Harwood, seconded by Petsche, to recommend to Council passage of a Resolution authorizing the Mayor to enter into a General Agreement between the United States Department of the Interior National Park Service and the Brecksville Police Department. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Metro Parks Mutual Aid Agreement: Council President Harwood said legislation has been prepared for a mutual aid agreement with the Cleveland Metroparks Police. Police Chief Goodrich said this is also a renewal. This is an indefinite agreement which may be cancelled by either party with a (30) day notice. Mayor Hruby said the change to the agreement was needed, the Cleveland Metropark Rangers are now known as the Cleveland Metroparks Police.

- Motion by Harwood, seconded by Caruso, to recommend to Council passage of a Resolution authorizing the Mayor to enter into a Mutual Aid Agreement between the City of Brecksville and the Cleveland Metropolitan Park District. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Supplementary Snowplowing Increase: Council President Harwood said the original purchase order amount approved for the supplementary snowplowing purchase order in January was \$20,000.00. Service Director Weidig said the reason for the increase is due to the additional plowing services required for the new Police Station and Chagrin Valley Dispatch (CVD). We are now sharing this cost with CVD, and will be budgeting accordingly for next year's services.

- Motion to by Harwood, seconded by Veras, to recommend to Council approval of an increase to Purchase Order #P200100 to Mattes Landscaping in the amount of

(Committee of the Whole Meeting, continued)

- \$4,780.00 for Supplementary Snowplowing. *\$2,956.53 to be charged to Account #110172 2103 (City) \$1,823.47 to be charged to Account #110430 2103 (Chagrin Valley Dispatch).* Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Asphalt Supplier: Council President Harwood said legislation awarding to the lowest and best bidder, Kokosing Materials, for the City of Brecksville has been prepared for the supplying of asphalt materials. Purchasing Director Riser said a copy of the bid tabulation from the March 27th bid opening was provided for City Council's review and approval. There were two bidders that submitted quotes for this project, Kokosing and Allied and both bids were the same as submitted in the previous year.

- Motion by Harwood, seconded by Caruso, to recommend to Council passage of an Ordinance awarding to the lowest and best bidder, Kokosing Materials, for Supplying Asphalt Materials for the City of Brecksville. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

10703 & 10713 Highland Drive Settlement Agreement: Council President Harwood said a settlement agreement has been prepared for (2) property owners on Highland Drive. Engineer Wise said Council has discussed this issue several times. Law Director Matty prepared this legislation according to Council's direction. The amount to be reimbursed to each resident is \$5,355.00 The agreement allows for reimbursement to the property owners for the cost of extending the sanitary sewer under Highland Drive to allow the property owners to connect to the sanitary main. Council President Harwood said Engineer Wise and Law Director Matty have drawn the agreement based on Council's discussion and requires the sewer connection to be made by August of this year. Councilmember Petsche said the City agreed to reimburse the property owners instead of creating a separate project, obtaining bids and hiring out to extend that sewer for a mandatory connection. Councilmember Petsche said this would be the same as if the City performed a sewer line for connection as was done on Riverview and will be done on Chippewa Road. Finance Director Starosta said she has included in the appropriation amendment these reimbursements are to be paid from the Highland Boston Sewer District Fund. Councilmember Caruso asked if the COVID-19 situation prevents the completion of the project, could that deadline be extended. Law Director Matty said it would require an amendment, but Council could extend the deadline if the current conditions continue.

- Motion by Harwood, seconded by Petsche, to recommend to Council passage of a Resolution authorizing the Mayor to enter into a Highland Drive Project Settlement Agreement with Bryan and Meredith Holt and Raymond Weiss and Ellen Carouse regarding a sanitary sewer connection. Ayes: Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Abstain: Carouse. Nays: None. Motion carried 6-Ayes, 1-Abstain, 0-Nays.

Conservation Easement: Council President Harwood said a Resolution has been prepared to grant a conservation easement to West Creek Conservancy in accordance with the Army Corp of Engineers and the EPA Wetland Permits for the BBHCSD School at Blossom Hill. Councilmember Petsche asked for clarification of the location of the wetlands. Engineer Wise said

it is (20) acres in the southeast corner near the location of the school facility.

(Committee of the Whole Meeting, continued)

- Motion by Harwood, seconded by Petsche, to recommend to Council passage of a Resolution granting a Conservation Easement to West Creek Conservancy to convey the right to preserve and protect the conservation values of the Easement Area, owned by the City of Brecksville, in perpetuity for conservation and wildlife resources. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Whitewood Aerial Sewer & Storm Sewer Improvement Project: Council President Harwood said an Ordinance has been prepared accepting the bid of DRS Enterprises for the Whitewood Road Aerial Sewer & Storm Sewer Improvement Project. Engineer Wise said on March 20th a bid opening was held for three bids that were submitted from (8) plan holders. The lowest bid was three hundred fifty-five thousand, one hundred seventy-six dollars and seventy-two cents (\$355,176.72) from DRS Enterprises. Engineer Wise said the company has not held a contract with the City, but have worked in the City under Dominion Energy. Of the reference calls that were made, all responses were positive. City of Cleveland had all positive remarks regarding the company. The project is expected to begin in June. Funding for this project is coming from North East Ohio Regional Sewer District and the balance will come from the Cuyahoga County District 13 Fund. Councilmember Petsche said the project was estimated at \$384,000.00 and the bid is less. Councilmember Petsche said the project does need to be done and urges Council to approve.

- Motion by Harwood, seconded by Petsche, to recommend to Council passage of an Ordinance awarding to the lowest and best bidder, DRS Enterprises, Inc., for the Whitewood Road Aerial Sewer and Storm Sewer Improvement Project. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Engineer's Report: Engineer Wise said Saturday March 29th and into Sunday night the City experienced 2.3 inches of rain. The Cuyahoga River peaked at the 7th highest elevation on record. At the time of this report, the City had two documented cases of home flooding. There were areas of overland flooding, most of which was in expected areas; Vaughn Road, Riverview Road at Wiese and Greenhaven Roads. At Vaughn Road the Cuyahoga River overtopped and flooded Vaughn Road for hours. There is roadway damage that will have to be addressed at a later date. Silt catchers along Greenhaven were completely overburdened and damaged by the force of the flood water, causing a road closure. The Chippewa Creek was close to overflowing the banks which would have been detrimental to Winding Creek Condos, Fussy Cleaners, Star Sports, Larsen's Lumber, and others.

Engineer Wise said he received (2) complaints in Cambridge Village. This area has been reviewed with Council in the past. The new basin in Cambridge Village functioned exactly as expected. The new basin is a secondary inlet on the storm sewer to verify the existing storm sewer system accepts as much water as possible. The sewer functioned as expected until natural debris completely clogged the grate.

(Committee of the Whole Meeting, continued)

Other areas where the City made improvements continued to function. To name two, Riverview Road at the NPS Service Garage and at Vaughn Road did not overtop and the Crinkleroot Clearing new storm system accepted the majority of the flood water.

Committee of the Whole Meeting Adjourned: Motion by Harwood, seconded by Carouse to adjourn the Committee of the Whole at 8:17 P.M. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

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cc: Members of Council,
Mayor Jerry N. Hruby,
Law Director D. Matty,
Asst. Law Director
S. DiGeronimo,
Engineer G. Wise,
Department Heads