

MINUTES

Council Committee Meetings

September 3, 2019

Present: Council President M. Harwood, Councilmembers G. Broski, L. Carouse, J. Petsche, L. Redinger, D. Rose, 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, K. Gavin- Brecksville Magazine, Adam Cook- Gazette News, Clerk of Council T. Tabor.
Absent: None.

Buildings & Grounds Committee

Chairperson - K. Veras

Committee members - L. Carouse, L. Redinger.

Chairperson Veras called the meeting to order at 6:30 P.M.

Roll Call – Present: Carouse, Redinger, Veras.

Absent - None.

Approval of the August 20, 2019 Buildings & Grounds Committee meeting minutes.

Motion by Veras, seconded by Redinger, to approve the, August 20, 2019 Buildings & Grounds Committee meeting minutes as presented. Ayes: Carouse, Veras, Redinger. Nays: None. Motion carried 3-Ayes, 0- Nays.

Human Services RTAC Chiller: Councilmember Veras said approval is needed for repairs to the RTAC Chiller at the Human Services Center. Service Director Weidig said Gardiner is the proprietary vendor for this repair.

- Motion by Veras, seconded by Redinger, to approve a purchase requisition to Gardiner in the amount of \$4,500.00 for repairs to the RTAC Chiller at the Human Services Center. *Account #110330 2604.* Ayes: Carouse, Veras, Redinger. Nays: None. Motion carried 3-Ayes, 0- Nays.

Blossom Hill Trumbull Creek and Pine Brook Wetland Mitigation Credits: Councilmember Veras said the purchase of wetland mitigation credits is needed for the Blossom Hill site of the new School and Field House. Engineer Wise said the City previously purchased the remaining wetland mitigation credits in Cuyahoga County. The purchase of these credits should fulfill the Department of Natural Resource and the Army Corp of Engineers requirements for the permit.



(Buildings & Grounds Committee, continued)

Councilmember Redinger asked what the cost was for the original in-watershed mitigation credits. Engineer Wise said \$313,500.00. Councilmember Redinger asked how the funds will be allocated for the 10% down payment. Finance Director Starosta said the funds will be encumbered for the 2019 budget. The remainder of the funds is due over the next 26 months and will be included in the future budget. Engineer Wise said if the permit is granted, the remaining funds are due at that time. Engineer Wise said these credits and the on-site conservation should satisfy the permit requirements. Councilmember Rose asked how long before a permit is issued. Engineer Wise said if everything goes smoothly, the City could receive a permit within a month. Councilmember Petsche asked if this was expected. Engineer Wise said yes. Council President Harwood said the process is ahead of the original schedule provided by the design professionals.

- Motion by Veras, seconded by Redinger, to submit to Council an Ordinance authorizing the Mayor to enter into a mitigation credit purchase agreement with the Trumbull Creek Mitigation Bank. Ayes: Carouse, Veras, Redinger. Nays: None. Motion carried 3-Ayes, 0-Nays.
- Motion by Veras, seconded by Redinger, to submit to Council an Ordinance authorizing the Mayor to enter into a mitigation credit purchase agreement with the Pine Brook Mitigation Bank. Ayes: Carouse, Veras, Redinger. Nays: None. Motion carried 3-Ayes, 0-Nays.

Light Pole Bases: Councilmember Veras said the Service Director **has requested the purchase** of additional light pole bases for the City's street lights. Service Director Weidig said the purchase of these light pole bases will complete the Light Pole Replacement Project. Previous inspections showed damage to the existing poles. Service Director Weidig said changes have been made by the manufacturer to lessen the chance of weather related damage to the poles.

- Motion by Veras, seconded by Redinger, to approve a purchase requisition to R.C. Childs in the amount of \$24,315.00 for the sole vendor purchase of (9) decorative pole bases. *Account #110171 2606*. Ayes: Carouse, Veras, Redinger. Nays: None. Motion carried 3-Ayes, 0-Nays.

School-City Tennis Court Agreement: Councilmember Veras said the Committee previously discussed allowing the school district to construct additional tennis courts at City Hall. The use of the tennis courts would be shared by the City of Brecksville residents and the school district. Mayor Hruby said at the previous committee meeting, Council responded favorably to the idea of working with the Board of Education to share the use tennis courts located at City Hall. Mayor Hruby said the school has agreed to cover the cost of construction on two new courts and share the use of the courts at City Hall. Mayor Hruby said the new court would be located where Field "B" is and a new field will be constructed to replace Field "B". Board of Education President Kathy Mack thanked the City for working with the school board to

- Motion by Veras, seconded by Redinger, to submit to Council authorization for the Mayor and Law Director to negotiate an agreement with the Brecksville Broadview Heights School District for the installation and shared use of tennis courts to be located behind Brecksville City Hall. Ayes: Carouse, Veras, Redinger. Nays: None. Motion carried 3-Ayes, 0-Nays.

Police Station Update: Mayor Hruby said there will be a grand opening of the Police Station on Saturday, September 14th from 11:00-2:00. Tours will be available and a dedication of the building will also take place during that time.

Aquatic Center Update: Mayor Hruby said the Aquatic Center Project is moving along. There will be an agreement coming soon with the neighboring church that will allow for shared parking.

Comments: Councilmember Petsche said he received an e-mail from Stephanie Sibits regarding a picture she would like to place on the Center for the Arts Building. Mayor Hruby said that issue will be going before the Planning Commission as all exterior building changes and design must go through review.

Adjournment: Motion by Veras, seconded by Redinger, to adjourn the Buildings & Grounds Committee at 6:45 P.M. Ayes: Carouse, Redinger, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Finance Committee

Chairperson - Laura Redinger

Committee members - L. Carouse, D. Rose.

Chairman Redinger called the meeting to order at 6:48 P.M.

Roll Call – Present: Carouse, Rose, Redinger.

Absent - None.

Approval of the August 20, 2019 Finance Committee meeting minutes.

Motion by Redinger, seconded by Rose, to approve the August 20, 2019 Finance Committee meeting minutes as presented. Ayes: Carouse, Redinger, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Advance Funds & Tax Levy Amounts & Rates: Councilmember Redinger said the Finance Director has requested approval of two pieces of Legislation. Finance Director Starosta said the first piece of legislation authorizes the County to advance funds more frequently than the two times during the year. Previously Council passed the alternate tax budget, the second piece of legislation certifies the amounts and rates from the County. The certificate estimated resources is determined by this legislation.

- Motion by Redinger, seconded by Carouse, to submit to Council for passage of a Resolution requesting the County Fiscal Officer advance the sums allowed by law from the proceeds of tax levies. Ayes: Carouse, Redinger, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.
- Motion by Redinger, seconded by Rose, to submit to Council for passage of a Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies. Ayes: Carouse, Redinger, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

(Finance Committee, continued)

Monthly Bills for Professional Services: Councilmember Redinger said the professional service bills have been submitted for approval.

- Motion by Redinger, seconded by Carouse, to recommend to Council approval of the payment of bills for professional services, as follows: Matty, Henrikson and & Greve in the amount of \$7,956.83; Sergio I. DiGeronimo in the amount of \$5,692.50; Roger Wadsworth in the amount of \$700.00; Kulchytsky Architects, LLC in the amount of \$1358.75; J Neusser, LLC in the amount of \$2,000.00; Donald J. Bohning & Associates in the amount of \$21,216.87 and Sixmo in the amount of 237.50. Total of all invoices \$39,162.45. Ayes: Carouse, Redinger, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Adjournment: Motion by Redinger, seconded by Carouse, to adjourn the Finance Committee meeting at 6:52 P.M. Ayes: Carouse, Rose, Redinger. Nays: None. Motion carried 3-Ayes, 0-Nays.

Legislation Committee

Chairperson- Dennis Rose

Committee members - J. Petsche, K. Veras

Chairperson Rose called the meeting to order at 6:52 P.M.

Roll Call – Present: Petsche, Veras, Rose.

Absent- None.

Approval of the June 18, 2019 Legislation Committee meeting minutes.

Motion by Rose, seconded by Veras, to approve the August 20, 2019 Legislation Committee meeting minutes as presented. Ayes: Petsche, Rose, Veras. Nays: None. Motion carried 3-Ayes

Approval of the August 20, 2019 Legislation Committee meeting minutes.

Motion by Rose, seconded by Veras, to approve the August 20, 2019 Legislation Committee meeting minutes as presented. Ayes: Petsche, Rose, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Adjournment: Motion by Rose, seconded by Veras, to adjourn the Legislation Committee meeting at 6:53 P.M. Ayes: Petsche, Veras, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Safety-Service Committee

Chairperson- Louis Carouse

Committee members- G. Broski, K. Veras

Chairperson Carouse called the meeting to order at 6:53 P.M.

Roll Call – Present: Broski, Carouse, Veras.

Absent: None.

Approval of the August 20, 2019 Safety-Service Committee meeting minutes.

Motion by Carouse, seconded by Veras, to approve the August 20, 2019 Safety-Service Committee meeting minutes as submitted. Ayes: Broski, Carouse, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

(Safety-Service Committee, Continued)

Snow Plow Blades & Curb Guards: Councilmember Carouse said a request has been submitted for the purchase of snow plow blades and curb guards for the snow removal season. Service Director Weidig said this is a common purchase prior to each winter season.

- Motion by Carouse, seconded by Veras, to recommend to Council approval of a blanket vendor purchase requisition in the amount of \$9,166.06 for Carbide Plow Blades and Curb Guards for the upcoming winter season. *Account #110430 2201*. Ayes: Broski, Carouse, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Adjournment: Motion by Carouse, seconded by Broski, to adjourn the Safety-Service Committee meeting at 6:55 P.M. Ayes: Broski, Carouse, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Streets & Sidewalks Committee

Chairperson Gerald Broski

Committee members J. Petsche, L. Redinger.

Acting Chairperson Redinger called the meeting to order at 6:55 P.M.

Roll Call – Present: Redinger, Petsche.

Absent: Broski.

Approval of the August 20, 2019 Streets & Sidewalks Committee meeting minutes.

Motion by Broski, seconded by Redinger, to approve the August 20, 2019 Streets & Sidewalks Committee meeting minutes as presented. Ayes: Petsche, Redinger, Abstain: Broski, Nays: None. Motion carried 2-Ayes, 1- Abstain, 0-Nays.

Four Seasons Sidewalk Easement: Engineer Wise said there were changes made to the street width for the cul-de-sac in Four Seasons. The sidewalk contractor installed the sidewalks on that cul-de sac outside of the public right of way. Engineer Wise said all five property owners have agreed to the sidewalk easements, allowing the sidewalk to be located in an easement rather than on private property.

- Motion by Petsche, seconded by Rose, to recommend to Council approval of an easement located in Four Seasons. PP# 604-10-008, 604-10-009, 604-10-010, 604-10-011, and 604-10-012. Ayes: Broski, Redinger, Petsche. Nays: None. Motion carried 3-Ayes, 0-Nays.

Adjournment: Motion by Broski, seconded by Redinger, to adjourn the Streets and Sidewalks Committee meeting at 7:00 P.M. Ayes: Broski, Redinger, Petsche. Nays: None. Motion carried 3-Ayes, 0-Nays.

Utilities Committee

Chairperson Jack Petsche

Committee members G. Broski, D. Rose

Chairperson Petsche called the meeting to order at 7:01 P.M.

Roll Call – Present: Broski, Petsche, Rose.

Absent: None.

(Utilities Committee, continued)

Approval of the August 20, 2019 Utilities Committee meeting minutes.

Motion by Petsche, seconded by Rose, to approve the August 20, 2019 Utilities Committee meeting minutes as presented. Ayes: Redinger, Petsche, Abstain: Broski. Nays: None. Motion carried 2-Ayes, 1- Abstain, 0-Nays.

Adjournment: Motion by Petsche, seconded by Rose, to adjourn the Utilities Committee meeting at 7:12 P.M. Ayes: Broski, Petsche, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Committee of the Whole Meeting: Motion by Harwood, seconded by Carouse, to convene a Committee of the Whole meeting at 7:12 P.M. Ayes: Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Approval of the August 20, 2019 Committee of the Whole meeting minutes. Motion by Harwood, seconded by Carouse, to approve the August 20, 2019 Committee of the Whole meeting minutes as submitted. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Council President Harwood reminded Council Kevin Coholan will be recognized at tonight's Council meeting.

Council President Harwood: Next we have an agenda this evening this is a follow up discussion concerning Councilmember Petsche's past contract activities for the City of Brecksville projects. So I'm assuming there are people in the audience for this so if you want to speak you need to give us your address and your name. And what I will say is if somebody is speaking, no one else in the audience should interrupt that or start commenting on that. It's up to that person to have the floor for that comment and you will have an opportunity as well. So please be respectful for any comments and how you present to the audience. Please if you would, we've had some issues in the past so if you can do that I'd appreciate it. So, before we move forward with this, Jack I just want to make a note to Dave (Law Director Matty). Jack (Councilmember Petsche) and I for Council's benefit, Jack and I had a lengthy conversation on Friday. Jack gave me a call just to discuss the topic, and would Council be discussing it. There were a couple things. It was a long conversation and Jack you could shed light on it, too. It was just a conversation between Jack and myself. Two things real quick. Dave (Law Director Matty) just for the record, that I didn't do anything wrong and Jack didn't do anything wrong. Jack brought up in that discussion that he was interviewed by the Ohio Ethics Commission in May or June. It was just a conversation and he told me that happened. So I know that at the last meeting you indicated that the subpoena was, I think you used the term confidential, so I just for the record he brought it up to me. That's all we talked about is Jack brought it up to me when he thought that occurred. That is it for that. Do I need to do anything else with that?

Law Director Matty: No, if there was an interview, which I was unaware of, if there was an interview, Mr. Petsche can disclose anything he wishes about either that interview or as he mentioned the other day the Ohio Ethics Commission because I believe the record shows that he indicated that at the last meeting. So if he has anything to add to that, that's fine you did nothing

improper. Jack did not talk about the interview whatsoever he just told me the interview had occurred. The other item is what Jack and I talked about this is more for Council, I don't think the audience... We talked about the Facebook posts and Jack told me correct me if I'm wrong, you've indicated to Council in the past, you do not write your Facebook posts.

Councilmember Petsche: I don't write many, that's true. I have in the past, I've posted I ran in the Safety

Council President Harwood: No, I understand. So what I have asked in a number of conversations we have had for instance last week the TIF the representation of the TIF was misrepresented. There's a number of items recently that were misrepresented again so Dave (Law Director Matty) and I just want Council to know that Jack and I talked about that. Jack you said you were going to talk to the people that were writing the information and you would try to improve on what's represented and you would correct anything that has been misrepresented.

Councilmember Petsche: That is correct

Council President Harwood: Okay so I just want council to know that. And then the only other third thing is that with Jack and I talked about is, Jack indicated to me that he felt that when we all discussed that we were not, that no one on Council was ever notified that he was the roofing contractor at the police station that because of whatever was submitted to the administration that the administration should have notified us and what I said to Jack for the record is that we all meet every other Tuesday for two straight years and Jack did not tell any of us of that so I just wanted you guys to know that those are the three critical elements that Jack and I talked about other than that unless Jack you want to comment. Other than that those are the important things from our conversation so I wanted you guys to know that we did have a lengthy conversation on Friday. Other than that I will open the floor to council representatives.

Councilmember Veras: Mr. President I want to make a comment a few comments. I wanted to go back a few meetings ago when we started to discuss this particular issue with regard to councilmember Petsche's response responses and explanations here in this room in his excuses and I think it's very important that we just simply focus on the law and the ethics issues about this I want to refer to our charter our cities charter Jack. When you ran for Council you repeatedly used the word transparency. In article 4 section 2 of our Charter under qualifications for running for council it states: "He shall not directly or indirectly solicit contract for, receive or be interested in any profit or emolument from or on account of any contract, job, work, or service for or with the municipality." That's in our charter it's very clear and unambiguous in terms of qualifying someone to run for council. I just wanted to hear from you for our residents that are here and that have been following this I'd like you to give an explanation and I'd like to know how you respond.

Councilmember Petsche: I responded to this question I saw this as a private contract between my company and the general contractor. I also saw the aquatic center similarly. I did withdraw my bid from the aquatic center as advance moved on. This is a matter that is as I revealed, before the Ohio ethics commission and they are trained in this, they look at things like this I assume all the time and I would ask that Council and the community reserve judgment until the Ohio ethics commission renders a decision.

Councilmember Veras: Thanks for answering. Will you acknowledge just that it actually says in our Charter that the qualifications says if you are even interested in a project you acknowledge that that it's in our Charter and you understand that.

Councilmember Petsche: I understand what it says and I thought my interest was in a private contract with the general contractor.

Councilmember Veras: When you take the oath to be on Council to uphold the Charter, Resolutions and Ordinances. Ok, thanks. Thanks for answering.

Law Director Matty: Mrs. Veras May I chime in?

Councilmember Veras: Yes, please.

Law Director Matty: That section of the Charter which you just read to the residents. Mr. Petsche is speaking of an investigation with the Ohio Ethics Commission. That section of the Charter is a Charter section which is more stringent than the Ohio Law as it relates to this Council and its members and its activities. That section that she read is not does not say a contract with the City. It just says that a Councilmember shall not directly or indirectly solicit, contract for, and the most important part of that is the ending, where it says with or for the municipality. The Police Station is not a Panzica facility. The Police Station is a City of Brecksville facility paid for by all these good residents that are in attendance this evening. That is a qualification section. That is a section that means you can't run for council, you can't be on council if you directly or indirectly do any of those items. The remedy is in the following section that is one of the items or one of the standards that exist for the potential removal of a Councilmember. So I understand Mr. Petsche's position about a private contract with Panzica. That section does not say contract with the city it says contract for and it's a facility for this City and not Panzica and I do want the record to reflect that because this is the third time that argument has been made. Besides what Ohio Law says about a public contract, which by the way Ohio Law makes this a public contract and the Ohio Ethics Commission's opinions make this a public contract. Mr. Grau, in his infinite wisdom for all those years, has inserted terms that make a candidate or a elected official in a Council position and a candidate and an elected official for Mayor more stringent because apparently he, the Mayor, and the Council at that time and the voters thought it was wise enough to do so. And I do want you to understand that. It is a very important item in this discussion. Thank you.

Councilmember Veras: Thank you Mr. Matty

Council President Harwood: Kim (Councilmember Veras) do you have anything else, any other councilmembers?

Councilman Carouse: Mr. President.

Council President Harwood: Councilman Carouse.

Councilman Carouse: Jack I've never had the need to speak this candidly to a colleague before so I did make a few notes so I could stay on point. In previous meetings you know, I haven't spoken often because other members of council voiced observations and opinions that I shared 100% and I didn't feel needed repeating. However your explanations for your actions regarding the roofing contract on the police station at our last meeting leave me baffled and I feel it appropriate to comment on this and your previous behavior. This is not the first time you've left me and the remainder of Council and the Mayor dumbfounded. This is a pattern of behavior for a point of perspective. I moved to Brecksville here when I was four in 1957. My wife and I graduated here, our kids went to school here. Our grandkids go to school here this is our home and I only bring that up to show you how special this is. To be a Brecksville City Councilman is the greatest privilege that I have had in my life is to serve our community and to take care of the home that I really love. And when I stay home I don't mean my house I mean the city itself. However, these last two years have been the least enjoyable largely because of the agenda and the uncertainty that you bring to every meeting. I'm now completing my 30th year on Council. I've served with 19 other Councilmembers along with the Mayor. I point this out because of all these colleagues, you stand alone in your behavior and more importantly my ability to feel confident in you and what you're going to do. From your campaign all the way, although I didn't follow it closely in 2017 I

sensed that you had an agenda. Something that never of the other 18 council people served with had. But I pick this up not only in your questions but in your remarks. When I took office, when **you** took office I thought it was fair to give you a chance. First hand to see how our government worked by the letter of the law and without the skepticism you seemed to have. However it seems that every opportunity you've tried to politicize matters and you've shown a lack of confidence in the Mayor. It seems you regretfully needed to agree with him at times and shamelessly feign appreciation for his work. Never, never in my 30 years in working with 18 Council colleagues have I seen a Councilmember that has come here with an agenda, looked for opportunities to politicize issues, be a source of misinformation, grandstand, be so slow to get up to speed on the job, be so non-transparent and be ultra-hypocritical. Jack, I'm not trying to pile on just for piling on's sake. Let me give you some examples of what I'm talking about. Valor Acres Agreement you were here one month, it was our first meeting, and we were doing the deal. You were playing attorney that's not a Councilperson's job. But you were playing an attorney and you were questioning things that had been vetted over three years by fellow government, Thompson, our own law director, the Mayor, and alluding to the fact that we were entering into an egregious agreement. Which was totally false. I had a committee meeting where we were merely replacing our rifles that were 15 years old and where their time of life was up. This should take us 90 seconds and 25 minutes later you had grilled a Sergeant who was given the report and all kinds of information and after all of that, even on council floor you don't even vote yes or no. You abstained which you've no right to do. You have abstained from that vote on something like well gee I really think this is just awful that our world is such. Democracy Day I go back to the beginning of Democracy Day when we said as a community this is not a local issue we're not here to weigh in on abortion or spotted owls or Citizens United in government. You made a point that oh yes, this issue is just as important for our local governments, that's why it should be there. So at our most recent Democracy Day in February of this year the Mayor as required by the Ordinance, reported that one of our Council people had accepted donations from ten (10) unions. That was you, and at that meeting you didn't even stand up and say "I did that" or whatever. That is about as hypocritical as that gets. You sit here and say that we shouldn't be taking money and all that kind of thing and then you were the only one that takes money. Economic Development Settlement Agreement. The Mayor works out a settlement agreement with one of our companies who was leaving before the term. The Mayor Comes up with a great agreement you can't vote on it because you say you haven't gotten the information, even though we provided it to you a second time. Then after the Mayor explains it, you say, well I really can't maybe if the law director was here so we bring the Law Director in, and the Law Director says exactly the same thing that the Mayor does, and you're OK with it, well about what the Mayor said. What about what the Mayor said, he said the same thing it's okay if the law director said it, and not the guy who actually negotiated it. I thought that was incredibly disrespectful. Then as it was pointed out by Mike, you take no responsibility for the contents of your Facebook page, your website, any of that stuff. So many times we said Jack did you know about this and you say I don't know I didn't write that, really? And at the last meeting in my Safety Service Committee report. We talked about the ISO certification that the Fire Chief got. I made a brief reference to it congratulating him but that wasn't enough you didn't say thanks or agree with it. At the end of the meeting you had to grandstand you had to bring the subject up again and asked for the whole audience. We never do that. Never has anyone of those other 18 Councilmembers ever, ever done that. And then there was the Four Seasons stunt. And I call it a stunt because that was totally politicizing this entire issue. You sat in the room with me and the four other Councilmembers who heard the same information. We vetted every opportunity that we

had, to do what was best and we came up with that at the end of the day, you still have to say this is wrong I don't want to do it and draw in a room full of people just to make us look like we aren't doing our job properly. And now we're at the roofing contract. What can I say it's very easy. Last week you and others were saying you should've known here and you should have known there. You ask us to come connect a lot of dots. That is not our job. You had one responsibility and that was to tell us and it's easy to do and you had multiple times to do it and you didn't do it. So you only can come up with I'm sorry, I didn't know, but you did the contract when you were a candidate. You were awarded the bid when you were a candidate. You signed the contract after you were elected. In February 2017 after you took office we all had a meeting on a Saturday for hours, probably about four (4). We all were briefed and re-briefed on the way the government in Brecksville operates and what are ethics what we're things we're allowed to do and not do. And that didn't even jog your memory that hey, maybe I have done something out of whack. And then you've looked for other opportunities to share your contractual distances. So you've been pounding the drum line of transparency or the lack of it that you seem to think that we have. And I would think that you would be super sensitive to anything that would require full disclosure. Gerry Broski and I both serve on other committees in town. And we both abstain from anything that has any business on the business of the City. And those are minor, extremely minor under those kinds of things. I don't think you realize the untenable position you put the rest of us in. By your selfish nontransparent actions and the multiple times we have had to explain and defend the misinformation you've been a part of. So maybe you and yours feel you're finally succeeding in breaking up the good old boy network, but I feel to the contrary what you really are doing is bringing unnecessary conflict. So you certainly Jack, can go about your business on Council the way you wanted. But I need to say your way is hypocritical, non-transparent, disrespectful and embarrassing.

Applause

Council President Harwood: Any other comments from anyone on City Council.

Councilmember Petsche: Can I respond to that?

Council President Harwood: Absolutely you can.

Councilmember Petsche: Lou (Councilmember Carouse), I am very proud and pleased to serve on Council. I think that as Councilmembers we have to agree to disagree. I asked a lot of questions about Valor Acres because I was new to Council and I did vote ultimately for the agreement. But, I have a lot of questions and if I had been here prior maybe I wouldn't have had so many questions. But I think it's incumbent among all of us to ask questions that occur to us. And I don't think I asked an inordinate amount of questions and as I said I ended up voting for the agreement after my questions were answered. With regard to the assault rifles the Chief wasn't here. I did ask a lot of questions. Assault rifles have quite a range and I was concerned that if an assault rifle was used in our city that an innocent bystander might be hit because bullets can kill people from a thousand yards away. And it's hard for me to understand why a city like ours that has, I just saw, the second best no crime record in the state needs so many assault rifles. And it was emergency legislation. If we could have had more time to consider I might have been convinced of the propriety of buying the assault rifles. After asking the questions and the Chief wasn't here to explain why we needed the assault rifles, I abstained because I felt I didn't have enough information.

Councilmember Veras: Excuse me. Before we go on Jack may I please I just have to say something that was a safety service item on the agenda. It was routine. Sergeant Reppa graciously and respectfully answered every question and I remember clearly because I will never forget it. Your

comment was “I’m uncomfortable with the militarization of our police” which has nothing to do with Brecksville, Ohio at all. It was a routine purchase. And you also brought up, before that, a few weeks before that, are our police capable and ready in case something, God forbid, a school shooting of the nature that we’ve been reading about. And the Chief was there I think that day and he explained carefully how we are and without going into too much detail. The very next couple meetings after that routinely order, I think it was the assault, I don’t remember the exact items, but that’s when all of this happened. I just want to be clear on the context on how the Safety Service Meeting went down. Am I recalling it correctly?

Councilmember Petsche: I would say I did make a comment that I was concerned with the militarization of **the** police not **our** police necessarily. So police forces in general. It’s sometimes a concern getting assault vehicles from the military. I’m concerned about it and I made the statement if I could move on. Democracy Day. The people of Brecksville voted for Democracy Day. We won the election so that was not to cause consternation in the community. It was a heartfelt desire to help get money out of politics. And I’m not talking about little money like a \$500 check from a local union PAC. I’m talking about millions of dollars that are contributed from very wealthy individuals and very wealthy corporations who buy up all the air time and don’t allow the opposition to speak. I think that the influence of money in politics is something that should concern us all.

Councilmember Redinger: Jack if you’re concerned about that I might ask then. I’d like a response, who is funding your campaign? And who are you taking donations from for your Mayoral campaign.

Councilmember Petsche: Actually I’ve taken one \$50 donation at this point.

Councilmember Carouse: Jack let me just say to your point on Democracy Day that was part of the city’s argument that that this wasn’t a local issue it was argued back by you that it was a local issue that we should be concerned about the \$500 locally that was your argument not ours.

Councilmember Petsche: No, I’m not concerned about the \$500. I’m concerned about the millions of dollars distorting our federal elections and some of our state elections as well.

Councilmember Carouse: What does that have to do with Brecksville?

Mike: Hold on one minute. Jack I’ll let you finish but what we’re really here for is the issue at hand is the contract issue. So I understand Lou (Councilmember Carouse) how your points were taken but I think other Council Representatives have something to comment on. So Jack if you can finish your response to Councilmember Carouse but we do need to allow the other Council Representatives and I’m sure there’s people in the audience as well.

Councilmember Petsche: With regard to taking contributions from unions. It’s public information go to the Cuyahoga County website and you’ll see the contributions were all relatively small. And they were from trade unions that I’ve worked with my entire adult life. And I’m proud to have their support. None of them, I haven’t asked any of them to contribute to my campaign currently. And I’ll move on. The ISO thing I didn’t mean to grandstand. I thought it was glossed over and I thought that, you know I was proud that our Fire Department achieved that and I just wanted to bring it forward and I don’t think people applauded me I think they applauded the Chief and the Mayor for achieving that success. It was not brought out in the general meeting, there were a lot of people here. So I wanted to highlight it and if I did wrong I apologize. I was not grandstanding I was just trying to honor the Chief for doing a great job. With regard to the Four Seasons, I mean there’s a lot to say. I’ve already said it all in the past. I think that what Council did was not right and I stated my reasons for that extensively, and we just have to agree to disagree on that. It’s nothing personal. I felt that I had to get the community’s attention with regard to that matter

because four of you had already decided on August 7th and I wanted you to reconsider that vote, and I thought that when I saw that vote some community pressure could be brought to bear we could reverse that, that perhaps we could do a 50-50 deal with the residents paying half of the arrearage and the city pay half the arrearage so the city would not be stuck with a whole nearly \$600,000 bill. I'm sorry it got so acrimonious but I don't think it should have and I think that on many things we have to agree to disagree. If these are the only issues that we've disagreed on in a year and a half we're not doing so bad. I mean 90% ,95% of the time I voted with Council in fact I think the Four Seasons might be the only time that I voted against the majority of Council on any issue. Sometimes it takes me a little longer to get there I am new to Council. I do have an inquiring mind I don't mean to be disrespectful of anyone by asking a lot of questions, and I think that is our job. And Lou (Councilmember Carouse) you've been here a long time you've got a lot more knowledge about how the city is run so maybe some of the questions I ask from your perspective I should know or you know the answer to and I shouldn't ask them or whatever. I don't know the answers to the questions that I ask all I'm looking for is answers. The proof is in the pudding. I can only think of one time that I voted against the rest of Council on any issue and that was Four Seasons. I don't mean to be disrespectful by asking questions, and I don't believe that I had an agenda. But those of you who voted for Four Seasons and you're running for office you're gonna have to respond to the voters with regard to it. In fact the Mayor himself made the comment during the discussion when there were 300 people here. He said if you don't like it vote us out. So I mean that's the way democracy works and you know it's harsh, I think to blame me for the entire matter in the way it came out.

Law Director Matty: May I ask Mr. Petsche one question?

Council President Harwood: Yes, sir.

Law Director Matty: He stopped in the list that Councilmember Carouse addressed. Mr. Petsche can you take tell these Council members, the Mayor, and me, why it took you until August 6th with some questioning about your punch list items which Council was befuddled about. Why it took you until August 6, 2019 to tell this Council and this Mayor and this law director that you had contract for the Police Station when you had multiple times, multiple times in committee and at Council on the floor to disclose that to these members?

Councilmember Petsche: First of all I thought it was a private contract. Secondly, Panzica sent the GMP Contract Amendment to Council on September 14th listing you USA as a subcontractor September 14 of 2017 before I was elected. Council voted to approve that GMP with USA listed as the subcontractor. The Mayor knows I am USA Roofing. I quoted a project to the Mayor in September of, I think it was September 2013 for the Cupola at the Old Town Hall I sent emails to the Mayor USA Roofing heading from me. The Mayor and I met at the project and talked about it and he told me the history of the Old Town Hall. That it had a fire, several of them. And we discussed the job at length and then I quoted him very quickly \$50,000 and the Mayor sent back it is over the \$25,000 limit and it will have to go out to bid. So I assumed this being a small town, and the Mayor being very involved in practically every aspect of our government, it was September 17 of 2013, nearly 4 years ago to the day of the Panzica GMP. I assumed that the Mayor would tell those who needed to know or should know that I was USA Roofing. That I bid the project. And I looked into the ethics when I came onboard as a Councilmember. And when I looked at them I assumed that, not that I assumed, it was my legal opinion that my contract was a private contract. That may turn out not to be true. But that is a call for the Ethics Commission. I would put this in the category of a rookie mistake I was elected to public office in November 2017 for the first time in my life. And a lot of information was thrown at us very quickly and perhaps in

hindsight I should've looked harder at this issue. But, as I said, I may still and I may fall within the exceptions of 2921.42. In that the City had notice and that is all that is required and we'll see what the Ethics Commission has to say about that.

Law Director Matty: Mr. Petsche did you then did you assume then that all the Councilmembers knew that USA was first of all, USA Roofing and in September 2017 that these Councilmembers knew that you were the sole owner of USA Roofing.

Councilmember Petsche: I assumed that the City would inform Council, if it became important that they know. And I never really gave it another thought after I looked at the Ordinance back when I became a Councilmember or shortly thereafter. And decided, you know, this doesn't really apply because this is a private contract.

Law Director Matty: OK when you leave here this evening I want you to understand that those four exceptions that exist under state law that you cite, those are four exceptions that you must prove that you cannot make assumptions but I further want you to understand

Mr. Belovich: I object to the law director.

Council President Harwood: Excuse me, Sir.

My name is Robert Belovich: I object to the Law Director. Council President Harwood: You'll get an opportunity to speak when we open it up to the floor.

Mr. Belovich: No, no, no I don't want to speak.

Council President Harwood: But you are speaking. We will have you removed sir, if you don't sit down. You'll have an opportunity.

Mr. Belovich: I don't want one.

Council President Harwood: Then you're not going to talk. Go ahead Law Director Matty.

Law Director Matty: Mr. Petsche: I want you to understand that the Charter provision on qualifications of a council member does not have exceptions. The qualification sections for a councilmember says you cannot directly or indirectly solicit, contract for, receive, or be interested in any profit or on account of any contract. Doesn't say public doesn't say private. It says any contract, job, work, or service with or for the municipality. And the Panzica contract fits that and the Seitz contract that you solicited and bid on before the City had to tell Mr. Seitz and his company not to accept you as a subcontractor. Those activities apply. There are no exceptions that you have to meet. It is stricter than the state law and it can be, because of the fact we are a charter community understand that think about that and know that that is what you signed on for when you ran and became elected.

Councilmember Petsche: Thank you. Could I respond?

Council President Harwood: Sure go ahead

Councilmember Petsche: First of all, my company negotiated this contract before I became a Councilmember. So what you're saying is I should have canceled the contract. Which could have caused certainly a problem because Panzica had taken the job in reliance of the contract in September. Their contract with me. I should've canceled that contract or not run for Council. There is a timing issue conflict there with regard to the first point. With regard to the second point, again, I called Seitz, I withdrew, okay. And given what the Charter says I did the right thing in with drawing so what's the harm? I did the when I learned I shouldn't have done it I withdrew.

Councilmember Veras: So Mr. Matty that contract is now void?

Law Director Matty: Which one?

Councilmember Veras: The Police Station.

Law Director Matty: It is void as a matter of law and the proceeds should be returned to the City
1:20:23

And in order to do that Council will have to take an action to authorize me to do that if that is what counselor wishes to do. I do not want to continue to argue with Mr. Petsche but I have to tell you the city documentation will show that Mr. Seitz sent forward the name of your company as part of his subcontractor list and the documentation and the fax will show that I had to instruct Mrs. Riser to illuminate your name from that list. You did not withdraw. You may have done that at a later point in time. But the city took your name off that list so we didn't have what I will call, round two of another contract that this Council did not know anything about and this mayor didn't know anything about until we got the architects subcontractor list for Seitz. Again there was no disclosure to anyone here, including me, until you told me that you had done that after you had done that. The law doesn't say that. You have to disclose that ahead of doing that kind of activity. That's what's got these Councilmembers upset about your actions. They sit here with you on a bi-weekly basis and they're not told any of this. They have to find it out through a city administration action to remove you from the Seitz subcontract.

Councilmember Petsche: That's not accurate.

Council President Harwood:

Councilmember Petsche: Laura I told you before you voted for the Seitz contract. That's why I was abstaining from the vote.

Council President Harwood: Jack if you want, what actually happened that evening is we were voting on legislation. You messed up the vote we had to table it and call a special meeting on the day of the parade as a matter of fact. You told me that night after that happened you apologized and said Mike I apologize. I'm in the process of bidding and negotiating a contract with Seitz. I said stop, Jack. I asked the Law Director to come down to the floor and said Jack, will you please repeat that to Dave (Law Director Matty). You repeated it and he said Jack you need to get legal counsel. You said I've done nothing wrong, he said I'm going to tell you again you need to get legal counsel. I represent the city of Brecksville and I cannot represent an individual Councilmember. That's how that happened. What happened with Laura, is the day special meeting after the parade when we were coming to meet, you explained to her that you were not going to attend the meeting and told her why. So she came in did not even know if she could vote on it. Because you said to her you bid and were looking at a contract with Seitz, that's how Laura Redinger found out about it. The day of the meeting is that not factual?

Councilmember Petsche: that is all true.

Laura and I don't know why you didn't come to the meeting and explain that to everybody.

Councilmember Petsche: because Mike said.

Laura: you would leave that burden on us to try and transfer your (unintelligible)

Council President Harwood: What Jack's going to try and say next is he's going to say he didn't need to attend because he was going to abstain. But what you're asking is he could have come to the meeting and told everyone on Council what had happened. Now we are done with that.

Mayor Hruby If I may. As you know I have not to this day commented regarding this matter and I am going to make my comment brief and stick to the fact that I have been asked to keep the information that I know about this confidential.

Councilmember Petsche: Jack I'm just going to ask you one question you are accurate in the fact that we asked you about the Old Town Hall some years ago. Since the time you were elected to

city Council to date, have you ever sat down with me or said to me I am the roofing contractor on the police station. Have you?

Councilmember Petsche: No Sir.

Mayor Hruby: Okay. So how was I supposed to know you say these documents and I'll tell you I can tell you this, I'll give you just a hint the day that we did the GMP discussion and settlement on that Mr. Panzica's son was in the room. We did not discuss at all the subject of who was the subcontractors. All we discussed was our concern over their value engineering. Plain and simple. I'll let you know that. I also want you to know that the City Council for your information to help you in your defense canceled change order number 41. Which was a change order that you submitted to this City they cancelled it right around the time same time that all of this was brought to their attention. Because change order number 41 was submitted by your company so take a look at change order number 41. Lastly I just want to make it very clear that Mr. Seitz came to the city the day after the bids and presented to Ron Weidig and I, a list of contractors and he had two under the title of roofing. One was your company and one was another company. I told him, Ron Weidig was present, you must not give this project to Jack Petsche because he is a member of Council. Mr. Seitz's response was, okay Mayor I'll remove him from that list. You had not cancelled it before we, the City, through Ron Weidig and myself told him to cancel it. You did not know that, I'll grant you that, but I'm now informing you of that now. That is all I'm going to say at this point.

Councilmember Rose: I will attempt to be brief and you brought up Lou (Councilmember Carouse) brought up another number of other issues. Two things. One, since I've been here two years with you there seems to be a premise you have that the city is incompetent everything that has been done by the management everything done by the people sitting here are incompetent we question them. If there's a benefit of the doubt maybe they're doing it right or maybe I should ask them why how can I figure it out. No, they must be wrong it seems to be a premise of what happens. The Mayor must be wrong the Council President, previous Councils must be wrong. I don't think that's the way you come in when you're a new Council Person. Not that we don't vet things. We call people. I call Laura or I call Ron or I call another Council Person to say how "did it work". We all have different ways. You seem to have that premise. The Four Seasons. The two things I want to about that still bother me. One, you attack the integrity of certainly me. That and you got everybody riled up that there are other Council People and that's why they're doing it. That is never the reason that was not the reason. That's an attack on my integrity and I'm offended by it. I'm offended that you politicized it and that is wrong. And that's how you got the press here. That's how you got newspaper articles because of other council people not because the County screwed up, which is what it was. That's the case you also turned this community's neighborhoods against neighborhoods. That's not Brecksville. It isn't oh my God, I'm in Echo Hills I hate people who are in Old Town that's not Brecksville. Brecksville's a community. We go to the Rec Center together, we go to events together we go to the parade together we go to home days together. We're a community, you don't turn a community against. That's not what you do. I voted my conscience, it was a very tough decision. I agree we talked plenty about you trying to convince me. I did what I thought was right. The third thing is you're a lawyer. I'm a lawyer there's a contact in our old code. You've been attorney for 30 years and a Councilmember for two. There used to be a thing called the appearance of impropriety. It means you tell people so there isn't an appearance. They think you're voting because you did research, you voted because you think it's right, not because you have a contract. Your wife came in and said everyone knows Jack, he's got a website. I didn't look at your website when I was running. I was busy with my life, running my campaign. I didn't pay attention to you. I didn't know you. I met you for the first time ever standing outside a polling

place. Hey this is who I am. We chatted for a little bit as we were running, cordial. I never saw you never met you I looked at the website you had a bunch of pictures of sites you've worked on. You had Cuyahoga Heights Police Station a Fire Station somewhere else. Nowhere on there did you have a picture the Brecksville Police Station. You said you're proud. It's not even on your website so you're hiding it or rather it's not on your website. All you had to do to avoid that appearance at least was to tell all of us. So we know that you're voting not for some personal reason and I'm opposed because you raise the police issue I believe we have an obligation we excellent safety services. To give these men and women the resources they need because they are putting their lives on the line for you, for all of us. They need resources to do their job and do their job right we have to give it to them. We have great safety services and everyone loves our safety services. We need to protect our men and women and that's what my vote for when I researched it. again have faith that they're not going to take an AK-47 and shoot it into a crowd of our citizens we learned that they are training how they do that instead of the premise of they're going to do something wrong.

Councilman Broski do you have anything to say

Gerry Broski: I would like to address Jack. As a fellow attorney Jack, I am disappointed in your actions. We are members of the Ohio bar and we are required every two years to have a certain amount of credits go to certain courses. One of which is the ethics course one that we have to do perform to continue our license as an attorney. on three occasions one of which in February when you were appointed Council we sat all of us together with the law director we went through the functions in the procedures and ethics and conflicts of interest and so forth. You sat there with me and the other councilman and we went through all of this. In June of the same year you and I sat at a seminar which is located in downtown Cleveland, down at the Cuyahoga County Tri-C. And it was specific to conflict of interest, ethics violations and so forth. Nothing was that ever said after that. Again this past June we attended a very similar program of ethics. Conflict of interest, individual a lot of it was basically formulated for county employees who are in situations where taking of funds, bidding on contracts and so forth. Never once did I see you stand up and asked that question do you think that I a contractor or a subcontractor would be in violation if he was an elected official. You did not do that. Late June or July we were advised that you had a contract on the Police Station. I did not know, I did know that you did some roofing work because you told me you did the roofs at kid's quarters or rather safety town. That you help put a roof on some of them. I never thought of the situation of you being a principal in a corporation which is doing a job in the city of Brecksville. Again I am appalled and I can't throw stones against a fellow barrister believe me. But I think that you violated your own code which we all took to become attorneys. And you basically had violated the code not only to the City of Brecksville but to all of citizens of the State of Ohio who gave you a license to practice law. so Jack I feel for you at this point in time and I think when you saying you assumed that you were correct in doing it you know as an attorney you don't assume anything assume means to make an ass out of you and me. You did not follow through and you should have gotten other legal counsel to help you on this and not wait until August or July of this year to come up with a reason why you should not be considered in violation of ethics. I have nothing further to say to you Jack. I'm sorry that this is happening. Thank you.

Councilmember Petsche: Gerry, thank you for pointing out that I attended those two classes over the last two years. You and I were the only council people there. I paid very close attention and I came away thinking the same thing I was in the right in this matter. I agreed that I should avoid the appearance of impropriety Dennis (Councilmember Rose). But I disagree with you when you

say I don't respect or have respect for the competence of people that run the city. I do I have great respect and confidence in the people that run the city and I don't know how I can convey any other impression. So, I would say that I don't know how you got that impression. I have great respect for our police chief, fire chief, building director, service director, recreation director, finance director purchasing director, all of you on Council, city engineer, Sergio, Mr. Matty I'm understandably a little not too happy with right now. The Mayor, and if I gave any other impression I apologize. I have the greatest respect for all of you and I think that we should agree to disagree on Four Seasons again that's the only time that I voted against all of you. Almost every other vote has been 7-0 except for when some 5-0 votes except when Dennis (Councilmember Rose) and I recused ourselves regarding the contract with Panzica. And Dennis (Councilmember Rose) while we're talking why did you vote for increasing the GMP. If I did, I don't know if I did, or not I'm sure not sure if Panzica had become a client or I was unaware Jack while we're talking about March 5 where are you and I both voted to change the GMP.

Councilmember Rose: like I said whatever the rational I was not aware of the conflict.

Councilmember Petsche: why you had already announced the conflict and you already recused yourself several times earlier. so you and I were voting in concert and both abstaining together regarding Panzica. but when the March 5 vote came up to increase the GMP for Panzica by \$59,000, they are saying that you and I both voted this Council voted 7 – 0.

Councilmember Rose: and again I'd have to go look at the record to see why. And increasing the GMP was not putting any money in my firm's pocket or anyone else's pocket.

Councilmember Petsche: it wasn't putting any money in my pocket either.

Council President Harwood: However increasing the GMP which increase Panzica's overall contract. Ultimately the money is distributed to however whomever they have to pay

Councilmember Petsche: They didn't increase my contract

Law Director Matty: Mr. Petsche I know you're not happy with me. Believe me, I'm not happy being here this evening or on August 6th or on August 20th. This is something that this law director has had to face a couple times in his career. But has never seen anything like this in this pattern of conduct and understand that your vote for the GMP. Understand that we stood right behind the dais after that meeting. And you told me that earlier on this year that you could not ever vote for Panzica item because you do a lot of business with them. So when you voted for the GMP you absolutely floored me because that was directly opposite to what you told me in February 2019.

Councilmember Petsche: Well, I think the reason Dennis (Councilmember Rose) and I voted was because items listed there, perhaps we were not mindful that it was for Panzica. The items listed there were for dispatch center, for gabion baskets and I think

Council President Harwood: Those items are all part of the contract

Councilmember Petsche: they are and I think we saw them as things that were for the benefit of Panzica, they were for the benefit of the project. And we made a mistake.

Council President Harwood: Laura did you have any Comments

Councilmember Redinger: No, Mr. President I've been pretty clear the last couple of meetings of my feelings on the situation and I don't need to rehash

Council President Harwood: So that I'll open it up to the audience. Again I need your name and your address and what I'll do since there's so many people in the room I want to give everyone an opportunity, I'll go to individuals and again name and address and do not interfere when someone is speaking please.

Jeff Brubaker: 6806 Chaffee Court. I know I asked this last time & I remember Jack's reaction was priceless, saying it's technical. I do work in the procurement for quotations for engineering.

That seems very similar. There's no facetime that was 20 years ago you take large amounts of documentation you put it in the procurement systems it's up to the attorneys on there and BP, Chevron to find conflicts of interest. That didn't seem to happen here. That being said, despite being technical, how much do we owe Jack?

Council President Harwood: Do you mean the dollar value?

Law Director Matty: If my memory is correct I think it's about \$14,200.00.

Council President Harwood: Are you asking the contract value or what's owed on the contract

Mr. Brubaker: I know from his perspective he has a liability outstanding. So I feel like maybe as a citizen of Brecksville he's in my debt, so how much do we owe him as a community

Council President Harwood: Dave (Law Director Matty). Do you have a contract value.

Law Director Matty no I do not have the contract with me. The only items I don't know is the status of the multiple punch list items that have had to be addressed on the roof. Building Commissioner, can you tell us what these punch list items are about for the roof?

C.B.O. Packard: There were multiple punch list items. I will find out the end results of what is left at tomorrow morning's meeting.

Law Director Matty: Thank you.

Council President Harwood: He has a contract value, I don't want to mis- state what that value is. Then there's probably retention and then the punch list. So it's a multi-faceted answer.

Mr. Brubaker: Well, he still has to pay his people.

Council President Harwood: Agreed.

Law Director Matty: There's a contract amount of \$154,000.00, and a change order of \$2406.00 and there has been \$145,000.00 paid to USA Roofing to date.

Council President Harwood: (To audience member) Thank you, sir. Lady in the back.

Janet Snow: 6535 Lloyd Dr. Mr. Petsche, I was just wondering, harkening back to the Aquatic Center. Did they come to you to ask for a bid or did you offer it to them?

Councilmember Petsche: Well I believe they sent me an invitation from Seitz, yes.

Ms. Snow: I'm sorry I didn't hear.

Councilmember Petsche: Yes, I believe I did get a bid invitation from Seitz Builders.

Ms. Snow: Did they realize that the capacity you were in then? With being a representative of the city?

Councilmember Petsche: No,

Ms. Snow. No, they didn't.

Councilmember Petsche No.

Ms. Snow: You didn't disclose that to them?

Councilmember Petsche: I did not.

Council President Harwood: (To audience member) The gentleman here in the blue shirt.

Todd Bromance: 9504 Greystone Parkway, Countrywoods. I've been a citizen, this September my wife and I are, celebrating our 32nd year here in Brecksville. We raised a son and daughter here. I've never spoken at a City Council meeting haven't attended very many either. But I felt compelled to do so tonight. As a Brecksville citizen for 32 years I've enjoyed living in a community with fiscal discipline, no crime, a great education system, a great park system, and most importantly I appreciate camaraderie of this Council here and the mayor .everyone on the council has worked together for decades with the primary objective first and foremost of doing what's best for Brecksville and setting personal agendas aside. Upon hearing of the actions and behavior of Councilman Petsche I was at first stunned and then out raged to find out he is under

him investigation to learn that he is under investigation by the state of Ohio for ethics violations and that subpoenas have been issued. This has never happened in the history of Brecksville to the best of my knowledge. The fact is Jack, you campaigned on a platform of transparency integrity when you were running your campaign. As such I believe you have a higher standard with respect for both of those values. Surely you know new back in November 2017 that your attempt to personally profit from a local construction project here in the city. With respect to transparency and integrity required a repeat required you should report to your colleagues of your actions. Instead you chose to hide that information from Council and the Mayor for 19 months. I've learned with politicians it's not a majority of comment, first by their actions and secondly by what they say you said you were for transparency and integrity but your actions and behavior is directly opposite when it comes to your actions and behaviors with respect to the contract, at a minimum, you exercised horrible judgment or deception by omission and we're hypocritical to your campaign values of transparency and integrity. At worst you violated the city charter and committed ethics violations. In either case in my personal opinion your judgments and actions do not rise to the level we as Brecksville residents expect and need in our Council people. Since you were elected to Council it has become clear to me that you were attempting to divide the citizens of this community and have a personal agenda to obtain and consolidate power. Well, Jack this community worked together and prospered for decades before you were elected. As a concerned Citizen I do not appreciate your attempts to divide this community and its citizens and I certainly do not appreciate your attempts to hide information and self-deal and self-enrich.

Council President Harwood: (To audience member)

Dan Kolick: 6579 Summer Wind. I've only been here 20 years, not nearly as long as some of the members up there. I've never been embarrassed to be called a resident of the city until this. To know we've got a Councilman with such a clear conflict of interest. Not only embarrassed as a resident of the city, embarrassed for my profession as an attorney. I've been a municipal law attorney for 44 years. There is no the fact that that is a municipal contract. There is no hiding the fact that you can't obfuscate the truth by calling it a private contract. You know those funds are coming from the public till. They flow through the general contract and down to the subs. you have to give lien releases to the city you can give them to the contractor but they go to the city. If you're not paid in full you file an attested account for public funds it is clear this is a public contract you knew it was a public contract and you can't obfuscate that fact and skate away from it at this point. (Applause)

Council President Harwood: (To audience member) This gentleman right here.

Dan Bender: Good evening my name is Dan Bender 7505 Bristol. I have two questions for Mr. Petsche and a comment. Just to clarify, you mentioned you assumed that USA Roofing was on the document and people would know it was you.

Councilmember Petsche: USA Roofing was on the document.

Dan Bender: Was it USA Roofing or USA?

Councilmember Petsche: USA.

Dan Bender: That's important because you go to the Secretary of State website and do a business search type in the letters USA. Are you aware of how many businesses come up?

Councilmember Petsche: How many are roofing companies? I was listed Dan Bender: 7,652 I don't have time to go through them all.

Un-intelligible discussion.

Council President Harwood: Remember let's be respectful.

Councilmember Petsche: Ask me a question and I'll answer OK asphalt shingles on this ledger next to it, USA how many asphalt shingle installation companies. USA stands for Union Shingle Applicators. How many of those are there?

Dan Bender: sounds pretty technical.

Petsche: I understand that. You asked me a question.

Dan Bender: I'm not a contractor, I'm not a politician I just asked if you knew how many businesses were listed as USA. My comment like many people here, been in the city a long time I've been born and raised here my father moved here when in the 70s before I was a glimmer in his eye. I graduated from Brecksville High School. I love this community and when I got engaged my wife and I looked at houses in Brecksville because we wanted to come back because we love this community. I'm going to talk a little bit more about community. But a few years ago I was very fortunate to be part of the Safety Town Committee. Basically building the new Safety Town at Blossom Hill It was a community effort a lot of people in this room were involved in that a lot of people came out for the fundraiser I know you came out for that as well, I appreciate that. What frustrated me was when we needed supplies it was a different roofer here in the community who came forward and made a donation of shingles. and I was involved in that and it really kind of upset me when I saw a few weeks later you, in the Brecksville Magazine hammering away and indicating that you were putting roofs on with the another contractor shingles. And this week in your Facebook page there was a quote on there "I put the roofs on safety town". Was that you that said that? I always took pains to say that we provided the labor. Chris Spasek at West Side Roofing provided the shingles a very good friend of mine. I always took pains to say we provide the labor. In fact I was out there for four days eight hours a day in July heat putting those shingles on and paying one of my best workers to help me get it done. So that that cost me a couple thousand dollars in addition to my labor for four days. Yes, we did the lion's share of the labor yes there were a few people there for a few hours that helped us put some shingles on. Dusty and I did. I donated four days in the heat in the summer heat of my own time eight hours a day four days, along with Dusty. I gave Dusty his commercial union rate to help me put those shingles on.

Bender: I understand

Councilmember Petsche: I always said we provided the labor. You can look at anything I wrote.

Dan Bender: Jack you ran on transparency My point being we've got two Roofs now in the city of Brecksville and you were kind of slither around on a technicalities, Technically a GC ,technically I provided the labor, you have not been forthright in for a guy who ran on the need for more transparency it really upsets me. What upsets me more is when I go back to the community common unity. Living in this city I never felt divided like this this neighborhood against neighborhood. It's a great community. The one thing that has come into play over the last year is you. Councilman Petsche I just really hope for the sake of the city we can move on from this

Council President Harwood: (To audience member) Sorry for pointing, ma'am.

Laura Pajeska 4845 Valleybrook Dr., That's okay. I've known Jack for many years we were both in an organization called the Construction Employers Association, (CEA). Jack is on the Board of Directors along with Panzica and many other contractors in the city part of your regulations code of regulations for CEA is that you attend annual ethics classes.

Councilmember Petsche: No.

Laura Pajeska: That's what it says in the regulations that it's an annual requirement. I have the regulations from when I was a member and it says you have to attend yearly annual ethics classes as a Board of Director for CEA. So my question is because they've already confirmed that you have for the city. My concern is with you being a councilman and then running for Mayor with all

your connections with all the prime contractors in the city of Cleveland all of you sit together on the board of directors at CEA. What is going to prevent you from doing your little backdoor deals with this contractor or this contractor or this contractor in the future. And that's a real concern. As a member a former member of CEA I know what goes on in those conference rooms. And I just feel that you are putting, setting us up for more issues in the future by not disclosing all of that.

Councilmember Petsche: First of all, Laura I will say I will never make this mistake again. Secondly, we don't make backroom deals. At least I don't make backroom deals with contractors. They take the low bid. Okay, that's the way it works and the vast majority of the times, I have a great reputation. I have been doing this commercially since 1996 for 23 years. The biggest and best contractors in town know who I am, respect me, ask me to bid their work. I bid their jobs. Sometimes I'm successful, most of the time I'm not. I bet my batting average is less than 100. We bid a lot of work. We're not the low bid many times and we don't get most of the work that's for sure. So CEA is an organization, for the audience, of union contractors in Northeast Ohio. They have over 125 members and I am proud to be on the board. But trust me, if I'm not the low number, Donnelly's or whoever I'm not getting the job.

Laura: That's exactly my point, you will as a Councilman or a Mayor, will know the bids coming in for the city. What's going to stop you from going back to CEA with all your construction cronies and saying hey this is what Brecksville. What assurance do we have that that's not going to happen on future projects?

Council President Harwood:: (To audience member) Gentleman in the front.

Mike Berlin: 4826 Snow Blossom Lane I have a question for Jack it has to do with what was brought up earlier in the fact that we talked about democracy day. You use the word right to amend. The question that was brought up is Democracy Day was not about Political Action Committees (PAC's), multi- million dollar contributions but it made me think. So you mentioned that either unions or contractors were small contributors to your council run.

Councilmember Petsche: I don't believe there were any contractors.

Mike Berlin: Unions?

Councilmember Petsche: Unions.

Mike Berlin: So what kind of unions?

Councilmember Petsche: Sheet metal workers, roofers, carpenters, plumbers.

Mike Berlin: Plumbers local, Roofers local,

Councilmember Petsche: Correct.

Mike Berlin: So, whenever you were hired by Panzica to do work on the Police Station, did you use union or non-union employees for that job?

Councilmember Petsche: Union.

Berlin: And so, were any of the unions that you just mentioned; sheet metal workers, plumbers, that you just mentioned pipefitters, 2 x 4, were any of those people represented by a union that donated money to your campaign.

Councilmember Petsche: Are you saying with regard to the whole project or working for USA Roofing?

Mike Berlin: That even a bigger question. So the people who donated, did any union workers who could have possibly been involved with the union that supported you for election, work on the police station?

Councilmember Petsche: The individuals who make the decisions are the business...

Mike Berlin: Do you employ or subcontract union members who might work in an industry who would have worked for USA Roofing on the Police Station?

Councilmember Petsche: None of my own workers contributed to my campaign.

Mike Berlin: I didn't ask that. The unions who contributed. You as a roofing contractor will use union employees. You said, and you stated that unions that might have contributed. But maybe that something we should check into and additionally were any unions that were represented through contributions to you did they do any work on the police station?

Councilmember Petsche: I don't know.

Mike Berlin: And as you talked about this Democracy Day. I think you attended and activist meeting back in sometime, mid 2000. I think there was a joke in this video that popped up where you said Brecksville will never vote for a right to amend so we called it democracy day, and you were pushing toward the elimination of all PACs. Because you felt money given to public officials was bad. And now we are coming full circle to you, per what was stated earlier, the only sitting council member who took contribution from political action committees, and could possibly or quite probably have done work on a public building for which you represent the city for. And it's when you sit back and said whenever that YouTube video popped up, is what you stood against. Am I wrong? Did you sit in an activist meeting in Shaker Heights, talking about political action committee money changing how government people work?

Councilmember Petsche: We were talking about extreme amounts of money. We were talking about the regulation of PAC contributions not eliminating PAC contributions, regulating PAC contributions. And we're talking about not allowing them to be so extreme that they alter elections, that's the problem. Be they union packs or non-union packs or whatever Political Action Committees are out there. We're concerned that they can bring in so much money to an election and this is happened in our country. This has happened in the state of North Carolina where they just bought the state legislature. Where there there's so much money that comes into it they buy positions in the opposition can't fight it. So there has to be some regulation. But I never stood for eliminating PAC's, no.

Mike Berlin: So, on a macro scale, millions of dollars come into state, and I think the argument was brought up, I think by David or Lou (Councilmember Carouse), that Brecksville could affect the outcome and that's why it was important that the Mayor send out letters I think every two years, and we have a Democracy Day. That it was so important to you that Brecksville, Shaker Heights, and the rest of the communities Chagrin Falls, have this activist role to protect everybody. And yet you sit here and say well \$500 isn't enough or \$100. But if I also recall, if we unwind back to November of last year August, we sat in this room and we talked about a sewer issue. And in that sewer issue it was indicated that people who lived in a certain community in Brecksville were unethical or criminal. I think it came up that, I would say, at least half the residents in that housing development were secondary owners. All of the documentation that was provided to them, to the banks to everything, had a fixed dollar amount on it. And we can go back and pull the notes but I believe you said they should still pay it. These poor people, not in poor as they didn't have any money, but they were unaware. And your stance and the stance that was brought up on the news in the stories that were brought in were, it doesn't matter the law is the law, the rules are the rules. There was no mea culpas. Was that your stance, what you said? It was split it 50-50 maybe we could come up with something but not doing anything was unacceptable for the 80 residents of that area.

Councilmember Petsche: Again, I was for a 50-50 split. We could've achieved a 50-50 split.

Mike Berlin: So for the people who moved in that had no idea about it they didn't know anything about it till they received the letter from the Mayor.

Councilmember Petsche: Part of the deal was you would pay for the time that you lived there.

Mike Berlin: Even if they didn't know because there is no way they knew. It was discovered that there was no way the county records, the city records, the purchase agreement. So my point is so as we sit here right now you have \$145,000 or a \$154,000 revenue gain on a building that you knew, that you were part of the city that selected to do that. And I find it appalling that your defense is mea culpa, I didn't know, it was my mistake. I can't even imagine that \$145,000.00 or \$154,000.00 you're not giving it back. Right, just stand there and go, hey you know what, I screwed up, take the money I'll take the hit. When you wanted people in this development to bite the bullet, and they didn't even know. There are some people it would change. How do you sit there and say that? I don't understand. My last question is, if the Ohio Commission ethics commission comes back and finds you I'm going to say guilty, but I don't know if that's it, in error, will you step down as a Councilmember and will you recant your mayoral run?

Councilmember Petsche: Yes, I will.

Council President Harwood: (To audience member) Yes sir, right here.

Ed Kizys: 11014 Cardinal Lane. We're addressing an appearance of impropriety. I want to bring up another issue that I have with the city government here. I think there's an impropriety in the fact that Anthony Panzica donates money to the Mayor Hruby campaign, Kevin DiGeronimo donates several thousand dollars to the Hruby campaign. David Matty, who is a service provider to the City, donates several thousand dollars to the City in the past four years and that money gets distributed to councilmembers to run their campaigns. So I think there's an appearance of impropriety.

Council President Harwood: (To audience member) yes ma'am right here

Darlene Pristash: 12124 Parkview Road. I wasn't going to say anything but Democracy Day was brought up. One, I think maybe Mr. Petsche could be a better Councilman if, one, he would look at the survey that Mayor Hruby did a year or two years ago. It was an excellent survey. Everybody's been pleased with the service of the Police department, fire department I can't believe he's complaining at all. And maybe he would just drop his political beliefs and do what's right for Brecksville, he may get somewhere. Two, going back to democracy day his wife was at Brecksville library looking for signatures to put on the ballot. All it read was against the Citizens for United and I asked her point blank, what about unions, "Oh we need unions it's a mistake it was taken off". Lo and behold when it was came to voting day it was still off the ballot. I don't think that was true transparency there and his motives are, were very true that day and he might be better off trying to drop the agenda.

Council President Harwood: We're going to take a couple more because we do have our normal council meeting. (To audience member) Ma'am in the back your hand was up.

Sandy Pear: 7028 W. Cross Creek Trail I wasn't going say anything tonight, because now I'm all over the place. There's been so much discussion about so many different things. I'm going to start off with saying I have not lived here for 30 years or 35 years. I'm new, we've lived here three years. We did live in another community for 35 years turned out to be a real dysfunctional community. We would go to Council meetings and we would be devastated and disappointed and embarrassed at the way our council behaved with each other. The lack of respect that they had for each other the fact that they had to defend themselves against one or two people that felt the good old boys were running the town. Which was never the case, because they wouldn't allow it. But what happens is that precipitated a feeling of distrust and the disappointment grew and the cities stagnated. A beautiful community and I'm here to tell you, you need to pay attention. We got real apathetic we were a bedroom community. We didn't have to worry about anything, traffic or too

much of anything, we had just enough but we weren't paying attention. So that little group of people that was nibbling away and I see that happening here. And I'm here to tell you please be cautious, be attentive. I think everybody should have a right to speak. I want to commend the Council who have been watchful, diligent, and in my experience with all of you I've been impressed and I do have something to compare you to. So maybe that's good. A Law Director that actually shows up and has an opinion. That's new to me. A Councilperson who didn't seem to have a personal agenda. Full disclosure I went to school with his mother, but we didn't know that until very recently. But there's so many things I'm hearing here Mr. Petsche. You said that you were concerned. But it's going to take a couple things you said you assumed that USA was a roofing company because you gave him a bid in September 2013. Is that correct?

Councilmember Petsche: Yes.

Mrs. Pear: Mayor if I may ask you, do you talk to a lot of people about a lot of bids in the course of the year?

Mayor: Yes.

Mrs. Pear: So, in a period of four years would you talk to a whole lot of people?

Mayor: Yes.

Mrs. Pear: Is it your responsibility to notify Council of what happened that many years ago about a current Councilperson?

Mayor: No.

Mrs. Pear: You assumed that they knew. Who is the man who said what happens when you assume? I'm so glad you said that because I was trying to figure out how to say that in a ladylike way.

It was Mr. Broski.

Mrs. Pear: Thank you. And then you assumed that other people had knowledge of what you were thinking. I don't know how that's possible, I have problems knowing what I'm thinking. You know it's so easy to sit back and say things like, I am uncomfortable about approving a militaristic rifle for my Police Department because that cop may go out and shoot a bystander. Well, all you have to do is turn on the TV television. Last Saturday and talk about that poor patrolman they tried to give the guy a warning or a ticket and he turned around and killed how many people. I'd much prefer that my officer had a gun that could match that.

Council President Harwood: Thank you ma'am one more from each side.

Jim White: 8357 Whitewood Rd., Brecksville. Councilmembers I have just a few comments and I'll try to be brief. My family has had that property since 1949. I've been a resident on and off in Brecksville, at that address for most of 70 years. My Dad was on Council. My Mom was very active in city government in the City of Fairview and some of that rubbed off on me. After graduate school in Virginia, I became a county administrator in Virginia for about eight years. Between my knowledge and observance of Brecksville operations and my own personal experiences and managing county government and working closely with elected officials and delivering municipal services, I may have a better or more unique perspective on governance and municipal practices. Over the decades in the city I've seen the councilmembers that have served bring a tremendous dedication to the best interest of the City of Brecksville. Other people have commented on it it's unique in my experience in the state of Ohio. Brecksville, and some of you know this, is highly regarded in Northeast Ohio even Ohio as a whole, as one of the best governed communities there is. It's highly regarded as a model for good, I'll even say great governments in terms of how you conduct yourselves respectfully and time and attention and selfless attention to detail through the furtherance of the benefit of Brecksville. The city also in my opinion best practices have a

administration and the staff contact their affairs I think I think a lot of communities are very envious of how well Brecksville is run. Commenting on the survey that was conducted last summer about 95 to 98% of the residents of Brecksville on different subject matter, express an enormous satisfaction with the quality of the governance and services, the communication, and everything that is delivered by this city, and this council, this administration. And I just want to say thank you for that work. Because it's unprecedented and you deserve recognition for your selfless dedication. Now that was the nice part of the statement. You are faced with one member of council that apparently sees government as a pathway to personal financial enrichment and benefit. In my view this is contrary to Brecksville's tradition of selfless and dedicated service. The subpoenas which of been served on Brecksville. And which have been unprecedented in my knowledge in the history of Brecksville were very serious and bringing embarrassment to our other elected officials. It damages the credibility that you worked so hard over the decades to achieve as far as the quality of governance you provide. I find it appalling and disgusting. At the University of Virginia we had a single sanction, an honor code that said; I will not lie to you, steal or tolerate those who do. And one sanction was expulsion permanently from the University if you were found guilty of an honor code violation. So I don't know what your level of authority is in terms of this type of behavior but I hope, I urge that you, the Council, take the full measure of action that are available to you to discipline the individual involved because I find it appalling. This must not be tolerated. Thank you

Council President Harwood: (to audience member) There's a lady in the back her hand is up, I'm sorry she can't see me.

Betsy Ahola: 10590 Partridge Trail. I just want to thank Jack Petsche for telling us about the whole Four Seasons thing. Because none of us knew about it and we came to council and I listen and I can't believe how many of you live there or have a relative that lives there on city council. It's a huge conflict of interest. That's \$600,000 or \$700,000, I don't even know what the figure is. That's huge that's the main thing we should be talking about also. I don't know about all the details with Jack. But that really bothered me that's a huge amount that you're bailing out Four Seasons and some of you live there. That's all I have to say.

Council President Harwood: Thank you.

Go ahead Jack.

Councilmember Petsche: I'll keep it brief. First of all, I love Brecksville, too. I've lived here 24 years. My three children have gone through the Brecksville-Broadview Heights schools and are successful My son has located to Brecksville three years ago and is remodeling a house in Bradford Village he has provided me a granddaughter who I adore and another grandchild on the way looking forward to being born in October. I want to make sure you all understand my company negotiate I want to make sure you all understand that my company negotiated this contract before I was elected. I could've walked away from that contract from a long-standing relationship with the contractor I've done a lot of work with. Which I bid to every time. That would've been a breach of contract and I could've been sued. As I said if the ethics commission comes back and says that I did wrong I will resign my position on city council. If I, have suspended my campaign for mayor pending the outcome of that review by the ethics commission. You should also know that that complaint lodged with the Ohio ethics commission was anonymous we don't know who did it. Any one of you could have filed that complaint. I am innocent in this country until proven guilty. I ask Council and all of you to have patience and wait for the Ohio Ethics Commission. This is what they do this is what they look at and if it comes back as I say that I did wrong, in any unequivocal away then I will resign. I disagree that I divided this community. I did what I thought

was right with regard to Four Seasons I never assaulted the people of Four Seasons, I just disagreed with them and who should pay their sewer assessment on arrearages. I'm afraid, I'm not going to go further with that. I thank you all for coming here and voicing your opinions and I see that I upset many of you. But I regret that. However, I will strive to do better in the future and I'm certain if I made a mistake here I will not repeat the mistake. I was new to Council. I took the ethics seriously. I had another opinion. Maybe I should have asked another attorney and this controversy could've been avoided. I thought I was, I thought I knew what I was doing. Perhaps I did, perhaps I didn't. I ask that you wait for that determination to be made by the Ohio Ethics Commission and I will live by their decision and I ask that you all have patience.

Council President Harwood: Thank you, Jack.

Mayor Hruby: Mr. Chairman I have to correct something. The Police Station, as I think all of you know, has taken almost three years to construct. When we signed the contract with the contractor they began the site work, which took several months. Laying the concrete the foundations in that several months. And then starting to build the building. At any time after the Councilman was elected he could have canceled his contract with Panzica by simply going to Mr. Panzica and saying I have a conflict I can't do this job. They had a back -up they had another roofing person. So to say to you, to try to miss lead you into believing he could have cancelled the contract is not correct it's not accurate. He had all the time in the world to do away with that contract if he wanted to. Because it took many, many months. Rather than go into each month and talk about that, I'm going to make that general statement to you he could have canceled that contract. He could've come to someone and said hey I made a mistake, whatever you want to say. If he would've come to someone and said that I have this contract, he would not be in the predicament that he is today. Because none of us would have hung him out to dry. For what purpose. To bring a black eye to the city, to embarrass all of us, to embarrass him? I just want you to think about that. There was an opportunity there was a chance. Jack, you say in response what you want to that, you know and I know you could have canceled the contract.

Council President Harwood: For the audience,

Councilmember Petsche: Can I respond?

Council President Harwood: Jack we need to move on.

Councilmember Petsche: Please let me respond.

Mayor: Please let him respond.

Councilmember Petsche: First of all, I've never cancelled a contract, and in my business, you don't cancel contracts. When you put in a bid it's a promise to perform at that price. Once it's accepted, you have a contract. That's the understanding, the paperwork follows. That's the understanding in our business. Okay, we negotiated this contract in September the paperwork followed. I got the paperwork in October. I signed it in December and I don't know when Panzica signed. But I had the contract before I became a council person. In my mind the contract was formed in September and not just in my mind that's the way it is in the construction business. You make a bid, it gets accepted you have a contract, end of story. You walk away from bids, you walk away from contracts and pretty soon no one will deal with you. It's part of the honor code of the business. You don't walk away you honor your bid. Your bid is too low, the contractor takes the price and relies on your bid you honor it, you eat it. Because that is the ethics of the business. I was a contractor first perhaps I wasn't fully understanding of the ethics of being a councilperson. But I thought I was and I still think, I still think I haven't done anything wrong here. And we'll see what happens at the Ethics Commission. Second, let me correct the timeline here. We made a deal in September and we started the job the following June. So there wasn't a lot of time for Panzica to

find another contractor. Maybe they had a back-up that was not for me to know or to even approach because again I've been doing this for many years and I have never walked away from a contract. Thank you.

Law Director Matty: Mr. President may I?

Council President Harwood: Yes.

Law Director Matty: First of all I would like to address the comments made by the young lady in the back concerning the Four Seasons and some Councilmembers living there. And I know you all don't attend these meetings regularly because usually we have two or three people in the audience and two of them are usually reporters. Through that whole episode, the Councilmembers that were involved as members of that community we're not only excused from those meetings but they left the room. So they had no idea what was being discussed and who was discussing what. We made sure to the best of our ability that they were excluded from that whole discussion. I just want to make that for the record so the record is accurate as to how we conducted business. I believe it was Mr. White that raise the question about what this Council can do and I believe somebody else raised the question about what this council could do. Understand, Mr. Petsche has put it out there on the floor that he is involved with the Ohio Ethics Commission. That is a process that cannot be controlled by anybody up here. Council, the Mayor, or me. We have no control of that process and that process is confidential. Until it ends in one of three activities. One: a dismissal of whoever filed this complaint a dismissal that there is no merit for investigation I can tell you that's not the case. Investigation has been ongoing and as you've heard Mr. Petsche indicated he has been interviewed by the commission. So what does that leave, it leaves two choices. The other two choices for the Commission are to come to him and for the commission and him to agree to a civil settlement. That civil settlement can include a number of items. One of which is the return of the money to the city. Another of which is a resignation and a third of which is to never hold public office again. And anything else that the Commission deems appropriate such as; if the city has incurred legal fees to have to participate in this investigation, we may be entitled to those legal fees from Mr. Petsche. So understand that there can be that action taken by the commission. The other action, which is more severe, they can ask the prosecutor to prosecute for felony and misdemeanor items under this statute. That is their prerogative. We have no involvement in that we have no say in that that is between them and whatever prosecutor they may be dealing with and it won't be Mr. DiGeronimo who is our local prosecutor. So that is the two options that they have I tell you that Mr. White because that is beyond our control. Now what's within our control and you hit the nail on the head is what's in our control is this. This council has the right to discuss and or decide to take an action against Mr. Petsche and USA Roofing. They can instruct the Law Director and the Assistant Law Director to file an action to collect that \$145,000 that has been paid based on the fact that we are dealing with an unlawful contract by a public official. They can also do, Mr. White, what you said exists, I think you deemed it something of honor, that there is a code of honor that is followed. And in our charter specifically says, and this is why we are more stringent than the state code. I already explained to you the fact that the Mayor can't have a contract with the community, none of these Councilmembers can have a contract with this community and stay in their position. It is against our Charter so that all of you will understand our Charter controls over everything, State Law, anything else as far as a regulation. Our Charter controls. Our Charter says the following. The Council shall be the judge of the election and qualification of its own members. it may expel or remove any member for gross misconduct, malfeasance; which is a wrongful act, nonfeasance; which is an omission to act, or disqualification for office, or a conviction while in office of a felony or other crimes of moral turpitude or for violation of the

oath. And the oath that these councilmembers take says: They will provide for the constitution and follow the rules of the State of Ohio and more importantly the Charter and the Ordinances of the City. We do have an Ordinance that indicates no vote shall be taken if you have a personal interest and we do have the Charter provision which I read earlier. Or it says persistent failure to abide by the rules of Council. How does that happen? The Council would have to develop charges against Mr. Petsche. He has fifteen days to defend himself before this Council. When they have that public hearing done. This Council by a majority, a super majority of five, can expel or remove him. That action by our Charter is final. That's the end of that, if they choose to do that. That position becomes vacant and then they have a right to appoint a successor. So, and Mr. White, I tell you that because you raised, and I use the code of honor, it does exist in the City. It is there, I can't take credit for it but the prior Law Director put it there for a reason and it has worked for all these years. And Mayor correct me, you've been here a lot longer than me; no offense, but I don't think it's ever had to be used in the time that you've been here.

Mayor Hruby: No.

Law Director Matty: It's the only time that I will tell you that I have faced this issue. I have faced other ethics issues where an accommodation has been made between what I will call the suspect or the accused and the Ethics Commission. I have never seen anything go to this extent. so I guess we all still do use learn on a daily basis. Another item that you haven't seen before so Mr. White that's what's in our charter. It's not by ordinance it's by charter it controls over all so these other six individuals they have this say on what to do. Besides what the Ethics Commission does that is separate and apart that's a totally different process that. No one else up here can control.

Mr. White: Mr. Matty thank you very much I appreciate the in-depth answer. Can you answer very briefly how, what you think the Ethics Commission investigation may take to conclude its operation?

Law Director Matty: We have no way of knowing. We have no way of knowing unless Mr. Petsche knows by anything that he's done with the Ethics Commission. We have no way of knowing, if you call them tomorrow they would neither deny, or even affirm that they are involved. So we have no way to know and that's for the protection of the system that is in place on ethics in Ohio.

Council President Harwood: For council, I was going to ask Dave (Law Director Matty) what is required, he has mapped out what is required. Does anyone have any additional comments at this point.

Council President Harwood: Motion by Harwood to adjourn the Committee of the Whole is closed. Seconded by Carouse. Roll call: Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

We will take a five minute break and go back to the regular Council meeting. Thank you everyone for your attendance.

Committee of the Whole Meeting Adjourned: Motion by Harwood, seconded by Carouse to adjourn the Committee of the Whole at 9:16 P.M. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

/tt

cc: Members of Council,
Mayor Jerry N. Hruby,
Law Director D. Matty,

Asst. Law Director
S. DiGeronimo,
Engineer G. Wise,
Department Heads