

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

August 4, 2020

HELD _____

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Council was **CALLED TO ORDER** in Regular Session by Council President Mike Harwood at 8:19 P.M. in Ralph W. Biggs Council Chambers.

CALL TO ORDER

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

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

ROLL CALL

Members Absent: None.

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

Teleconference: A. Koepke, CBO S. Packard, Service Director R. Weidig.

MINUTES OF THE JULY 21, 2020 REGULAR MEETING: Motion by Carouse, seconded by Redinger, to dispense with the reading of the July 7, 2020 regular meeting minutes and to accept same as presented.

REGULAR MEETING MINUTES OF 7-7-2020 APPROVED

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

ORDINANCE 5335 re: an Ordinance authorizing a Second Amendment and Restated Compensation Agreement with the Brecksville-Broadview Heights City School District; and declaring an emergency, was read by title.

Motion by Harwood, seconded by Redinger, to table Ordinance 5335.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

ORD. 5335 AUTH. 2nd AMEND & RESTATED COMP AGREE. WITH THE BBHCSD

ORDINANCE 5336 re: an Ordinance establishing a Municipal Public Improvement Tax Increment Equivalent Fund for the deposit of Service Payments; and declaring an emergency, was read by title.

Motion by Harwood, seconded by Redinger, to table Ordinance 5336.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

ORD. 5336 EST. MUNI. PUBLIC IMP TAX INCREMENT EQUIVALENT FUND

ORDINANCE 5337 re: an Ordinance authorizing a Tax Increment Financing Agreement with the Sherwin-Williams Company to provide for the construction of The Sherwin-Williams Research and Development Facility on a portion of the Valor Acres site and a portion of the Adjacent Dalad Land Site in order to provide for the further redevelopment of those sites and create and retain jobs in the City repealing Ordinance No. 5311 adopted on March 17, 2020; and declaring an emergency, was read by title.

Motion by Harwood, seconded by Redinger, to table Ordinance 5337.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

ORD. 5337 AUTH. TAX INCREMENT FINANCING AGREEMENT WITH SHERWIN-WILLIAMS

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ORDINANCE 5338 re: an Ordinance creating Tax Increment Financing Area encompassing the real property commonly known as the Dalad Property pursuant to Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43, declaring improvements to those parcels of real property to be a public purpose, and requiring the owners of the improvements on such parcels to make service payments in lieu of taxes; and declaring an emergency, was read by title.

Motion by Harwood, seconded by Redinger, to table Ordinance 5338.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**ORD. 5338
CREATE TAX
FINANCING
AREA
ENCOMPASS-
ING PROP.
KNOWN AS
THE DALAD
PROPERTY**

ORDINANCE 5340 re: an Ordinance to amend Ordinance No. 5277, making appropriations for current expenses of the City of Brecksville during the fiscal year ending December 31, 2020, making necessary appropriation and revenue adjustments; and declaring an emergency, was read by title.

Motion by Carouse, seconded by Redinger, to suspend the rules and place Ordinance 5340 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Harwood, seconded by Redinger, to pass Ordinance 5340.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**ORD. 5340
AMEND ORD.
5277
APPROPRIA-
TIONS FOR
FISCAL YEAR
ENDING 12-31-
2020**

ORDINANCE 5341 re: an Ordinance authorizing the purchase of a SpeedAlert 24 Radar Message Sign, Trailer and related accessories from All Traffic Solutions, Inc. for the Service Department through the General Services Administration Purchasing Program.; and declaring an emergency, was read by title.

Motion by Caruso, seconded by Veras, to suspend the rules and place Ordinance 5341 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5341.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**ORD. 5341
PURCHASE
SPEEDALERT
24 RADAR
MESSAGE
SIGN**

RESOLUTION 5063 re: a Resolution making necessary transfers between certain funds for the fiscal year ending December 31, 2020; and declaring an emergency, was read by title.

Motion by Veras, seconded by Caruso, to suspend the rules and place Resolution 5063 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 5063.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**RES. 5063
FUND
TRANSFER**

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RESOLUTION 5064 re: a Resolution authorizing payment for professional services rendered as legal counsel to Law Director David J. Matty and Assistant Law Director Sergio DiGeronimo for the court proceedings of City Councilmember Jack Petsche v. City of Brecksville; and declaring an emergency, was read by title.
Motion by Carouse, seconded by Caruso, to suspend the rules and place Resolution 5064 on third and final reading.

**RES. 5064
REQUEST
PAYMENT
FOR LEGAL
SERVICES J.
PETSCH**

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 5064.

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

MOTION CARRIED 6-AYES, 0-NAYS.

RESOLUTION 5065 re: a Resolution authorizing payment for professional services rendered as legal counsel to Law Director David J. Matty and Assistant Law Director Sergio DiGeronimo for the court proceedings of City Councilmember Jack Petsche v. City of Brecksville; and declaring an emergency, was read by title.
Motion by Caruso, seconded by Veras, to suspend the rules and place Resolution 5065 on third and final reading.

**RES. 5065
ADOPT
FINDINGS OF
FACT &
CONCLUSION
OF LAW FOR
J PETSCH
REMOVAL**

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 5065.

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

MOTION CARRIED 6-AYES, 0-NAYS.

RESOLUTION 5066 re: a Resolution authorizing The Mayor to enter into a participation agreement for the ET3 Program (Emergency Triade, Treat and Transport) with the Centers for Medicare and Medicaid Services (CMS); and declaring an emergency, was read by title.

**RES. 5066
AUTH. AN
AGREEMENT
WITH CMS
FOR EMERG.
TRIAGE,
TREAT &
TRANSPORT**

Motion by Caruso, seconded by Redinger, to suspend the rules and place Resolution 5065 on third and final reading.

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 5066.

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Harwood, seconded Carouse, to interview the following applicants to fill the unexpired term of John (Jack) Petsche: Thomas Collin, Gretchen Corp Jones, A.J. Ganim, Matthew Garito, Daryl Kingston, Randy Stephan, Frank Talerico, Michael Ziegler at the August 18, 2020 Council meeting.

**COUNCIL
VACANCY
INTERVIEW
CANDIDATES**

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

MOTION CARRIED 6-AYES, 0-NAYS.

BOARD OF ZONING APPEALS: Councilmember Caruso reported the next meeting of the Board of Zoning Appeals will be Tuesday, August 10th at 7:30 P.M.

**BD. OF
ZONING
APPEALS**

PLANNING COMMISSION: Councilmember Harwood reported the next meeting of the Planning Commission will be August 6th at 7:00 P.M.

**PLANNING
COMMISSION**

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RECREATION COMMISSION: Council Representative Redinger reported the next meeting of the Recreation Commission will be July 27th. Councilmember Redinger thanked the Recreation Department for making the summer programs successful and getting the fall activities available for sign up. The Commission continues to work through the difficulties posed by the pandemic.

DEPARTMENT OF HUMAN SERVICES: Council Representative Veras reported the meetings of the Human Services Advisory Board have been postponed due to the pandemic. Human Services Director Dr. Paciorek reports more than 180 grab and go lunches are prepared every week and the Human Services Department is planning on offering flu vaccines to those who want them.

TELECOMMUNICATIONS COMMISSION: Council Representative Carouse reported the organizational meeting was held on July 27th. Daryl Mancini was elected as Chair, John Guardado as Vice Chair and Myra Santos as Secretary. Three additional meetings were scheduled for August, October and November.

SAFETY-SERVICE COMMITTEE: Councilmember Caruso reported the committee met earlier today and has one additional item for Council consideration. Councilmember Caruso thanked Council for the approval of the ET3 Program Agreement and the SpeedAlert 24 Radar Sign. Councilmember Caruso congratulated Chief Zamiska and the Fire Department for the award of the ET3 Program. Brecksville is one of only 3 City's that were chosen to operate this program.

Motion by Caruso, seconded by Redinger, to authorize an increase to Purchase Order #P200673 in the amount of 43,418.61 to Ohio CAT for repairs to the Human Services Generator.

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

Abstain: Koepke.

Nays: None.

MOTION CARRIED 5-AYES, 1-ABSTAIN, 0-NAYS.

STREETS & SIDEWALKS COMMITTEE: Councilmember Carouse reported the committee met earlier and discussed the Tanager Trail Slippage and have requested a proposal from the City Engineer to explore this issue more thoroughly. Council Carouse said the committee discussed with the Engineer possible grant applications.

UTILITIES COMMITTEE: Council President Harwood said the committee met earlier this evening and has one item for Council consideration.

Motion by Harwood, seconded by Redinger, to approve an extension to the completion date for the installation of a sanitary sewer under the road at 10307 Highland Drive and 10317 Highland Road. The agreement will be extended to require the project to be completed by August 18, 2020.

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

Abstain: Carouse.

Nays: None.

MOTION CARRIED 5-AYES, 1-ABSTAIN, 0-NAYS.

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

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Motion by Veras, seconded by Redinger, to authorize an increase to the GMP AUTH GMP
Amendment for the Brecksville Police Station Project in the aggregate amount of AMENDMENT
\$76,636.09. Account #C491210 3201 Project #BD090001. FOR THE
Ayes: Carouse, Caruso, Harwood, Koepke, Redinger, Veras. POLICE
Nays: None. STATION
MOTION CARRIED 6-AYES, 0-NAYS. PROJECT

Motion by Veras, seconded by Caruso, to authorize a Purchase Requisition to AUTH PURCH.
Madden Brothers Landscape Products and Services in the amount of \$4,239.00 for the REQUISITION
delivery and installation of playground mulch at Kids Quarters. Account #240710 2606. FOR PLAY-
Ayes: Carouse, Caruso, Harwood, Koepke, Redinger, Veras. GROUND
Nays: None. MULCH
MOTION CARRIED 6-AYES, 0-NAYS.

LEGISLATION COMMITTEE: Councilmember Koepke reported the committee LEGISLATION
met earlier today and was asked to look into sign legislation and will do so. COMMITTEE

FINANCE COMMITTEE: Councilmember Redinger reported the committee met FINANCE
earlier this evening and has three items for Council consideration. COMMITTEE

Motion by Redinger, seconded by Caruso, to authorize an increase to P.O. INCREASE
#FN200022 in the amount of \$20,000.00 for natural gas service. NATURAL
Ayes: Carouse, Caruso, Harwood, Koepke, Redinger, Veras. GAS
Nays: None. PURCHASE
MOTION CARRIED 6-AYES, 0-NAYS. ORDER

Motion by Redinger, seconded by Caruso, to authorize an increase to P.O. INCREASE
#FN200023 in the amount of \$14,000.00 for electric service. ELECTIC
Ayes: Carouse, Caruso, Harwood, Koepke, Redinger, Veras. SERVICE
Nays: None. PURCHASE
MOTION CARRIED 6-AYES, 0-NAYS. ORDER

Motion by Redinger, seconded by Carouse, to recommend to Council approval of PROFESSION-
monthly bills for professional services as follows: Matty, Henrikson and & Greve in the AL BILLS
amount of \$7,670.83 Sergio I. DiGeronimo in the amount of \$5,857.50; Roger Wadsworth
in the amount of \$350.00; Kulchytsky Architects, LLC in the amount of \$105.00; J Neusser,
LLC in the amount of \$2,000.00; and Donald J. Bohning & Associates in the amount of
\$30,538.57; and Sixmo in the amount of \$712.50. Total of all invoices \$47,234.40.
Ayes: Carouse, Caruso, Harwood, Petsche, Redinger, Veras.
Nays: Koepke.
MOTION CARRIED 6-AYES, 1-NAYS.

Motion by Carouse, seconded by Redinger, to recommend to Council authorizing the REQUEST
Law Director to file for re-imbursement for legal expenses in the case of Jack Petsche. REIMBURSE-
Ayes: Carouse, Caruso, Harwood, Petsche, Redinger, Veras. MENT FOR
Nays: Koepke. LEGAL
MOTION CARRIED 6-AYES, 1-NAYS. EXPENSES

REPORT OF LAW DIRECTOR: No Report.

LAW

REPORT OF ENGINEER: No Report.

ENGINEER

REPORT OF FINANCE DIRECTOR: No Report.

FINANCE

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REPORT OF BUILDING DEPARTMENT: C.B.O. Packard reported the Building **BUILDING** Department issued 136 permits with a valuation just over \$3.15 million. Total receipts **DEPT.** collected in July were \$105,712.79.

REPORT OF SERVICE DIRECTOR: No Report.

SERVICE

REPORT OF PURCHASING DIRECTOR: No Report.

PURCHASING

REPORT OF POLICE DEPARTMENT: No Report.

POLICE

REPORT OF FIRE DEPARTMENT: No Report.

FIRE

REPORT OF RECREATION DEPARTMENT: No Report.

RECREATION

REPORT OF THE MAYOR: Mayor Hruby reported the July report from **MAYOR** DiGeronimo companies. The pump station and the smoke stack are the only remaining structures on the property at Valor Acres. DiGeronimo Companies included in their report, as requested by Mayor Hruby, included the comments that no companies are under contract to locate at Valor Acres, other than Sherwin-Williams. Mayor Hruby said the City has authorization to move forward with the interchange at Miller Road. They are working with Jobs Ohio to obtain Site Ohio authentication which means they authenticate the property and assure everything is in place to advertise in other states to secure businesses that may be interested in coming to Ohio. Saturday, September 12th will be shred day it will be located either at the municipal complex or City Hall, depending on traffic and social distance requirements. Mr. Jim Steiger moved from the City and has resigned from the Telecommunications Committee. Father Jenne celebrated his jubilee after serving for 50 years and has retired from St. Basil's Church. Father Jenne came to St. Basil's on December 1, 1994 and has been a tremendous asset to the church and the community.

Motion by Harwood, seconded by Carouse, to adjourn the regular meeting at 8:44 **ADJOURN**
P.M.

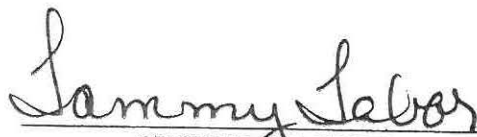
Ayes: Carouse, Caruso, Harwood, Koepke, Redinger, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL