

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

HELD December 21, 2021

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Council was **CALLED TO ORDER** in Regular Session by Council President **CALL TO ORDER**
Harwood at 8:00 P.M. in Ralph W. Biggs Council Chambers.

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

Members Present: L. Carouse, Jr., D. Caruso, D. Kingston, A. Koepke,
L. Redinger, K. Veras. **ROLL CALL**

Members Absent: M. Harwood.

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

MINUTES OF THE DECEMBER 7, 2021 REGULAR MEETING: Motion by **REGULAR**
Carouse, seconded by Caruso, to dispense with the reading of the December 7, 2021 regular **MEETING**
meeting minutes and to accept same as presented. **MINUTES OF**
Ayes: Carouse, Caruso, Kingston, Koepke, Redinger, Veras. **12-7-2021**
Nays: None. **APPROVED**
MOTION CARRIED 6-AYES, 0-NAYS.

Council Vice President Redinger presented gifts to the outgoing Councilmembers **COUNCIL**
on behalf of the City. Council Vice President Redinger thanked Mike and said it has been **PRESIDENT**
an honor to serve with Council President Harwood. **HARWOOD**
RECOGNITION

Council Vice President Redinger acknowledged Council President Harwood and
said it has been an honor to work with him. Mayor Hruby read a prepared statement from
President Harwood.

"I want to personally thank all members of City Council I have served with these past 12
years it has been my honor to serve and to be elected vice president for six years and
president for these past four years. I thank the voters who elected me and all of the residents
I had an opportunity to serve as a member of City Council. I thank outgoing
Councilmembers Kim Veras, who served eight years and Lou Carouse who served an
unprecedented 32 years. They both were quite dedicated and always had the City's best
interest when they were making their decisions. I thank all of the City Department Heads,
the members of the Boards and Commissions each and every employee be them full-time
or part-time and of course all of our wonderful volunteers you are the part of the city family
that provides the services and maintains our facilities. You are all to be commended. To
Mayor Hruby, a simple thank you and I acknowledge your vision, leadership mentoring and
most of all the respectful matter in which you lead this government. I finally want to thank
my family for sharing me with the city and for their constant love and support. I will be
forever grateful for this opportunity and to this community. Thank you all so very much.
Mike Harwood."

Mayor Hruby said he remembers Mike as a young boy. Council President Harwood
was an outstanding athlete in baseball and basketball. He married a fine woman and is an
outstanding son. Mayor Hruby said Mike's leadership has been remarkable. There was only
one year during his term Mike was not in a leadership role. Mayor Hruby told Mike "We
look forward to many years of having you hanging around here and I mean this sincerely,
thank you for all that you've done. You've become someone I just really respect and love
you Mike, you're a hell of a guy. So god bless you and thank you for all your service to the
community."

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Council Vice President Redinger said it has been an honor to serve with you, Mike. Thankyou.

Mayor Hruby said Councilmember Veras' family has been an important part of the **COUNCIL** community for many years. "Councilmember Veras' parents have contributed a lot to the **MEMBER** community over the years. Councilmember Veras gave of herself and always wanted to do **VERAS** the right thing. Councilmember Veras' is at the highest level. During Councilmember **RECOGNI-** Veras' term as chair of the Buildings & Grounds Committee, there is a new swimming pool, **TION** an addition to the natatorium, a new field house and has done an excellent job overseeing those projects."

Councilmember Veras read the following statement. "Having been raised in Brecksville I've always appreciated how special our hometown is. For these eight years I witnessed many of the reasons why our City is the idyllic place we love from a unique perspective. The individuals who work so diligently every day. The administration, department heads, all of the city workers and the countless volunteers who enthusiastically and generously donate their time all contribute so much to making the quality of life here so uniquely wonderful. I especially want to thank Nick Zamiska, Ron Weidig, and Becki Riser for all their time and assistance and who generously gave me so much help on so many occasions over the years. I'd like to express my gratitude to all the residents with whom I've had the pleasure of interacting in order to address concerns, solve problems, or simply discuss the issues of the day. The genuine goodwill in this city has uplifted me countless times and I thank my fellow residents for giving me the opportunity to serve the city I love. Thank you to my friends on the Human Services Advisory Board and Director Steve Paciorek for their dedication. It's been my pleasure to serve with you all these past four years as well as the previous four years on the Board of Zoning Appeals. To my colleagues on Council, I thank you for your commitment to serving our community with the best interest of the city as your priority. I'm honored to have served with all of you in a true spirit of collegiality. Thank you for your support and your friendship. I'll miss working with you Tammy. Thank you for all of your help and consistently great work. Your wonderful demeanor has made every day a pleasure. We're so lucky to have you. I recently read a great quote "You have to work very hard to make something look easy." Mayor Hruby this pretty much sums up your service to our City. It may appear to the casual observer that life in Brecksville simply flows on year after year. A safe clean beautiful community with superb city services and fiscal responsibility. Your stewardship has cemented timeless traditions like the Memorial Day Observance the Christmas Tree Lighting and Home Days that are now part of the fabric of our city. Valor Acres, this unprecedented opportunity which will benefit all of us for so many years to come could only have unfolded as it did through all the different twists and turns due to your many years of steady leadership. You make it look easy. Thank you for always working with City Council with mutual respect support and dedication. My dear Dad said it best Mayor Hruby is the heart and soul of Brecksville. Finally I thank my family for your love and support for all these years and for being here this evening especially you Dimitri who's come so far and to be here tonight. Thank you very much to all of you."

Mayor Hruby said there were two pictures that were hung downstairs at City Hall. **COUNCIL** John Schlund and Ralph W. Biggs. Those pictures were there because those men had served **MEMBER** the City for 25 years. Councilmember Carouse's unprecedented 32 years with the City of **CAROUSE** Brecksville is an incredible record. That speaks of dedication, public service and a **RECOGNI-** community who believed in him and continued to return Councilmember Carouse to office. **TION** Mayor Hruby said he remembered speaking with Councilmember Carouse, Ed Flanagan, and Lou Carouse Sr. The group asked if Lou would run for City Council. Councilmember Carouse told the men he would think about it. Mayor Hruby said he is very grateful to the Carouse family for their faith in Mayor Hruby when others said I shouldn't be running for Mayor. Lou Sr. saw something in us and pushed us both to become involved and give back to the City. Councilmember Carouse has been here since we went from a 1 ½ % to 2% income tax. We built the Community Center, we acquired the Blossom Property. The City

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added on to the Service Garage, bought a lot of new police cars bought a lot of new things for the Service Department. Built the library. Councilmember Carouse was here for each and every one of the 31 Developments. Eleven buildings that have been built over the years and he was integral in being part of those decisions and making sure that we had the money and we spent the money well and we did the right thing. Mayor Hruby said this is the third Councilmember to tell you the issue of integrity is truly an issue that this Councilman demonstrated. Who else would drive around in a car with 44141 as his license plate. Mayor Hruby thanked Councilmember Carouse and said he has been a great friend, a great Councilman and proved what leadership can be.

Councilmember Carouse said the following. "let me start by saying this has been the greatest experience of my life. Being on City Council has become who I am to many and certainly to myself as well. It's been a privilege to serve my hometown in this capacity for 32 years. I had no idea what started in 1989, exactly as Mayor described it sitting in a booth at a restaurant with Mr. Flanagan and my Father and the Mayor encouraging me to run and the only thing I'll say is that I hesitated only because I said I need to ask my wife and I'm glad that I did and she certainly was supportive. But my Dad did have the reaction that, what are you talking about you're not gonna do it! So I had no idea what had started there would take me all to 2021 and this has never been politics to me. It's always been community service and making the decision to retire instead of seeking re-election was very difficult. I gave it a considerable amount of thought and prayer. And there were many factors that eventually played a role in my decision. In the end I recognized that many things and directions that we knew were important to the current and long-term future of the City had been successfully addressed over the years. Some things can take a while. In 1990 a priority was to build a new police station. It took us until 2017 to make that a reality. The Blossom Hill property was purchased in 1991. I believe and it took us decades for our plan to finally come together on that usage. The VA property was in discussion in some fashion for over a decade and now we can see how that property will be used in the future and provide the city with a wonderful economic engine. We finally were able to build, the Mayor mentioned some of these, a Library, Community Center, Human Services Center, City Lake, Post Office, Recycling Building, Horticulture Building, Blossom Service Building, Soccer and Baseball Fields, reacquire the Stadium Drive property and most of all as we talked about in those early years control the city's growth. Which I think we did a very good job at. I'm pleased with these accomplishments that we've made over the years and there will always be things of importance for Council and the Administration to deal with. But I think these were defining things and they are in good shape. I don't want to wait until the end to thank the individual who is the most responsible for my entire Council career and that's Mayor Jerry Hruby. He encouraged me to run as he explained, he taught me the Brecksville way. And I'm trying to pass that on to the new people. There's a way that we operate, Jerry, and you showed it to me and the others in terms of the way that we manage ourselves, the decorum that we maintain, the respect that we have for one another. Mayor you've been my mentor since the very beginning you taught me the Charter. You showed me how to go about doing our business the proper way to deal with things. It has never ceased and the Mayor always passes along the credit. The things that are mostly all his doing. He will always say, well Council had the wisdom to do this. Well, I guess we had the wisdom to know when something brilliant was being put in front of us and well thought out and we just needed to agree to it and he also showed me how honesty and integrity are the only way to conduct yourself in public office and in life. I'm so grateful for his leadership and guidance. His vision for our community, his ability to make things happen in our city that others would not be capable of, and his selflessness. I mean I think a lot of times people think that things just happened and they were going to happen no matter who was in that chair, in that office, not true. They only happen because of this one individual Mayor Jerry Hruby. Jerry I can't thank you enough for being there from the very, very beginning for me it's from the bottom of my heart. What we have in Brecksville and I'm getting close to the end here. Brecksville it is a city family literally We all have a genuine love for the city and all work for what's best. Our current employees and the retirees

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are still part of a group of people that I will always, always be in touch with. I've had the privilege to serve with 21 fellow City Council members and have learned something from each one of you and each one of them the camaraderie that we felt with each session of Council is the envy of many communities. We always work for consensus to move issues forward for the City and once decisions were made, we moved forward without issue. The administration of the staff, I couldn't believe this when I started to count it up I worked with three fire chiefs, five police chiefs, four service directors, four recreation directors, three finance directors, two purchasing directors, three human service directors and three building directors. Each one of them outstanding in their own right. Our Service Department personnel, Police Department, Fire Department, Building, Recreation personnel, I have the utmost respect for you and I appreciate all the tireless effort that you give every day in performing your job. I'd also like to thank the residents. I mean the one thing that I told people for many years was this job is so enjoyable because of our residents. They really take a professional approach to dealing with the government and it is so appreciated, My Mom and Dad decided to set down our roots in our family home on Highland Drive in 1957 even before we were a city. When I turned four years old is when that happened. I spent all my school years in Brecksville, married my high school sweetheart and returned after college to live next door to my parents. Mom and Dad were the epitome of city servants. Always involved in promoting the community in the best example of volunteerism. I learned from the best. To many my Dad was known as Mr. Brecksville. I'm the favorite brother of three sisters who are here this evening. Do you want to wave your hands? there they are, I'm your only brother, too. But I like saying favorite. And we all live next door, across the street from one another. Which is just fantastic. I could not have done any of this without their unwavering love and support. I know that at times that sacrifices were made by both me and them and I'm going to share one short story. When I was first elected to Council my youngest daughter was about three she was introducing her baby dolls to some friends and she said this is the Mommy doll, this is the sister doll, this is the brother doll. And they asked "where's the Daddy doll?" And she said well, he's at a meeting. That's kind of the way it was in the beginning. Jerry you remember we had meetings almost every night. And we were we were constantly doing that. Here's the conclusion. Brecksville has been my home for 64 years. It'll always be my home. To me it's the greatest community that you could choose to live in and to raise your family. It's truly been my privilege to serve the community in such a meaningful way. To have a role in how your town moves forward always keeping in mind the Mayor's city slogan, "Building our future with respect for our past." I'm very much going to miss being on City Council but I have the utmost confidence and respect in the remaining and incoming Council members that they will keep up with the exceptional tradition. My advice to them is to always listen keep an open mind and work for consensus. I'm always going to live here so you better do a good job. I thank you all from the bottom of my heart very much."

RESOLUTION #5207 a Resolution commending Sergio I DiGeronimo on his retirement from service to the City Of Brecksville, Ohio; and declaring an emergency, was read.

**RES. 5207
COMMEND
ASST. LAW
DIRECTOR
AND
PROSECUTOR
DIGERONIMO
ON HIS
RETIREMENT**

Motion by Veras, seconded by Caruso, to suspend the rules and place Resolution 5190 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 5187.

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

None.

MOTION CARRIED 6-AYES, 0-NAYS.

Sergio DiGeronimo said the following: Thank you, Sir. So many moving words. I certainly don't deserve these kind words that were spoken of but, thank you. I sincerely

COMMENTS

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thank all of Council. I reflect back on when I first started there was a couple Nora Murphy, David Deutsch, Gerry Broski, Larry Potla. There was Lou Carouse, who gave me the opportunity to prosecute for the City of Brecksville it was never a job. It was never a job, it was a joy working with City Council and the Mayor was one of my proudest endeavors. I want to thank Dave Matty for his aggressive and wise tutelage bringing me into the Assistant Law Director role. You have a fine Law Director. I would have him in my corner any day. Our present Council composition is just a marvelous example of citizenship and good stewardship. These folks work so hard and I'm not, you know I'm out of the gig, I'm telling you the truth, the decisions that they make are for the community. They don't look at one person's plight without balancing the community's interests and that's a very difficult thing to do. You have to separate yourself from individual interest and think about the whole and what's best for everybody and they've always done that. I've seen it and I find it remarkable and yet I find that I should expect that from the fine people of Brecksville. Brecksville has always delivered consistently great Council people. I'm going to be very proud of that and I thank you Council, this Council and previous Councils. Tammy, is a fantastic perfect Council Clerk. You couldn't ask for somebody better. I've relied on her in incredible high-stakes situations and she's delivered. I have the utmost respect for Tammy and her predecessor Mary Scullin. To our Police Department, I've had the experience of working with Chief Kancler. Terrific guys all top-notch first-class individuals. Present today is somebody who's very important to me, from the Police Department, Sheriff Russ Lode. I call him Sherriff. He took care of Brecksville like it was his territory. Of all the things I learned from Sheriff Lode, the most important thing I learned was the phrase "We ain't trading ham for wieners." The other thing he used to say was "Jesus this ain't the Lindberg kidnapping." Whenever we talked about something that uh you know was made greater than it really was he would say this ain't the Lindberg kidnapping. I don't know how many people even know what that is. Lastly I want to remark that another very important person to be here in the audience. Magistrate Roger Wadsworth, he's like a father to me. Although he will tell you he's only slightly older than I am. Roger made it possible he gave me credibility to even be considered as a prosecutor. I owe him great deal. It was through Roger I was able to embark on this journey. So there's so many people, important people in my life. The department heads here are exceptional. Some of the hardest working folks and again, I'm not being paid for this endorsement. Really, really good people. There are so many accolades that can be delivered at this speech, words cannot embody them. I would have to be up here for hours and I don't mean to do that. But I want to just point out one thing. You drive around from town to town you enter a city and there's some name of the city and beneath it is the name of the Mayor. You don't see that in Brecksville. When you drive through Brecksville you know who the Mayor is you don't need to be told. If you don't know, this city belongs to Mayor Hruby he's a first-class individual. Never engaged in self-promotion, always put himself in the background never in the forefront. I have so much respect and admiration for Mayor Hruby. I look forward to the years to come when he and I are just plain friends and not city compatriots. This is my city family you can't kick me out. You can't get rid of me, I'm going be here I live here I will continue to live here. I will be, my wife and I will be that strange couple that comes to City Council we'll always be here. Again save me a seat thank you for your time. I really appreciated my tenure.

Mayor Hruby: "Let me give you just a few minutes about Sergio, When I first became a police officer here in Brecksville there was one man that I knew as a boy growing up that worked here in town and now he was the prosecutor for the city. He had just had that job for a short period of time. Roger Wadsworth, and the respect that I gained for Roger was just tremendous. No one was more dedicated to the law, dedicated to doing right and representing the community with the dignity that Roger did. What Sergio said is very true. Based upon the recommendation of Roger Wadsworth this young lawyer was hired by the City to fill in as prosecutor as Mr. Wadsworth became Magistrate in the Mayor's Court. So we got a new prosecutor. And Sergio, it was based upon the recommendation, as you know, of Roger Wadsworth. You also remember at the time that we all thought well this young prosecutor how's he going to get along and how's he going to deal with the Police and he

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showed the Police what respect and admiration of the law is all about. I believe that our Police knew but he made it in a special way he believed in being firm he believed in enforcing the law. But he also believed in understanding that these are our residents these are people that live here in our community that we're serving. Over the years one thing I'll never forget. I went to his Mom's funeral and I happened to meet a guy that happened to claim this Sergio kid here as his son. I have never in my life can recall being so immediately impressed with someone over their ethnic heritage and their background and what they did for the country. And a man who grew up in Italy and came to this country and fought in the war and he said to me "You think my son's a good boy?" and I said "I think he's an outstanding man." I think he said he says well I don't know, but I'm going to tell you it was that respect and love and heritage that he got from his parents and he demonstrated that as prosecutor and when the time came up and we heard that he was going to be considered to be a Judge we all panicked and said what we can do without Sergio. I mean Sergio has been a mainstay here so what are we going to do without him. We're going to watch him thrive as a Judge in the Garfield Municipal Court serving our community. And again his ethnic background his love of family is so clearly demonstrated his family's commitment to this community. So Sergio we wish you the very best Your Honor. Congratulations on being named to judge. It is something very worthy and I think it's just the beginning for your future. I think you will continue to excel and on behalf of the city of Brecksville, thank you for all the years that you dedicated yourself and what you did in providing your family to this community and best and most of all for being a good son."

ORDINANCE 5456 re: an Ordinance amending Ordinance No. 5454 as it relates to employee compensation; and declaring an emergency, was read by title. **ORD. 5456**
Motion by Veras, seconded by Carouse, to suspend the rules of three readings and **EMPLOYEE**
place Ordinance 5456 on final reading. **COMPENSA-**
TION

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

Nays: None.

Abstain: Redinger.

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

Motion by Caruso, seconded by Veras, to pass Ordinance 5456.

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

Nays: None.

Abstain: Redinger.

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

ORDINANCE 5462 re: An Ordinance authorizing a residential tax increment agreement with DiGeronimo Development LLC, VA Vesta II LLC and VA Vesta III, LLC to develop a portion of the Valor Acres and Dalad land sites for a residential development and to create and retain jobs in the city; and declaring an emergency. **ORD. 5462**
TIF
AGREEMENT
ORDINANCE
DIGERONIMO
RESIDENTIAL

Motion by Kingston, seconded by Carouse, to suspend the rules of three readings and place Ordinance 5462 on final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5462.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

ORDINANCE 5463 re: an Ordinance authorizing a mixed-use development tax increment agreement with DiGeronimo Development LLC and VA Land LLC to develop a portion of the Valor Acres and Dalad Land sites with a mixed-use development and create and retain jobs in the city; and declaring an emergency, was read by title. **ORD. 5463 TIF**
AGREEMENT
ORDINANCE
DIGERONIMO -
MIXED USE

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Motion by Kingston, seconded by Veras, to suspend the rules of three readings and place Ordinance 5463 on final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Caruso, to pass Ordinance 5463.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

ORDINANCE 5465 re: an Ordinance authorizing a Job Creation Incentive **ORD. 5465**
Agreement with DiGeronimo Development LLC to provide for the construction of one or **JOB**
more office buildings with at least 150,000 combined square feet of space on a portion of **CREATION**
the project site in order to provide for the further redevelopment of said site and create and **INCENTIVE**
retain jobs in the city; and declaring an emergency, was read by title. **AGREEMENT**

Motion by Kingston, seconded by Veras, to suspend the rules of three readings and **DIGERONIMO**
place Ordinance 5465 on final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Caruso, to pass Ordinance 5465.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

ORDINANCE 5466 an Ordinance authorizing a development agreement with **ORD. 546**
DiGeronimo Development LLC and VA Land LLC to provide for the construction of a **PROVIDING**
mixed use development on a portion of the project site in order to provide for the further **FOR THE**
redevelopment of that site and create and retain jobs in the city; and declaring an emergency, **ISSUANCE AND**
was read by title. **SALE OF**

Motion by Kingston, seconded by Veras, to suspend the rules of three readings and **BONDS IN THE**
place Ordinance 5466 on final reading. **MAXIMUM**

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Caruso, to pass Ordinance 5466.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

\$8,600,000 FOR

BLOSSOM

FIELDHOUSE

RESOLUTION 5198 a Resolution authorizing the Mayor to enter into a Fourth **RES. 5189**
Addendum to agreement to provide professional consulting services to the City of **FOURTH**
Brecksville, Ohio with J. Neusser, LLC (DBA OHIO MUNI TAX, LLC); and declaring an **ADDENDUM**
emergency, was read by title. **TO PRO-**

Motion by Kingston, seconded by Veras, to suspend the rules and place Resolution **FENSIONAL**
5198 on third and final reading. **CONSULTING**

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Caruso, to pass Resolution 5198.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

NEUSSER

RESOLUTION 5199 re: a Resolution authorizing the Mayor to enter into a First **RES. 5199**
Amendment to Lease Agreement with Christ the Redeemer Lutheran Church for the rental

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of parking spaces at Lessor's parking lot located at 9201 Brecksville Road; and declaring an emergency, was read by title.

Motion by Kingston, seconded by Veras, to suspend the rules and place Resolution 5199 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Caruso, to pass Resolution 5199.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**FIRST
AMENDMENT
TO LEASE
AGREEMENT-
CRLC**

RESOLUTION 5200 A Resolution authorizing the mayor to apply for funding through the Ohio Environmental Protection agency's 2022 Recycling & Litter Prevention Grant program for a bobcat skid steer loader for the recycle center; and declaring an emergency, was read by title.

**RES. 5200
AUTHORIZE
OEPA
RECYCLING
AND LITTER
GRANT
APPLICATION
-2022**

Motion by Kingston, seconded by Veras, to suspend the rules and place Resolution 5200 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Caruso, to pass Resolution 5198.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

RESOLUTION 5201 a Resolution authorizing the Mayor to apply for a Community Recycling Awareness Grant from the Cuyahoga County Solid Waste Management District to fund a Community Recycling Awareness Project; and declaring an emergency, was read by title.

**RES. 5201
AUTHORIZE
COMMUNITY
AWARENESS
RECYCLING
GRANT
APPLICATION-
2022**

Motion by Kingston, seconded by Veras, to suspend the rules and place Resolution 5201 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Caruso, to pass Resolution 5201.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

RESOLUTION 5202 a Resolution authorizing the Mayor to renew the memorandum of understanding with the Cuyahoga Soil and Water Conservation District and the northeast Ohio Regional Sewer District for the provision of technical assistance in implementing the City of Brecksville's Soil and Water Conservation measures for the year 2022; and declaring an emergency, was read by title.

**RES. 5202
LETTER OF
ACKNOW-
LEDGE-MENT
FOR SWCD
MOU
RENEWAL -
2022**

Motion by Kingston, seconded by Veras, to suspend the rules and place Resolution 5202 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Caruso, to pass Resolution 5202.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

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RESOLUTION 5203 a Resolution authorizing the Mayor to enter into an Independent Contractor Agreement with Gina Imbrigotta dba Brecksville Fitness Studio, LLC for certain fitness classes and private sessions for the City of Brecksville Recreation Department for the year 2022; and declaring an emergency, was read by title. Motion by Kingston, seconded by Veras, to suspend the rules and place Resolution 5203 on third and final reading. Ayes: Carouse, Caruso, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS. Motion by Carouse, seconded by Caruso, to pass Resolution 5203. Ayes: Carouse, Caruso, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS.	RES. 5203 AUTHORIZE INDEPEN- DENT CONTRAC- TOR-G. IMBRIGOTTA- BRECKS. FITNESS STUDIO
RESOLUTION 5204 a Resolution authorizing the City of Brecksville Fire Chief to complete the grant process for the FY 2021 Assistance to Firefighters Grant; and declaring an emergency, was read by title. Motion by Kingston, seconded by Veras, to suspend the rules and place Resolution 5204 on third and final reading. Ayes: Carouse, Caruso, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS. Motion by Carouse, seconded by Caruso, to pass Resolution 5204. Ayes: Carouse, Caruso, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS.	RES. 5204 AUTHORIZE FIRE CHIEF TO APPLY FOR FIRE- FIGHTERS GRANT FY2021
RESOLUTION 5205 a Resolution authorizing the Mayor to enter into a services agreement order form including the government agency agreement with Flock Group, Inc. for the lease of Flock Falcon Cameras; and declaring an emergency, was read by title. Motion by Kingston, seconded by Veras, to suspend the rules and place Resolution 5205 on third and final reading. Ayes: Carouse, Caruso, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS. Motion by Carouse, seconded by Caruso, to pass Resolution 5205. Ayes: Carouse, Caruso, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS.	RES. 5205 AUTHORIZE SERVICES AGREEMENT ORDER FORM INCLUDING GOVT. AGENCY AGREEMENT
RESOLUTION 5206 A Resolution authorizing the Mayor to enter into A Memorandum Of Understanding With The Cuyahoga County Board Of Health For authority and consent to provide Phase II Stormwater Services in 2022-2025; and declaring an emergency, was read by title. Motion by Kingston, seconded by Veras, to suspend the rules and place Resolution 5206 on third and final reading. Ayes: Carouse, Caruso, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS. Motion by Carouse, seconded by Caruso, to pass Resolution 5206. Ayes: Carouse, Caruso, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS.	RES. 5206 AUTHORIZE MOU WITH CCBH-PHASE II STORMWATER SERVICES 2022-2025
BOARD OF ZONING APPEALS: Councilmember Caruso reported the next meeting of the Board of Zoning Appeals will be Monday, February 10th at 7:30 P.M.	

ZONING
APPEALS

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Accept the Board of Zoning Appeals recommend to City Council approval for a **DESIGN & CONST** variance from Section 1119.09(d) not to install the required public sidewalks until such time **REVIEW 8035** that the City deems appropriate, for the construction of a single family dwelling located at **PERSHING DR** 8035 Pershing Drive, PP# 601-07-028.

Motion for passage by Caruso, seconded by Carouse.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

PLANNING COMMISSION: No Report.

**PLANNING
COMMISSION**

RECREATION COMMISSION: No Report.

**RECREATION
COMMISSION**

DEPARTMENT OF HUMAN SERVICES: No Report.

**HUMAN
SERVICES**

TELECOMMUNICATIONS COMMISSION: No Report.

TELEC. COM.

SAFETY-SERVICE COMMITTEE: Councilmember Caruso reported the **SAFETY-SERVICE** committee met earlier today and has one item for Council consideration.

POLICE & FIRE RADIO EQUIPMENT - Consideration of a motion to Approve a Purchase Requisition to Chagrin Valley Dispatch in the amount of \$7,632.00 for the City's annual maintenance agreement on radio equipment for the period of 1/1/2022 – 12/31/22. Police Account #110210 2613 to be charged \$3,792.00. Fire Account #290260 2501 to be charged \$3,624.00. Administration Account #110150 2501 to be charged \$216.00.

Motion for passage by Caruso, seconded by Carouse.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

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

UTILITIES COMMITTEE: Councilmember Kingston reported the committee **UTILITIES COMMITTEE** met earlier and has no items for Council.

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

FLOOR MATS - motion recommending to Council approval of a purchase **COMMUNITY CENTER** requisition to Ball Chemical & Equipment Company in the amount of \$5,940.82 for the **FLOOR MATS** purchase of (7) Custom Logo Mats for placement in various areas of the Community Center. **FLOOR MATS** Account #240710 2505

Motion for passage by Veras, seconded by Caruso.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

BUILDING ENGINEERING GARAGE - motion recommending to Council **BUILDING ENGINEER-ING GARAGE** approval of a blanket vendor purchase requisition in the aggregate amount of \$75,238.90 **BUILDING ENGINEER-ING GARAGE** for Supplies and Materials for the Construction of a Garage at the new Building Engineering **BUILDING ENGINEER-ING GARAGE** Building. Account #C490163 3201 Project #BD210001

Motion for passage by Veras, seconded by Caruso.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

COMMUNITY CENTER BACKFLOW REPLACEMENT - Motion recommending to Council approval of a purchase requisition to D&A Plumbing in the amount of \$5,532.00 for the replacement of the competitive pool/spa fill line backflow preventer. Account #240720 2601. **COMMUNITY CENTER BACKFLOW REPLACE-MENT**

Motion for passage by Veras, seconded by Caruso.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

FIRE ALARM - Motion recommending to Council approval of a purchase requisition to Calcom, Inc. in the amount of \$12,125.00 for a new code compliant addressable fire alarm system by Silent Knight with a cellular dialer for Blossom Hill Building #2 located at 4470 Oakes Road. Account #C490161 3202 **BLOSSOM BUILDING AT 4470 OAKES ROAD FIRE ALARM**

Motion for passage by Veras, seconded by Caruso.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

LEGISLATION COMMITTEE: Councilmember Koepke reported the committee met earlier today and has no items for consideration. **LEGISLATION COMMITTEE**

FINANCE COMMITTEE: Councilmember Redinger said the committee met earlier today and has two items for consideration **FINANCE COMMITTEE**

2022 RECREATION AND HUMAN SERVICES RATES - Consideration of a motion recommending to Council approval of the 2022 Recreation and Human Services Rate Schedule as recommended by the Recreation Commission and submitted by the Recreation Department. **2022 RECREATION AND HUMAN SERVICES RATES**

Motion for passage by Redinger, seconded by Carouse.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

MUNICODE AGENDA MANAGEMENT SOFTWARE - Consideration of a motion recommending to Council approval of a Purchase Requisition to Municode for the Municode Meetings Subscription Renewal for 12/1/2021 – 11/30/2022. This is year two of three at the flat rate of \$8,600.00. **MUNICODE AGENDA MANAGEMENT SOFTWARE**

Motion for passage by Redinger, seconded by Carouse.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

2022 Blanket Purchase Orders - Consideration of a motion recommending to Council approval of the 2022 Blanket Purchase Order requests. **2022 BLANKET PURCHASE ORDERS**

Motion for passage by Redinger, seconded by Carouse.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

REPORT OF LAW DIRECTOR: No Report.

LAW

REPORT OF ENGINEER: No Report.

ENGINEER

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REPORT OF FINANCE DIRECTOR: No Report.

FINANCE

REPORT OF BUILDING DEPARTMENT: No

**BUILDING
DEPT.**

REPORT OF SERVICE DIRECTOR: No Report.

SERVICE

REPORT OF PURCHASING DIRECTOR: No Report.

PURCHASING

REPORT OF POLICE DEPARTMENT: No Report.

POLICE

REPORT OF FIRE DEPARTMENT: No Report.

FIRE

REPORT OF RECREATION DEPARTMENT: No Report.

RECREATION

REPORT OF THE MAYOR: Mayor Hruby told the outgoing Councilmembers **MAYOR** that it's really been an honor and a pleasure. With three members leaving this Council, they take away 50 years of experience. But it's time to move on. We welcome with open arms the new members coming Council. Mayor Hruby wished everyone a very, very Merry Christmas and a Happy Holiday.

COMMENTS: Councilmember Carouse said he would like certainly to wish **COMMENTS** everybody a Merry Christmas & Happy New Year and to thank everybody for the kind words that were shared on his behalf.

Council Vice President Redinger said it has been an emotional evening and wanted to tell Councilmember Veras and Councilmember Carouse that she will personally miss both of them. Vice President Redinger said Councilmember Veras, your quiet steadfast nature of doing the right thing has been around for the last eight years and she has enjoyed that immensely. Vice President Redinger said she really appreciated the experience and wisdom Councilmember Carouse provided when she started on Council 10 years ago.

Sandy McNair: 8028 Pershing Dr. I'm a 38-year resident of Brecksville. I've sent Council and the Mayor and a legal Counsel two emails previously about this 8035 matter that you just approved. The one second email I think dealt with, based upon the record how the Chairman of the Design and Construction Review Board erroneously represented what had occurred at that board and I think that was a material misrepresentation that it seems to me that Council relied on. In addition at the last Council meeting Mr. Matty and I addressed from our differing perspectives the following provision in Section 1327 which relates to the composition of the three-member Design and Construction Review Board "in so far as practicable the board shall consist of one architect, one engineer and one real estate salesman broker or appraiser" Mr. Matty's interpretation was that so long as the three-member board is composed of any one of the six occupations listed above that is an architect, engineer, real estate salesman, real estate broker or real estate appraiser then the board is properly constituted. Therefore a properly constituted board could be representatives only from the real estate industry. I responded that Mr. Matty misinterprets the clear language quoted above. That the plain meaning is that there is to be one engineer, one architect, and one representative from the real estate industry. This code section also recognizes that despite the Mayor's and Council's reasonable efforts the city may not be able to find an engineer or an architect or perhaps somebody from real estate. If that were the case then the board could have multiple members from real estate or presumably the other positions. This is what the language "in so far as is practical" means my interpretation is further supported by section 1327.10. Which addresses the purposes and jurisdictions of the board specifically subsection c provides "in making its determination the board shall review all drawings, data, reports, and objections and make such further investigations as it

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may deem appropriate. The board shall apply generally accepted engineering and architectural principles applicable to the design use of materials, finish grades lines, drainage and orientation of all main accessory buildings here and after to be erected, moved, altered, repaired, added to or raised in whole or in part. It shall also apply generally accepted principles of real estate property appraisal and shall take into consideration the nature and extent of development of adjacent and neighboring property given the board's charge is set forth in Section 1327.10 c. The board so far as practical is to have a representative from each of these three areas how else could it reasonably apply the generally accepted principles in each of these three areas engineering architecture and real estate but given the city's interpretation apparently it has made no effort to comply with the code requirement to find an architect and as such has violated the code. I, like you, have held public office. I, like you, have had the good fortune to have highly competent counsel advise me. But on rare occasions I disagreed with Counsel when I thought the Counsel uncharacteristically had made a mistake. I believe that was what has occurred here and I urge you as well as the Mayor and Mr. Matty to reconsider your clearly erroneous application of Section 1327.05. That mistake has denied to myself and the other concerned residents of Pershing Drive our entitlement to raise our concerns with a properly constituted board. That mistake led to a board that gave no consideration to the architectural concerns the Pershing Drive residents raised with the Board. That mistake denied to Council the recommendation from a properly constituted board a recommendation a punch when upon which you either implicitly or explicitly relied in the motion you passed at your last meeting and presumably what you passed here today. I am requesting that you reconsider your interpretation of Section 1327.05 apply that section properly and therefore use your reasonable efforts to find an architect to be a board member and have that board convened to consider the resident's concerns and rescind your vote until such time as you have complied with the code. Hopefully the architectural concerns we raise will be considered with the newly constituted board as they were not with the improperly constituted board to which we initially petitioned. I would like some response to my thoughts. Thank you.

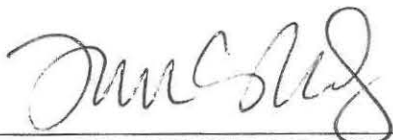
Council Vice President Redinger: Thank you Mr. McNair, no comment.

Motion by Redinger, seconded by Carouse, to adjourn the regular meeting at 9:26 **ADJOURN**
P.M.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL

