

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

HELD _____ February 18, 2020 _____

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

CALL TO ORDER

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

Members Present: L. Carouse, Jr., D. Caruso, M. Harwood, A. Koepke, J. Petsche, L. Redinger, K. Veras.

Members Absent: None.

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 W. Goodrich, Recreation Director T. Tupa, Service Director R. Weidig, Council Clerk T. Tabor.

ROLL CALL

MINUTES OF THE FEBRUARY 4, 2020 REGULAR MEETING: Motion by Carouse, seconded by Redinger, to dispense with the reading of the February 4, 2020 regular meeting minutes and to accept same as presented.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

REGULAR MEETING MINUTES OF 2-4-2020 APPROVED

Motion by Harwood, seconded by Carouse to amend the agenda to remove item No. 9, for the purchase of recreation department equipment, from the agenda.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

AMENDMENT REMOVE ITEM NO. 9 FROM THE AGENDA

RESOLUTION 5032 re: a Resolution accepting the proposal of Hull & Associates, Inc. to perform an ASTM Standard E1527-13 Phase I Environmental Site Assessment for the Central Elementary property located at 27 Public Square; and declaring an emergency, was read by title.

Motion by Veras, seconded by Caruso, to suspend the rules and place Resolution 5032 on third and final reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 5032.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

RES. 5032 ACCEPT PROPOSAL OF HULL & ASSOC. FOR PHASE I ENVIRONMENTAL STUDY FOR CENTRAL SCHOOL

RESOLUTION 5033 re: a Resolution accepting the proposal of Amianthus LLC to perform an asbestos survey for the Central Elementary property located at 27 Public Square; and declaring an emergency, was read by title.

Motion by Veras, seconded by Caruso, to suspend the rules and place Resolution 5033 on third and final reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 5033.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

RES. 5033 ACCEPT PROPOSAL OF AMIANTHUS FOR THE ASBESTOS SURVEY FOR CENTRAL SCHOOL

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RESOLUTION 5034 re: a Resolution authorizing the Mayor, on behalf of the City of Brecksville, to provide a grant to the Brecksville-Broadview Heights Community Awareness and Prevention Association for the partial funding and operation of prevention and intervention services; and declaring an emergency, was read by title. Motion by Caruso, seconded by Veras, to suspend the rules and place Resolution 5034 on third and final reading. Ayes: Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Abstain: Carouse. Nays: None. MOTION CARRIED 6-AYES, 1-ABSTAIN, 0-NAYS. Motion by Redinger, seconded by Caruso, to pass Resolution 5034. Ayes: Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Abstain: Carouse. Nays: None. MOTION CARRIED 6-AYES, 1-ABSTAIN, 0-NAYS.	RES. 5034 AUTH. A GRANT TO BRECKS- VILLE- BROADVIEW HEIGHTS CAPA
RESOLUTION 5035 re: a Resolution authorizing the Mayor to enter into an Employee Assistance Service Program with Ease@Work EAP LLC; and declaring an emergency, was read by title. Motion by Caruso, seconded by Veras, to suspend the rules and place Resolution 5035 on third and final reading. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Resolution 5035. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	RES. 5035 AUTH. EMPLOYEE ASSISTANCE SERVICE PROGRAM AGREEMENT WITH EASE@WORK EAP LLC
ORDINANCE 5304 re: an Ordinance amending Section 331.38 of the Traffic Code to change the penalty for not stopping for a school bus receiving or discharging a child or person; and declaring an emergency, was read by title. Motion by Veras, seconded by Caruso, to suspend the rules and place Ordinance 5304 on third and final reading. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Ordinance 5304. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	ORD. 5304 AMEND \$331.38 OF THE TRAFFIC CODE TO CHANGE PENALTY FOR PASSING SCHOOL BUS DISCHARG- ING PASSENGERS
ORDINANCE 5305 re: an Ordinance authorizing the purchase of a Freightliner M2 Life Line Type I Ambulance with options for the Fire Department through the State of Ohio, Administrative Services Purchasing Program and non-state related options from Pfund Superior Sales Co., Inc.; and declaring an emergency, was read by title. Motion by Caruso, seconded by Veras, to suspend the rules and place Ordinance 5305 on third and final reading. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Ordinance 5305. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	ORD. 5305 AUTH PURCH OF FREIGHT- LINER M2 LIFELINE TYPE I AMBULANCE THROUGH STATE OF OHIO ADMIN. SERVICES PURCH. PROGRAM

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ORDINANCE 5306 re: an Ordinance creating the Valor Acres Sherwin Williams TIF pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43, declaring improvements to certain 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.

**ORD. 5306
CREATING
VALOR
ACRES
SHERWIN-
WILLIAMS
TIF**

Mayor Hruby said the 5709.41 TIF ordinance is the ordinance that actually creates the TIF on the 75 acres for the Sherwin-Williams project. It does so by first exempting the new real property taxes, then requiring Sherwin-Williams to make payments in lieu of taxes equal to the exempted real property taxes (this is the "TIF revenue"), so that they are paying the same amount to the County. It also instructs the County to pay the payments in lieu of taxes to the City for deposit into the TIF fund.

Motion by Carouse, seconded by Redinger, to place Ordinance 5306 on second reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5307 re: an Ordinance establishing an urban redevelopment tax increment equivalent fund for the deposit of service payments; and declaring an emergency, was read by title.

**ORD. 5307
ESTABLISH
AN URBAN
REDEVELOP-
MENT TAX
INCREMENT
EQIV. FUND**

Mayor Hruby said the TIF Fund ordinance establishes the TIF fund as required by state law. The TIF fund will receive the payments made by Sherwin-Williams to the County pursuant to the 5709.41 TIF ordinance and paid by the County to the City. These amounts will be used to make school compensation payments and then pay Sherwin-Williams pursuant to the TIF Agreement.

Motion by Carouse, seconded by Redinger, to place Ordinance 5307 on second reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5308 re: an Ordinance authorizing an amended and restated compensation agreement with the Brecksville-Broadview Heights City School District; and declaring an emergency, was read by title.

**ORD. 5308
AUTH COMP-
ENSATION
AGREEMENT
WITH
BBHCSD**

Mayor Hruby said this brings the school district into the TIF. The School Compensation Agreement ordinance authorizes the School Compensation Agreement with the School District and DiGeronimo in substantially the form attached to the Ordinance, and authorizes the Mayor to execute and deliver the final School Compensation Agreement.

Motion by Carouse, seconded by Redinger, to place Ordinance 5308 on second reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5309 re: an Ordinance authorizing a development 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 in order to provide for the further redevelopment of that site and create and retain jobs in the city; and declaring an emergency, was read by title.

**ORD. 5309
AUTH
DEVELOP-
MENT
AGREEMENT
WITH THE
SHERWIN-
WILLIAMS
CO.**

Mayor Hruby said the Development Agreement ordinance authorizes the Development Agreement with Sherwin-Williams in substantially the form attached to the Ordinance, and authorizes the Mayor to execute, on behalf of the City, and deliver the final Development Agreement.

Motion by Carouse, seconded by Redinger, to place Ordinance 5309 on second reading.

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

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Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**ORD. 5309
CONTINUED**

ORDINANCE 5310 re: an Ordinance authorizing a job incentive 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 in order to provide for the further redevelopment of that site and create and retain jobs in the city; and declaring an emergency, was read by title.

Mayor Hruby said Sherwin Williams agrees to create a number of jobs in our city and the City is, in exchange, offering them or providing for them certain incentives. The Job Creation Incentive Agreement ordinance authorizes the Job Creation Incentive Agreement with Sherwin-Williams in substantially the form attached to the Ordinance, and authorizes the Mayor to execute and deliver the final Job Creation Incentive Agreement.

Motion by Carouse, seconded by Redinger, to place Ordinance 5310 on second reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5311 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 in order to provide for the further redevelopment of that site and create and retain jobs in the city; and declaring an emergency, was read by title.

Mayor Hruby said the TIF Agreement ordinance authorizes the TIF Agreement with Sherwin-Williams in substantially the form attached to the Ordinance, and authorizes the Mayor to execute and deliver the final TIF Agreement.

Motion by Carouse, seconded by Redinger, to place Ordinance 5311 on second reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

BOARD OF ZONING APPEALS: Councilmember Caruso reported the next meeting of the Board of Zoning Appeals will be Monday, March 9th at 7:30 P.M. The Board of Appeals has two items for Council consideration.

**BD. OF
ZONING
APPEALS**

Motion by Caruso, seconded by Veras that City Council accept the Board of Zoning Appeals recommendation to City Council for approval of a variance from Section 1159.17(i)(4) to not require that compensatory storage be provided for floodwater storage as part of a streambank stabilization project on Chippewa Creek located at 8803 and 8865 Brecksville Road, PP# 601-35-003 and PP# 601-35-027.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**VAR. 2020-01
FLOOD
WATER
STORAGE
REQUIRE-
MENT AT 8803
&8865 BRECK.
ROAD**

Motion by Caruso, seconded by Veras that City Council accept the Board of Zoning Appeals recommendation to City Council for approval of a variance from Section 1151.24 from the minimum required 125 ft. front yard setback to allow 90 ft. for a rear yard addition on a non-conforming house located at 10801 Chippewa Road, PP# 601-38-011.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**VAR. 2020-05
FRONT YARD
SETBACK
10801
CHIPPEWA
ROAD**

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PLANNING COMMISSION: Councilmember Harwood reported the next meeting of the Planning Commission will be March 20th at 7:00 P.M. The Planning Commission has three items for Council consideration. **PLANNING COMMISSION**

Motion by Harwood, seconded by Carouse to accept the Planning Commission recommendation of approval to authorize construction of a two vehicle steel carport in the parking lot of the Korean Central Presbyterian Church located at 8220 Brecksville Road, as described in the application dated November 18, 2019 and the attached information. Quote, American Steel Carports, dated January 14, 2020 and Site Plan dated September 21, 2019. **PLANNING COMMISSION KOREAN CENTRAL PRESB.**

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**CHURC 8220
BRECKS-
VILLE RD.
CARPORT**

Motion by Harwood, seconded by Carouse, to accept the Planning Commission recommendation of approval of a solar panel system installation at 3886 Boxelder Drive, Brecksville, Ohio as described in the application dated January 9, 2020 and attached plans by Koby Electric and contingent on Utility Company interconnection approval and also contingent on City Council's approval. **PLANNING COMMISSION 3886 BOXELDER DRIVE SOLAR**

Pictures of proposed installation, overhead, front and rear elevations-Undated, Drawing E1 – 5kW Solar Panel Installation- 12/30/2019, Overhead Drawing, location of panels, solar disconnect, electric meter- Undated, Roof Load Calculations, John H. Zeit, Registered Architect-Undated, First Energy Interconnect Application 1/9/2020, Scope of Work, Koby Electric- 11/29/2019, EV Charging Single Phase Inverter Specifications, Solar Edge-Undated, 60 Cell Monocrystalline PV Module Specifications, Slifab Solar-2018, Structural Certification, Span Tables, Ironridge-9/7/2018, Contractor Qualifications and Applications-Various. **PANEL**

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Harwood, seconded by Carouse, to accept the Planning Commission recommendation of approval of a lot split for Parcel A-1 at 4311 Oakes Road as described on the attached application, and the plat drawing by Neff Associates, both dated January 17, 2020 and subject to approval by the Board of Zoning Appeals of the following variances: **PLANNING COMMISSION 4311 OAKES ROAD LOT SPLIT**

- Section 1151.22 requirement that R-20 lots on a collector street be at least 150 feet in width to allow 111 feet for Parcel A.
- Section 1151.22 requirement that R-20 lots on a collector street be at least 150 feet in width to allow 104 feet for Parcel A-1.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

RECREATION COMMISSION: Council Representative Redinger reported the next meeting of the Recreation Commission will be February 24th. **RECREATION COMMISSION**

DEPARTMENT OF HUMAN SERVICES: Council Representative Veras reported the next meeting of the Human Services Advisory Board will be March 11th at 3:00 P.M. The Kiwanis reported the Empty Bowls event raised \$10,500.00. the AARP tax preparation is available at the Human Services Building, by appointment only. Kitchen Manager Ann Hamski is retiring. **DEPT. OF HUMAN SERVICES**

TELECOMMUNICATIONS COMMISSION: No Report.

TELEC. COM.

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SAFETY-SERVICE COMMITTEE: Councilmember Caruso thanked Council for the passage of legislation authorizing the purchase of an ambulance for the Fire Department. **SAFETY-SERVICE** Councilmember Caruso reported the committee met earlier today and has one item for Council consideration.

Motion by Caruso, seconded by Veras, to approve the Purchase Requisition in the amount \$4,581.09 to Trane U.S., Inc. for HVAC Repairs at the Central School Building. A copy of the vendor quotation is provided for Council's consideration. *Account #110171* **AUTH. HVAC REPAIRS TO CENTRAL SCHOOL**
2604

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

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

UTILITIES COMMITTEE: Councilmember Petsche reported the committee met earlier and has one item for Council consideration. **UTILITIES COMMITTEE**

Motion by Petsche, seconded by Redinger to authorize the Purchasing Director to advertise for bids for the Whitewood Aerial Sewer and Storm Sewer Repair Project. **AUTH. BID ADVERT FOR WHITEWOOD AERIAL SEWER PROJ**
Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

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

Motion by Veras, seconded by Caruso, to approve a Purchase Requisition for the Kids Quarters Pavilion Roof Restoration Project in the aggregate amount of \$25,420.51. A letter of explanation is provided by the Service Director for Council's review and consideration. *Account #C490240-3202 Project #BI200004* **AUTH. PURCHASE REQ. FOR KIDS QUART. ROOF RESTORATION PROJECT**
Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

LEGISLATION COMMITTEE: Councilmember Koepke reported the committee met earlier today and thanked Council for the approval of an amendment to Section 331 of the Traffic Code. **LEGISLATION COMMITTEE**

FINANCE COMMITTEE: Councilmember Redinger thanked Council for the passage of the legislation presented this evening and the passage of legislation to second reading. The City had a well received sale of \$9,750,000.00 of Bond Anticipation Notes for the Field House Project and S.R. 82. The notes have a yield of 1.09% **FINANCE COMMITTEE**

REPORT OF LAW DIRECTOR: No Report

LAW

REPORT OF ENGINEER: No Report

ENGINEER

REPORT OF ASST. FINANCE DIRECTOR: No Report

FINANCE

REPORT OF BUILDING DEPARTMENT: No Report

BUILDING

REPORT OF SERVICE DIRECTOR: No Report

SERVICE

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REPORT OF PURCHASING DIRECTOR: No Report

PURCHASING

REPORT OF POLICE DEPARTMENT: Police Chief Goodrich reported **POLICE** Alarms.org recently ranked Brecksville as the 2nd safest city in the state of Ohio. 54th safest in the United States.

REPORT OF FIRE DEPARTMENT: Fire Chief Zamiska thanked Council for **FIRE** supporting the purchase of the ambulance.

REPORT OF RECREATION DEPARTMENT: No Report

RECREATION

REPORT OF THE MAYOR: Mayor Hruby reported the death of Mr. Tupa, **MAYOR** Recreation Director Tom Tupa's father. Mr. Tupa was an athletic star and was very involved in the community over the years. Firefighter's Bruce Gordon and John Gordon's mother passed away also. The City offers it's condolences to the families. The Mayor's State of the City presentation will be Wednesday February 19th at the Human Services Gathering Room. Citizen of the Year and Business of the Year will be presented by the Chamber of Commerce. Mayor Hruby thanked Council for the support of the Sherwin Williams project. Mayor Hruby said this is not complete until all parties sign the agreements. The project will create jobs and bring revenue to the community. Mayor Hruby said he feels Sherwin William will be a great start to the Valor Acres site.

BRECKSVILLE BROADVIEW HEIGHTS STUDENTS: The following Brecksville Broadview Heights students were in attendance: Ben Stanton, Evan Schlickman, Paige Stewart, Miles Conte, Jay Gray, Ben Robenx, Aniketh Kallam, Sarah Nauer, Joell Harb, Mike McDonald, Emma Guritza, Roger Tascar, Elyssa Myers, Dan Wickleven.

Motion by Harwood, seconded by Carouse, to adjourn the regular meeting at 8:34 P.M.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL