

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

HELD _____ October 15, 2019 _____

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Council was **CALLLED 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: G. Broski, L. Carouse, Jr., M. Harwood, J. Petsche,
L. Redinger, D. Rose, 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,
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.

MINUTES OF THE OCTOBER 1, 2019 REGULAR MEETING: Motion by Carouse, seconded by Redinger to dispense with the reading of the October 1, 2019 regular meeting minutes and to accept same as presented.

REGULAR MEETING MINUTES OF 10-1-2019 APPROVED

Ayes: Broski, Carouse, Harwood, Rose, Veras.

Abstain: Petsche, Redinger.

Nays: None.

MOTION CARRIED 5-AYES, 2- ABSTAIN, 0-NAYS.

RESOLUTION 4970 re: a Resolution authorizing the Mayor to enter into an extension agreement with James G. Zupka, Inc. as proposed by the Ohio Auditor of State to perform financial and compliance audits for the City of Brecksville for the fiscal periods January 1, 2019 through December 31, 2020; and declaring an emergency, was read by title.

RES. 4970 EXTEND AGREEMENT WITH JAMES G. ZUPKA INC. FOR FINANCIAL AUDITS 1-1-2019 THRU 12-31-2020

Motion by Broski, seconded by Veras, to suspend the rules and place Resolution 4970 on third and final reading.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 4970.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

RESOLUTION 4971 re: a Resolution authorizing the Director of Human Services to solicit sponsorships for events and programs from senior-related business and organizations; and declaring an emergency, was read by title.

RES. 4971 AUTH. HUMAN SERVICES DIRECTOR TO SOLICIT SPONSORSHIPS FROM SENIOR-RELATED BUSINESSES & ORGAN.

Motion by Veras, seconded by Broski, to suspend the rules and place Resolution 4971 on third and final reading.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 4971.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

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ORDINANCE 5263 re: an Ordinance amending Ordinance No. 5253 to change the trade in value of Police Firing Range Accessories, no longer needed for municipal purposes, to Pro Armament; and declaring an emergency, was read by title. Motion by Broski, seconded by Rose, to suspend the rules and place Ordinance 5263 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Ordinance 5263. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. ORDINANCE 5264 re: an Ordinance authorizing the purchase of various computer related equipment from Dell Marketing L.P. Through the State of Ohio Administrative Services Purchasing Program; and declaring an emergency, was read by title. Motion by Veras, seconded by Rose, to suspend the rules and place Ordinance 5264 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Ordinance 5264. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. ORDINANCE 5265 re: an Ordinance repealing Ordinance No. 5177 and authorizing a new agreement with the City of Strongsville to increase the rate for prisoner housing; and declaring an emergency, was read by title. Motion by Broski, seconded by Rose, to suspend the rules and place Ordinance 5265 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Ordinance 5265. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. ORDINANCE 5266 re: an Ordinance to amend Ordinance No. 5220, making appropriations for current expenses of the City of Brecksville during the fiscal year ending December 31, 2019, making necessary appropriation and revenue adjustments; and declaring an emergency, was read by title. Motion by Rose, seconded by Broski, to suspend the rules and place Ordinance 5266 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Ordinance 5266. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. BOARD OF ZONING APPEALS: Councilmember Rose reported the next meeting of the Board of Zoning Appeals will be Monday, November 11th at 7:30 P.M.	ORD. 5263 AMEND ORD. 5253 TO CHANGE TRADE IN VALUE OF FIRING RANGE EQUIP TO PRO ARMAMENT ORD. 5264 AUTH. PURCHASE OF COMPUTER EQUIP FROM DELL MARKETING THRU STATE OHIO ADMIN SERVICES PURCHASING ORD. 5265 REPEAL ORD. 5177 & AUTH NEW AGREEMENT FOR PRISONER HOUSING WITH STRONGS- VILLE ORD. 5266 MAKING APPROPRIATI ONS FOR FISCAL YEAR ENDING 12-31- 2019 BD. OF ZONING APPEALS
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Motion by Rose, seconded by Veras, to accept the Board of Zoning Appeals recommendation of approval for a variance from Section 1151.26(2) that an accessory structure be located in the rear yard to allow the construction of a 10x11 entry canopy in the front yard located at 11908 Chippewa Road, PP# 602-16-005.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**APP. 2019-32
ACCESSORY
STRUCTURE
VAR. 11908
CHIPPEWA
RD.**

Motion by Rose, seconded by Broski, to accept the Board of Zoning Appeals recommendation of approval for a variance from Section 1151.25(d)(2)(B) from the maximum 192 sq. ft. to allow 245 sq. ft. for the construction of a pool equipment shed located at 10212 Woodview Way, PP# 605-24-032.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**APP. 2019-33
POOL EQUIP
SHED VAR.
10212
WOODVIEW
WAY**

Motion by Rose, seconded by Veras, to accept the Board of Zoning Appeals recommendation of approval for a variance from Section 1151.26(3) minimum 10 ft. side yard setback required to allow 5ft. for the construction of a deck located at 9287 Highland Drive, PP# 603-07-007.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**APP. 2019-34
DECK
VARIANCE
9287
HIGHLAND
DR.**

PLANNING COMMISSION: Councilmember Harwood reported the next meeting of the Planning Commission will be October 24th at 7:00 P.M.

**PLANNING
COMMISSION**

RECREATION COMMISSION: Council Representative Redinger said the Recreation Commission will meet October 28th at 7:30 P.M.

**RECREATION
COMMISSION**

DEPARTMENT OF HUMAN SERVICES: Council Representative Veras reported the next meeting of the Human Services Advisory Board will be November 13th at 3:00 P.M.

**DEPT. OF
HUMAN
SERVICES**

TELECOMMUNICATIONS COMMISSION: Council Representative Broski reported .

TELEC. COM.

SAFETY-SERVICE COMMITTEE: Councilmember Carouse reported the committee met earlier today and thanked Council for the passage of legislation amending the prisoner housing agreement with the City of Strongsville and the amendment to change the trade in value of police firing range accessories. The Committee has two additional items for Council's consideration.

**SAFETY-
SERVICE**

Motion by Carouse, seconded by Redinger, to approve a Blanket Vendor Purchase Requisition in the aggregate amount of \$4,863.62 for the purchase of fire inspector software and hardware. *Account #C450260 3300.*

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**APPROVE
PURCH REQ.
FOR FIRE
INSPECTOR
SOFTWARE &
HARDWARE**

Motion by Carouse, seconded by Redinger, to approve a purchase requisition to Sutphen Corporation in the amount of \$7,708.07 to repair cracked and worn heel pins and washers on the Fire Department ladder truck. *Account #290260 2602*

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**APPROVE
PURCH. REQ.
TO SUTPHEN
FOR FIRE
TRUCK
REPAIRS**

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STREETS & SIDEWALKS COMMITTEE: Councilmember Broski thanked Council for approving **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 approve a purchase requisition to DiGioia Suburban Excavating for emergency sanitary sewer repair on SR 82, 78 feet east of Glenwood Trail the amount of \$12,437.79. *Account C480171 3506.* **S.R. 82 DIGIOIA EMERGENCY SEWER REPAIR**
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, 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 Rose, to approve a blanket vendor purchase requisition in the amount of \$17,059.11 for the construction of a new electric panel building on Public Square. *Account # C110164 3102.* **ELECTRIC PANEL BUILDING AT PUBLIC SQUARE**
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

LEGISLATION COMMITTEE: Councilmember Rose met earlier today and discussed **LEGISLATION COMMITTEE**

FINANCE COMMITTEE: Councilmember Redinger thanked Council for the passage of the legislation presented this evening. **FINANCE COMMITTEE**

Motion by Redinger, seconded by Petsche, to approve an Increase to blanket purchase order #FN190004 in the amount of \$1,500.00 for Independent Contractor Payments for Class Instructors at the Human Services Center. *Account #110330 2102.* **HUMAN SERVICES INDEPENDENT CONTRACTOR PAYMENT**
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Rose, to approve a purchase requisition to Superion LLC, a Central Square Company, in the amount of \$43,958.57 for annual Maintenance for the Finance and Building software programs for the period 11/1/19 – 10/31/20. The maintenance charges are \$30,174.24 and \$13,784.33 for the Finance and Building Departments respectively. *\$30,174.24 Administration: Account #110150 2103 \$13,784.33 Building Dept.: Account #110510 2103.* **SUPERION SOFTWARE & MAINTENANCE FOR FINANCE & BUILDING DEPARTMENTS**
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Veras, to approve a Purchase Requisition to The Baldwin Group, Inc. for the purchase of a Word letter template module for the Mayor's Court software system in the amount of \$3,000.00 and annual support and maintenance at \$520.00 for an aggregate total of \$3,520.00. *Module Cost of \$3,000.00 to be charged to account #270190 2506. Annual Support Cost of \$520.00 to be charged to account #270190 2501.* **MAYOR'S COURT SOFTWARE MODULE, SUPPORT & MAINTENANCE**
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

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Motion by Redinger, seconded by Petsche, to approve a Purchase Requisition to Vermont Systems (VSI) in the amount of \$15,974.00 for the training expenses related to an upgrade of the RecTrac/WebTrac software programs used for the Community Center and Human Services Center. *Account #C240710 3300.*

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**TRAINING
FOR HS &
COMM
CENTER
RECTRAC/
WEBTRAC
SOFTWARE**

REPORT OF LAW DIRECTOR: Law Director Matty said Brecksville Prosecutor Sergio DiGeronimo will be providing a report this evening. Prosecutor DiGeronimo reported the Ohio Ethics Commission has referred the matter of Jack Petsche and USA Roofing to the Cuyahoga County Prosecutor's office for further review.

Council President Harwood asked Law Director Matty if a motion was necessary to answer questions regarding this issue. Law Director Matty said the matter was not on the agenda, if Council wishes to discuss the matter a motion would be necessary to add it to the agenda.

Motion by Harwood, seconded by Carouse, to open discussion concerning Councilman Petsche's past contract activities for the City of Brecksville projects.

Ayes: Broski, Carouse, Harwood, Redinger, Rose, Veras.

Nays: Petsche.

MOTION CARRIED 6-AYES, 1-NAYS.

**DISCUSSION
COUNCIL-
MEMBER
PETSCH**

Council President Harwood asked if Council could now ask Sergio (Prosecutor DiGeronimo) questions. Law Director Matty said Council can proceed how they wish. Council President Harwood: Based on what you just said The Ethics Commission has presented a document or a report to the prosecutor.

Prosecutor DiGeronimo: That is correct. I am limited to what I can disclose at this time in this confidential criminal investigation that is ongoing. I have been permitted to disclose that my office and the County Prosecutor's office both have received a report. As you know from the minutes of September 3rd, the Law Director explained what the Ohio Ethics Commission may or may not do. Of the three choices that were outlined by Mr. Matty One being do nothing, two being engage in a civil settlement with the subject or three refer the matter to the County Prosecutor's Office. The Ohio Ethics Commission chose the third. Council President Harwood: Okay, thank you. So, Councilman Petsche have you been notified?

Councilmember Petsche: No, I have not been notified by the Ethics Commission, no I have not. So I think it would be unfair since I have not seen it, to discuss. And I ask that you table this discussion until I've had a chance to see it.

Council President Harwood: Well if they've pushed the report to the County Prosecutor it's now, the way I look at it, Sergio (Brecksville Prosecutor) help me out. That means it's in the Prosecutor's hands at this point to take action. I don't know if you can comment on that.

Prosecutor DiGeronimo: That's correct Mr. President. At this time I am deferring all discussion to the County Prosecutor's Office because it is in their hands.

Council President Harwood: So was there a timeline presented?

Prosecutor DiGeronimo: The timeline is one of due process. So it can take some time. No specific days were given but I expect there will be action.

Councilmember Broski: Mr. President, the wheels of justice often move very slowly. I believe at this point in time that any consideration of Council acting in reference to previous discussion of Mr. Petsche resigning would be somewhat inappropriate. I think that maybe the best thing that Council would do at this point in time would be to allow the matter to be worked out in reference to what our Prosecutor has indicated. That it is in the hands of the County Prosecutor to make any reference decision or otherwise and that would be my take on this situation.

Council President Harwood: Any other questions or comments from Council?

Councilmember Rose: I agree with Mr. Broski. In fairness to Jack I think that we let the Prosecutor do what the Prosecutor's going to do.

Council President Harwood: Any other comments?

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Councilmember Carouse: Sergio (Prosecutor DiGeronimo) I ask you this question, how does this stage of the matter impact any action that Council would take is it or does it have an impact on us?

Prosecutor DiGeronimo: This action by the Prosecutor, The Ohio Ethics Commission and the Prosecutor's Office has really no impact on Council's ability to do would counsel seeks to do. If Council decides to take any action you'd be taking action under our City Charter would there be redundancy, would there be overlapping issues or testimony? That possibility exists. Certainly you should consider your options. As Councilman Broski and Councilman Rose have indicated perhaps one might allow the County Prosecutor to do their job. I don't know that there is an immediate need for any action to be taken on the part of City Council, but that's entirely up to you.

Councilmember Carouse: But it wouldn't preclude us from doing that at a future date.

Prosecutor DiGeronimo: It does not preclude you from that, no sir. You can always consider that in the future, yes.

Council President Harwood: So one question, Does that mean that the Ethics Commission by passing it to the Prosecutor, at least from the way it was explained in a number of meetings, means that they have found an issue with this?

Prosecutor DiGeronimo: Again I would refer to the explanation given by the Law Director in the September 3rd meeting. Where it was discussed that there were three options. One would be that the Ohio Ethics Commission would make a determination that it was unsubstantiated they would do nothing. The second option would be that they would engage in a civil settlement with the subject, perhaps meet with them negotiate and enter into an accommodation. And the third would be that they would refer the matter to the Prosecutor, which is what they've done. That would be the most significant course of action they could take, and they took that.

Council President Harwood: The reason I'm asking, Councilman Petsche is because you made a statement in a prior meeting, if the Ethics Commission found any wrongdoing you would resign your seat. And so the reason I'm asking is, and if Sergio you can't answer, you can't answer. So to me, if they've passed it to the prosecutor we have a problem.

Prosecutor DiGeronimo: Mr. President I regret I cannot answer that and be more forthright. You can draw from the information that has been furnished.

Councilmember Petsche: First of all I would say that I am entitled to the presumption of innocence in our system. So before you pre-judge me, let's see what the Prosecutor's Office says it's in their hands now. I'm entitled to be presumed innocent and I'm entitled to do process.

Council President Harwood: I don't think Council, I think you heard Councilman Broski and Councilman Rose and I don't think anyone saying and I think Councilman Carouse is just asking what that does to anything that we would want to do in the future as Council. I think everybody has that information. I don't think you guys or anyone is saying or recommending that we move forward on anything. This is news that. Does anyone in the audience have any questions or comments. Remember you have to state your name and address please. Ma'am right here. (to audience member)

Diane Spencer, 6705 Hidden Lake Trail: My question is if the Ethics Committee, which is supposed to be doing this, give a reason why they didn't do their job?

Council President Harwood: Their job was to produce a report I believe what you're saying is they've given the report to the Prosecutor. Sergio if you'd help me with that.

Prosecutor DiGeronimo: Yes they did their job, they furnished a report. They did what was required of them under the Ohio Revised Code. They investigated the matter. Prepared the report.

Diane Spencer: And did they copy you or the city?

Prosecutor DiGeronimo: Yes, me.

Spencer: So you know what's going on?

Councilmember Veras: May I ask you a question? At some point it will be made public, the entire report?

Prosecutor Sergio: At some point. I believe it will.

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

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Jeff Brubaker, 6806 Chafee Court: I know I emailed this in. Just to reiterate these guys are the experts. It sounds like technically the power result is going to be with a jury if it goes that far. But me being the electorate, having an election in a couple weeks, we need to make our own decisions. So all information that can be produced be available on the Council website.

Council President Harwood: This is the first we've heard of it ourselves so I'm sorry.

Brubaker: Particularly the 2007 Minutes. I was trying to chase the leads in the Cleveland.com report.

Councilmember Veras: 2007?

Brubaker: Sorry 2017, there is no 2017. A cleveland.com article made reference to a vote made in 2017 so I'm trying to track down the voting.

Council President Harwood: It is probably part of the meeting minutes, and those are public records, so I am sure if you came to the Clerk of Council we could produce the minutes. I'm not sure what article you're referencing.

Brubaker: I was looking at the website it's half digital it's half paper.

Council President Harwood: Again we could probably produce minutes if you stop in. Mr. Sandrick is here in the front row. I didn't see him, I'm sorry He's part of cleveland.com. But if you come to us we have meeting minutes all the way back, we have records of everything.

Brubaker: So if you could get those online get that online for the other 13,000 people who live here.

Council President Harwood: Sure they do come off after a certain amount of time. 2018 2019

Brubaker: Why not 17?

Council Clerk Tabor: When we converted over to a new website platform they didn't move with it.

Council President Harwood: Any one Else? Yes Ma'am. (to audience member)

Janet Snow, 6535 Lauren Dr.: So what is the best place to get the most current information just as it is just plain facts.

Council President Harwood: In regards to what?

Janet Snow: What is going on with City Council and in terms of this situation.

Council President Harwood: It would just be through the minutes. All the minutes. There have been a number of meetings where this issue was discussed I would say within the last four months.

Janet Snow: How current will that be then?

Council President Harwood: The minutes will be up in the next couple days.

Council Clerk Tabor: Once the minutes have been approved, the minutes that were approved this evening will be on the website tomorrow.

Janet Snow: Because this is a time sensitive issue.

Council President Harwood: Understood.

Law Director Matty: Ms. Snow, you would review the minutes of August 6th, August 20th, and September 3rd. Those three council meetings would give you sufficient background.

Janet Snow: I have, thank you so much.

Council President Harwood: Anyone else in the audience? Yes ma'am in the back. (to audience member)

Constance Ritter, 6771 Oakes Road: in the determination of the of Mr. Petsche via the ethics board, if they did not give a ruling on ethics does that mean it should be predetermined that there were no ethics violations?

Council President Harwood: The way it's been explained in previous Council (meetings) if it goes to the prosecutor it's actually they're passing it on for I would say, Sergio help me out, it's severe consequences, than if it was just determined by the Ethics Commission.

Oaks Road: Or is it just different civil versus criminal type thing, ethics versus criminal?

Council President Harwood: Sergio, It could be both, right.

Prosecutor DiGeronimo: There's a difference between civil and criminal. The Ohio Ethics Commission can engage with the subject in the complaintant in an effort to negotiate a settlement if that is appropriate. It can also, if it is something they choose to do, they can

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send it to the Prosecutor's Office. The Prosecutor's Office only deals with criminal matters. There is a civil division of the Prosecutor's Office, but that's not what we are talking about.

Constance Ritter: I'm talking about the Ethics Commission didn't say things are civil, they are not going down that route. They decided to do the Prosecutor's Office. But they are still the ethics board, they made no determination as far as ethics.

Prosecutor Digeronimo: No I didn't say that.

Constance Ritter: So what is the determination?

Law Director Matty: Sergio, if I may. Mrs. Ritter the process is as follows. An anonymous complaint is filed with the Ethics Commission, and it is anonymous for good reasons. Under the law, they do an investigation. They conduct the investigation through the investigation arm. The commission itself is a commission of six members. All six are appointed by the governor. And they are given in their meetings the results of the investigations as they are ongoing. They are handled in, and If you look up the Ethics Commission Agendas you will see that there is a portion of their meetings called executive sessions. Much like we have authority to have an executive session. As an example this evening we had one on property acquisition. We are allowed to speak of that, without the public hearing us, they (Council) can hear from me as an attorney as to that item. At the Ethics Commission that happens in their monthly meetings. They are given updates by their investigations staff, in their monthly meetings. If they determine that the investigation has no ethics violations, it is dismissed. If they determine that there are ethics violations, then that matter is either handled by them by a civil settlement with the accused, or a referral to the Prosecutor's Office. And according to Mr. DiGeronimo that is what has happened. That is a confidential report. Apparently he has that report and apparently the County Prosecutor has that report. No one else is privy to that report. The Prosecutor's Office then will take it under review and will be determining how they proceed forward. So to answer your question, it is at the point of them already determined that there is ethics violations, it is just what route they will go from here. If there were no ethics violations it would have been dismissed.

Constance Ritter: OK thank you very much.

Law Director Matty: That's my understanding of the process.

Constance Ritter: Mine was the ethics side and you've clarified that thank you.

Council President Harwood: Any other questions from the audience? (to audience member) Yes ma'am, right here.

Carol Stephan, 6741 Pintail Dr.: I am appreciating the confidentiality of the process and I guess I am just wondering if the report that the Law Director has given here today is that a public document?

Prosecutor DiGeronimo: At the present time it is not until the prosecutor makes his determination as to what their course will be this will eventually become a public document but it will be sometime before that happens.

Council President Harwood: Any other questions from anyone in the audience? Any other questions from anyone on Council? I will have to close this discussion.

Motion by Harwood, seconded by Carouse, to close discussion concerning Councilman Petsche's past contract activities for the City of Brecksville projects.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

REPORT OF ENGINEER: No Report.

ENGINEER

REPORT OF 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: No Report.

POLICE

REPORT OF FIRE DEPARTMENT: Fire Chief Zamiska thanked Council for the support of purchases for the Fire Department.

FIRE

REPORT OF RECREATION DEPARTMENT: No Report.

RECREATION

REPORT OF THE MAYOR: Mayor Hruby said the City has begun leaf collection and will continue through the season. Trick or treat will be held on October 31st between 6:00 and 8:00 P.M. Mayor Hruby asked residents and parents to respect homes that do not want to participate in trick or treating. Homes without a porch light on typically do not participate. Please be careful when driving during these times. Mayor Hruby said the Dare Program and Police Department will be holding a drug take back event October 25th between 10:00 A.M. and 2:00 P.M. Registered voters were encouraged by Mayor Hruby to vote on November 5th. Don't leave the decision as to who will represent you up to someone else.

MAYOR

COMMENTS: Jack Molina, 10043 Hunting Drive: It was stated as of tomorrow the minutes would be posted. Prior to a couple weeks ago September 23rd the most recent minutes were from August 6th, so tomorrow morning you should flip a switch and they should be there. Council Clerk Tabor explained the minutes from September 3rd had been tabled by Council and not approved until October 1st and there was a delay in posting due to the City's webmaster suffering a death in the family.

BRECKSVILLE BROADVIEW HEIGHTS STUDENTS: The following Brecksville Broadview Heights students were in attendance: D. Middaugh, Heather Cendrowski, Makayla Mancuso, Eric Martin, Abigail Long, Ava Carr, Robert Smith, Alexis Dooling, Mary Eskander, Sarah Boharka, Jimmy Sternad.

Motion by Carouse, seconded by Broski., to adjourn the regular meeting at 8:39 P.M.

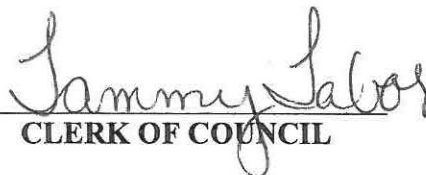
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL