

MINUTES

Council Committee Meetings

February 18, 2020

Present: Council President M. Harwood, Councilmembers L. Carouse, D. Caruso, A. Koepke, J. Petsche, L. Redinger, K. Veras, Mayor Jerry N. Hruby, Law Director D. Matty, Assistant Law Director S. DiGeronimo, Engineer G. Wise, Assistant Finance Director M. Johnson, Fire Chief N. Zamiska, Police Chief W. Goodrich, Purchasing Director R. Riser, C.B.O. S. Packard, Service Director R. Weidig, K. Gavin, Brecksville Magazine, B. Sandrick, Cleveland.com, Councilmember J. Petsche, arrived at 6:40 P.M. Clerk of Council T. Tabor.

Absent: None

Buildings & Grounds Committee

Chairperson - K. Veras

Committee members – D. Caruso, L. Redinger.

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

Roll Call – Present: Caruso, Redinger, Veras.

Absent - None.

Kids Quarters Pavilion: Councilmember Veras said approval of a purchase requisition is needed for repairs to the pavilion roof at Kids Quarters. Service Director Weidig said the cost of repairs have been included in the Capital Budget. The pavilion and smaller shade structures are in need of repair. Service Director Weidig said the labor will be provided by the Service Department.

- Motion by Veras, seconded by Redinger, to recommend to Council approval of a purchase requisition in the amount of \$25,420.51 to be used in the roof restoration of the Kids Quarters Pavilion. *Account # C490240-3202 Project #BI200004.* Ayes: Caruso, Veras, Redinger. Nays: None. Motion carried 3-Ayes, 0- Nays.

Central Elementary Property: Councilmember Veras said a proposal has been submitted for a Phase I Environmental Site Assessment for the Central Elementary School. Mayor Hruby said the City acquired the Central School and Comstock property at the beginning of February. The asbestos and Phase I environmental site assessment is necessary to determine what will be needed for the City to determine what could be done with the property.

- Motion by Veras, seconded by Caruso, to recommend to Council passage of a Resolution accepting the proposal of Hull & Associates to perform a Phase I Environmental Site Assessment for the Central Elementary Property. Ayes: Caruso, Veras, Redinger. Nays: None. Motion carried 3-Ayes, 0- Nays.



(Buildings & Grounds Committee, continued)

- Motion by Veras, seconded by Caruso, to recommend to Council passage of a Resolution accepting the proposal of Amianthus LLC to perform an Asbestos Survey for the Central Elementary Property. Ayes: Caruso, Veras, Redinger. Nays: None. Motion carried 3-Ayes, 0- Nays.

Councilmember Redinger said the Community Center pool will be shut down for six weeks during the construction of the new aquatic center.

Adjournment: Motion by Veras, seconded by Caruso, to adjourn the Buildings & Grounds Committee at 6:35 P.M. Ayes: Caruso, Veras, Redinger. Nays: None. Motion carried 3-Ayes, 0-Nays.

Finance Committee

Chairperson - Laura Redinger

Committee members - L. Carouse, A. Koepke.

Chairman Redinger called the meeting to order at 6:35 P.M.

Roll Call – Present: Carouse, Koepke, Redinger.

Absent - None.

C.A.P.A. Grant: Councilmember Redinger said the City contributes yearly to the Community Awareness and Prevention Association (CAPA) along with the City of Broadview Heights and the School District. Councilmember Carouse will abstain, he is on the advisory board for CAPA.

- Motion by Redinger, seconded by Koepke, to recommend to Council passage of 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 in the amount of \$20,000.00 for the partial funding and operation of prevention and intervention services. Councilmember Carouse will abstain, he is on the advisory board for CAPA. Ayes: Redinger, Koepke. Abstain-Carouse, Nays: None. Motion carried 2-Ayes, 1-Abstain, 0-Nays.

Employee Assistance Program: Councilmember Redinger said a request was made to authorize an employee assistance program agreement. The program provides services such as legal, counselling, child or eldercare resources at no cost to the employees. Councilmember Petsche asked if the cost is \$3,861.00 per month. Assistant Finance Director Johnson said no, that is the expected cost for 1 year, based on \$2.25 per employee per month.

- Motion by Redinger, seconded by Carouse, to recommend to Council, authorizing the Mayor to enter into an Employee Assistance Program agreement with Ease@Work EAP LLC. Ayes: Carouse, Redinger, Koepke. Nays: None. Motion carried 3-Ayes, 0-Nays.

Sherwin Williams: Councilmember Redinger said several items are on the agenda relating to the Valor Acres development and the proposal of Sherwin-Williams to build a research and development facility on that site. A TIF Ordinance, TIF Fund Ordinance, BBHCSD Compensation Ordinance, Development Agreement, Job Creation Incentive Agreement, and the TIF Agreement with Sherwin Williams have been prepared. Councilmember Carouse said he has no questions at this time. Councilmember Petsche said according to Section 2.04 of the Development Agreement

(Finance Committee, continued)

Sherwin Williams does not pay the City. DiGeronimo will pay the City, \$47,000 per acre as previously agreed upon. Approximately \$4 million. Councilmember Petsche said the amount should be \$25 million. Councilmember Redinger said the amount due to the City from DiGeronimo is \$3.75 million. Mayor Hruby said the agreement with DiGeronimo is separate from the agreement with Sherwin- Williams.

Councilmember Petsche said in Section 2.05 it says TIF funding not generated from the project site. Mayor Hruby said another property may have a TIF, such as Miller Rd, Snowville, the additional ramps or other improvements in the area. Council President Harwood said this relates directly to the Sherwin-Williams project. Councilmember Petsche said the Development Plan states for the widening of Miller Rd. and the bridge, the City will be responsible for \$16 million. Mayor Hruby said that number was used when a full loop for the interchange was proposed, that plan has changed. That amount includes the design, widening of I-77, ramps, widening of Miller Rd, it included the entire project. Mayor Hruby said the agreement states the City is responsible for \$8.3 million, and will be asking the State of Ohio for funding through the TRAC. Councilmember Petsche asked if the City would be paying to widen Miller Road. Mayor Hruby said the City may be contributing to the widening of Miller Road where the project is, the City may pay for engineering or some expense. The ramps and widening of I-77 will be paid for with ODOT Funds.

Councilmember Petsche said Section 2.06 references the company will use its own power source, also mentioned is solar energy. Councilmember Petsche asked if solar is what is being referenced. Mayor said it could be alternative energy, it could be an aggregation of power among the developer or other tenants.

Councilmember Petsche asked what a Corporate Net Profit Tax is. Mayor Hruby said when a company makes a profit, taxes are paid on the profit.

Councilmember Petsche said on page 7 of the agreement the Community Improvement Corporation (CIC) property goes directly from the city to Sherwin-Williams, how does DiGeronimo get compensated for the demolition cost. Mayor Hruby said there is a separate agreement between Sherwin-Williams and the DiGeronimo Company. Councilmember Petsche said the language says the property would be passed from the CIC directly to the purchaser and not through DiGeronimo Companies. Mayor Hruby said the language says the property could go from the CIC to DiGeromino or from the CIC to the City and then to Sherwin-Williams.

Councilmember Petsche said on page 9 of the agreement, alternative energy is discussed, are they planning on solar energy? Mayor Hruby said he does not know, it is up to the company.

Councilmember Petsche said on page 10 of the agreement, time and rate for development is discussed. Mayor Hruby said the date of 2025 is beyond what they expect to be the actual date for completion. The company would like to break ground next year and be in by 2022 or 2023. They also have a provision to extend to 2027. They will not obtain the land unless the development takes place.

(Finance Committee, continued)

Councilmember Petsche said in the TIF Agreement between the City and Sherwin-Williams, the last paragraph, Page 3 item 1 (b) references §140.08. Councilmember Petsche asked what is §140.08. Law Director Matty said the other governmental exemptions may be the School District and Hospitals. Law Director Matty said if any of the exemptions apply before the TIF, they apply after the TIF. Councilmember Petsche said the agreement references prevailing wages. Councilmember Petsche asked if the project is considered to be a prevailing wage project. Mayor Hruby said the document provides for prevailing wage, if it is a prevailing wage project it will be determined between Sherwin-Williams and DiGeronimo. The City must provide for prevailing wage personnel. Councilmember Petsche said the agreement references 6% interest. Mayor Hruby said he does not expect the city to pay those costs.

Councilmember Petsche asked what “other buildings” listed in the agreement might be. Mayor Hruby said he does not want to speak for the company as to what they may propose for the site.

Councilmember Petsche asked if Exhibit C is the aerial view when the Veteran’s Hospital was on the site. Mayor Hruby said yes.

- Motion by Redinger, Seconded by Carouse to recommend to Council passage of an Ordinance creating the Sherwin Williams TIF pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43, declaring improvements to certain parcels of real property. Ayes: Carouse, Koepke, Redinger. Nays: None. Motion carried 3-Ayes, 0-Nays.
- Motion by Redinger, Seconded by Carouse to recommend to Council passage of an Ordinance establishing an Urban Redevelopment Tax Increment Equivalent Fund. Ayes: Carouse, Koepke, Redinger. Nays: None. Motion carried 3-Ayes, 0-Nays.
- Motion by Redinger, Seconded by Carouse to recommend to Council passage of an Ordinance authorizing an amended and restated compensation agreement with the Brecksville-Broadview Heights City School District. Ayes: Carouse, Koepke, Redinger. Nays: None. Motion carried 3-Ayes, 0-Nays.
- Motion by Redinger, Seconded by Carouse to recommend to Council passage of 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. Ayes: Carouse, Koepke, Redinger. Nays: None. Motion carried 3-Ayes, 0-Nays.
- Motion by Redinger, Seconded by Carouse to recommend to Council passage of an Ordinance authorizing a job creation incentive agreement with the Sherwin-Williams research and Development Facility. Ayes: Carouse, Koepke, Redinger. Nays: None. Motion carried 3-Ayes, 0-Nays.
- Motion by Redinger, Seconded by Carouse to recommend to Council passage of 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 the Valor Acres site. Ayes: Carouse, Koepke, Redinger. Nays: None. Motion carried 3-Ayes, 0-Nays.

(Finance Committee, continued)

Law Director Matty said the form of the Ordinances and the way they are drafted has been approved by his office. At the discretion of Council, an emergency clause is available, The emergency clause allows the legislation to be effective upon the signature of the Mayor. Sherwin-Williams does need that to begin construction.

Adjournment: Motion by Redinger, seconded by Carouse, to adjourn the Finance Committee meeting at 7:13 P.M. Ayes: Carouse, Redinger, Koepke. Nays: None. Motion carried 3-Ayes, 0-Nays.

Mayor Hruby said Council may proceed as they wish, regarding the Ordinances, but he would like to recommend that the legislation be read at least twice before voting on those Ordinances. Mayor Hruby said the Vocational School is still in negotiation regarding the TIF. Councilmember Carouse said Council agreed that reading at least twice would allow for passage in March. Council President Harwood said Mr. Daniels is scheduled to come to the City Council meeting on March 3rd to answer any questions.

Law Director Matty said suspension of the rules allows for one or two readings, instead of the required three readings. Law Director Matty said if legislation is passed as an emergency, it takes effect immediately. The emergency clause allows for the legislation to take effect upon the Mayor's signature. Law Director Matty said if Council passes by (5) votes it takes place immediately. If it passes by (4) votes it takes effect after (30) days. If it is not passed by emergency, the legislation takes effect 30 days after approval by Council. Mr. Daniels has presented to all of the public partners, the State of Ohio, Cuyahoga County, Jobs Ohio and Sherwin-Williams that the City's procedure will be Council readings on February 18, March 3rd and March 17th.

Councilmember Petsche said he supports all of these Ordinances. Mr. Petsche said the community needs to be informed. If the Council moves too quickly, there may be some concern that the City is moving too quickly.

Legislation Committee

Chairperson- Ann Koepke

Committee members – D. Caruso, L Redinger.

Chairperson Koepke called the meeting to order at 7:20 P.M.

Roll Call – Present: Caruso, Redinger, Koepke.

Absent- None.

Amend Traffic Code: Councilmember Koepke said legislation has been prepared to increase the penalty for passing a stopped school bus. Mayor Hruby said he has discussed this with the Police Chief and the Law Director. There seems to be a growing concern in the communities regarding vehicles that are passing stopped school buses. This legislation is in response to that request. Assistant Law Director DiGeronimo said the remainder of the legislation is in accordance with the Revised Code. A violator could receive license suspension as well as the fine, violators will be required to appear in court. Councilmember Petsche asked if vehicles approaching school buses stop as well. Mayor Hruby said on a two lane street, oncoming traffic must also stop. On a divided street, vehicles are not required to stop. Councilmember Koepke asked if vehicles, travelling into a development or street which has a stopped bus at the cross street, must stop. Police Chief

(Legislation Committee, continued)

Goodrich said yes the vehicles should stop. Councilmember Veras asked if citizens can report vehicles that do not stop for School buses to the Police Department. Assistant Law Director DiGeronimo said if there are identifiers of the driver and the vehicle, to verify who the driver is, it could be used to issue violations. Councilmember Koepke asked if the City website could notify people of this change. Mayor Hruby said it will be posted.

- Motion by Koepke, seconded by Caruso, to recommend to Council passage of 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. Ayes: Caruso, Redinger, Koepke. Nays: None. Motion carried 3-Ayes, 0-Nays.

Adjournment: Motion by Koepke, seconded by Redinger, to adjourn the Legislation Committee meeting at 7:25 P.M. Ayes: Caruso, Redinger, Koepke. Nays: None. Motion carried 3-Ayes, 0-Nays.

Safety-Service Committee

Chairperson- Dominic Caruso

Committee members- J. Petsche, K. Veras.

Chairperson Caruso called the meeting to order at 7:25 P.M.

Roll Call – Present: Caruso, Petsche, Veras.

Absent: None.

Central School HVAC: Councilmember Caruso said a request has been submitted for Central School. Councilmember Caruso said parts are needed to maintain the HVAC units at Central School. Service Director Weidig said these parts are needed to keep the HVAC units working to control the temperature inside the building. These parts are the minimum needed to keep the unit operating.

- Motion by Caruso, seconded by Petsche, to recommend to Council passage of a motion approving a 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 2604*. Ayes: Caruso, Petsche, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Ambulance Purchase: Councilmember Caruso said the Fire Department has submitted a request and legislation has been prepared to authorize the purchase of an ambulance for the Fire Department. Fire Chief Zamiska said the Fire Department schedules the purchase of a new ambulance every three years. After a new ambulance is purchased the old ambulance is used as a back-up. The Fire Department has been very pleased with the prior ambulance purchase and is recommending the same model for this purchase. Fire Chief Zamiska said the Freightliner M2 is larger and provides a smooth ride for patients and fire personnel. Fire Chief Zamiska said it is available for purchase under state contract through Pfund Sales. Fire Chief Zamiska said the funding for the new ambulance comes from the Ambulance Billing funds.

- Motion by Caruso, seconded by Petsche, to recommend to Council passage of an Ordinance authorizing the purchase of a 2021 Freightliner M2 Life Line Type 1 Ambulance, Model Highliner, from Pfund Superior sales Co., Inc. for the aggregate amount of \$282,967.00.

This includes state and non-state contract options. Ayes: Caruso, Petsche, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Councilmember Koepke asked if the City has any plans for the Comstock property. Service Director Weidig said he met with the school's business manager after the house was cleaned. The property does not have water or gas service, electric is on. Service Director Weidig said the house & property will be maintained until the City decides the disposition of the property.

Adjournment: Motion by Caruso, seconded by Petsche, to adjourn the Safety-Service Committee meeting at 7:29 P.M. Ayes: Caruso, Petsche, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Streets & Sidewalks Committee

Chairperson Lou Carouse

Committee members J. Petsche, K. Veras.

Chairperson Carouse called the meeting to order at 7:29 P.M.

Roll Call – Present: Carouse, Petsche, Veras.

Absent: None.

Councilmember Carouse said the committee will do a drive throughout the City to review any of the winter damage to the streets. Service Director Weidig said the crews are currently using cold patch where necessary.

Adjournment: Motion by Carouse, seconded by Petsche, to adjourn the Streets and Sidewalks Committee meeting at 7:30 P.M. Ayes: Petsche, Veras, Carouse. Nays: None. Motion carried 3-Ayes, 0-Nays.

Utilities Committee

Chairperson Jack Petsche

Committee members L. Carouse, A. Koepke.

Chairperson Petsche called the meeting to order at 7:31 P.M.

Roll Call – Present: Petsche, Carouse, Koepke.

Absent: None.

Whitewood Aerial Sewer Project: Engineer Wise said the items he brings before Council are for the Whitewood Aerial Sewer Project. Several residential properties are involved, Army Corps and EPA Permits have been issued. At the aerial crossing a culvert will be installed at the bottom, which will also support the sanitary sewer piers. Engineer Wise said storm sewers that are coming off of Whitewood and Meadow will be repaired as part of the project. Engineer Wise said the estimated cost of the project is \$384,000.00. The City has received approval for the project from Cuyahoga County and is waiting for approval from NEORSD. Engineer Wise said if Council authorizes the bid notification, residents will be notified and bid advertisement will be done on March 5th, March 12th and the bid opening on March 20th.

- Motion by Petsche, seconded by Koepke, to recommend to Council passage of a motion authorizing the Purchasing Director to advertise for bids for the Whitewood Aerial Sewer Project. Ayes: Petsche, Carouse, Koepke. Nays: None. Motion carried 3-Ayes, 0-Nays.

(Utilities Committee, continued)

Councilmember Petsche said the issue on Highland Drive is still open. Council President Harwood said the Finance Director has information available and will provide that at a later date.

Adjournment: Motion by Petsche, seconded by Carouse, to adjourn the Utilities Committee meeting at 7:35 P.M. Ayes: Petsche, Carouse, Koepke. Nays: None. Motion carried 3-Ayes, 0-Nays.

Committee of the Whole Meeting: Motion by Harwood, seconded by Carouse, to convene a Committee of the Whole meeting at 7:35 P.M. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

Upcoming Events: Council President Harwood reminded Councilmembers of the State of the City on February 19th and the Council Seminar on February 22nd.

Committee of the Whole Meeting Adjourned: Motion by Harwood, seconded by Carouse to adjourn the Committee of the Whole at 7:35 P.M. Ayes: Carouse, Caruso, Harwood, Koepke, Petsche, Redinger, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

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cc: Members of Council,
Mayor Jerry N. Hruby,
Law Director D. Matty,
Asst. Law Director S. DiGeronimo,
Engineer G. Wise,
Department Heads