

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

September 4, 2018

HELD \_\_\_\_\_

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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: G. Broski, L. Carouse, Jr., M. Harwood, J. Petsche,  
L. Redinger, D. Rose. **ROLL CALL**

Members Absent: K. Veras was excused.

Others Present: Mayor Jerry N. Hrubby, 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, Council Clerk T. Tabor.

**MINUTES OF THE AUGUST 21, 2018 REGULAR MEETING:** Motion by Rose, seconded by Redinger to dispense with the reading of the August 21, 2018 regular meeting minutes and to accept same as presented. Councilmember Pesche said he prepared a written statement from the previous meeting and said the entire statement should be included in the minutes. **REGULAR MEETING MINUTES OF 8-21-2018 APPROVED**

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

Nays: Petsche.

**MOTION CARRIED 5-AYES, 1-NAYS.**

**PRESENTATION OF READY CERTIFY ACHIEVEMENT AWARD:** Council President Harwood said the Cuyahoga County Office of Emergency Management is here to present the Ready Certify Achievement Award to the City of Brecksville. Fire Chief Zamiska introduced Director Mark Christie and Senior Emergency Management Specialist Macklin Finn from the Office of Emergency Management. Mark Christie explained the core of the program is a set of performance standards that participating communities and organizations strive to comply with. The standards are based off nationally recognized best practices and cover the various aspects of an effective local emergency management program. Mr. Finn said 18 out of 24 standards need to be achieved before a community may be Ready Certified. The City of Brecksville meets standards required for this certification including, organization, planning, coordinating, equipping and public information. The City of Brecksville is the 18<sup>th</sup> community in Cuyahoga County to receive this Ready Certify Status. **PRESENTATION TO BRECKSVILLE FROM THE CUYAHOGA CTY. OFFICE OF EMERG. MGMT.**

Fire Chief Zamiska thanked the City Administration and Departments for assistance in obtaining this award. Mayor Hrubby thanked Mr. Christie and Mr. Finn for the recognition of the Ready Certify status. Mayor Hrubby congratulated the members of the Fire and Police Department in attendance. Mayor Hrubby said Fire Chief Zamiska, Police Chief Goodrich and their staff, CERT Members, City Employees and Department Heads have all contributed to obtaining the recognition of the Ready Certify status.

Motion by Broski, seconded by Rose, to suspend the rules and place Resolution 4879 on third and final reading.

**RESOLUTION 4879** re: a Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer; and declaring an emergency, was read by title. **RES. 4879 ACCEPT.**

Motion by Broski, seconded by Rose, to suspend the rules and place Resolution 4879 on third and final reading. **AMOUNTS & RATES AS DETERMINED BY BUDGET COMMISSION AUTHOR, NECESSARY TAX LEVIES & CERT. TO COUNTY**

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose.  
Nays: None.  
**MOTION CARRIED 6-AYES, 0-NAYS.**  
Motion by Redinger, seconded by Carouse, to pass Resolution 4879.  
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose.  
Nays: None.  
**MOTION CARRIED 6-AYES, 0-NAYS.**

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<p><b>RESOLUTION 4880</b> re: a Resolution requesting the Fiscal Officer advance the sums allowed by law from the proceeds of tax levies in the account of the City of Brecksville, pursuant to Section 321.31 of the Ohio Revised Code; and declaring an emergency, was read by title.</p> <p>Motion by Broski, seconded by Rose, to suspend the rules and place Resolution 4880 on third and final reading.</p> <p>Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose. Nays: None.</p> <p><b>MOTION CARRIED 6-AYES, 0-NAYS.</b></p> <p>Motion by Redinger, seconded by Carouse, to pass Resolution 4880.</p> <p>Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose. Nays: None.</p> <p><b>MOTION CARRIED 6-AYES, 0-NAYS.</b></p> <p><b>RESOLUTION 4881</b> re: a Resolution authorizing the Mayor to apply for a grant through the Ohio Commission on Service and Volunteerism for Make a Difference Day; and declaring an emergency, was read by title.</p> <p>Motion by Broski, seconded by Rose, to suspend the rules and place Resolution 4881 on third and final reading.</p> <p>Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose. Nays: None.</p> <p><b>MOTION CARRIED 6-AYES, 0-NAYS.</b></p> <p>Motion by Redinger, seconded by Carouse, to pass Resolution 4881.</p> <p>Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose. Nays: None.</p> <p><b>MOTION CARRIED 6-AYES, 0-NAYS.</b></p> <p><b>ORDINANCE 5196</b> re: an Ordinance authorizing the purchase of a Mitsubishi Ductless Split HVAC System and related controls and equipment for the Brecksville Police Station through the U.S. Communities Government Purchasing Alliance; and declaring an emergency, was read by title.</p> <p>Motion by Rose, seconded by Broski, to suspend the rules and place Ordinance 5196 on third and final reading.</p> <p>Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose. Nays: None.</p> <p><b>MOTION CARRIED 6-AYES, 0-NAYS.</b></p> <p>Motion by Redinger, seconded by Carouse, to pass Resolution 5196.</p> <p>Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose. Nays: None.</p> <p><b>MOTION CARRIED 6-AYES, 0-NAYS.</b></p> <p>Council President recused himself from the following Resolution and discussion due to a conflict of interest, Vice President Redinger will preside over the next agenda item and discussion.</p> <p><b>SECOND READING RESOLUTION 4876</b> re: a Resolution authorizing the Mayor to enter into a Settlement Agreement and Mutual Release with Cuyahoga County regarding the collection of a special tax assessment on properties in the Four Seasons development/subdivision; and declaring an emergency, was read by title.</p> <p>Motion by Broski, seconded by Carouse, to suspend the rules and place Resolution 4876 on third and final reading.</p>	<p><b>RES. 4880 REQUEST. COUNTY AUDITOR ADVANCE SUMS ALLOWED BY LAW FROM PROCEEDS OF TAX LEVIES IN THE CITY OF BRECKS- VILLE ACCOUNT</b></p> <p><b>RES. 4881 AUTH THE APPLICATION FOR A GRANT THROUGH OHIO COMMISSION ON SERVICE &amp; VOLUN- TEERISM</b></p> <p><b>ORD. 5196 AUTH. THE PURCHASE OF HVAC UNIT FOR THE BRECKS- VILLE POLICE STATION</b></p> <p><b>RES. 4876 SECOND READING AUTH. PAYMENT OF FOUR SEASONS SPECIAL ASSESSMENT</b></p>
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Council Vice President Redinger asked anyone in attendance that wishes to speak regarding Resolution 4876, to please state your name and address for the record and to speak to the topic.

Sandy McNair, 8028 Pershing Dr. asked if the application of what is pending will preclude City Council from collecting fees on the delinquencies in the future from the residents of Four Seasons. Mr. McNair said he asked Council and only received an answer from Councilmember Petsche and Mayor Hruby. Law Director Matty said Council authorized negotiation with Cuyahoga County for assistance with the assessment and payment of \$681,742. Law Director Matty said Council has the choice to pass on the legislation or rescind the motion authorizing the payment. Mr. McNair asked if Council can accept the \$95,000 and assess the delinquency, all of the money or in part, to the residents. Law Director Matty said no, if Council rescinded the motion to pay the \$681,742 they would also rescind the payment from the County. Mr. McNair said that he feels that the homeowners should pay some of that and the remaining amount would be paid by the entire community. Law Director Matty said Council has allocated approximately \$48,700 per year for the next three years from the Four Seasons property owners. Mr. McNair said they should have been paying that amount previously. Mr. McNair said he would like to receive the \$95,000 from the County and feels that the amount negotiated from the County is good. Mr. McNair would like some of the \$681,742 to be paid back by the residents of Four Seasons and the remaining amount shared among all of the residents of Brecksville.

Dr. Samuel Samuel, 6554 Summer Wind Dr., said the entities involved are Four Seasons Developers, City of Brecksville, Four Seasons Residents, Residents of Brecksville, and Cuyahoga County. The mistake seems to have been made at the County, however, the County has immunity and cannot be made to correct the mistake. The City made a mistake by not catching the mistake sooner. None of the Four Seasons residents made a mistake. Dr. Samuel said none of the amounts on his paperwork, show amounts other than what he has been paying in the past 15 years. None of the amounts are delinquent. Dr. Samuel asked if the City is immune from legal action. Law Director Matty responded yes. Dr. Samuel asked if the City has Bond Insurance. Law Director Matty said there is a guarantee on the Bond, requiring the City to pay the Bond if the residents do not.

Sue Hastings, 6562 Summer Wind Dr. Ms. Hastings said she was told by the Developer, when she purchased her home in Four Seasons, there would be a \$1,000.00 per year assessment for 20 years on her property. When she received a tax bill, the tax bill showed a \$611 assessment and a \$300 sanitation engineering charge. Ms. Hastings said she felt the two combined amounts were the ~\$1,000.00 assessment. When she was notified of the error, Ms. Hastings said she was made aware the sanitation/engineering fee was not part of the assessment. Ms. Hastings said she was also unaware the City was trying to obtain a settlement from the County regarding the assessment. Ms. Hastings addressed Councilmember Petsche for using social media to create an atmosphere of blame and anger toward the Four Seasons residents. Ms. Hastings said the residents of Four Seasons learned of the assessment when the rest of the community did. Ms. Hastings said the posting of information on the internet depicts the residents of Four Seasons getting away with something, and that is unfair. Ms. Hastings said the residents of Four Seasons, like the rest of the residents of Brecksville, pay income and property taxes to support the City. Ms. Hastings asked if the City stepped up and contributed to other projects to assist the residents in paying for public projects?

Mayor Hruby said the City has donated or contributed funds to create reasonable amounts for residents. This situation is unique, the County made an error in collecting the assessments. In the past, the City has tried to make it fair and equal for all residents. The City has contributed during a project, when circumstances caused additional costs to a project. The City has also contributed funding to lower the burden to residents. Mayor Hruby said conversion from septic systems to sanitary sewers benefits the entire community.

Chris Hannigan, 6816 Westview, said he does not think the residents of the Four Seasons development acted maliciously. Mr. Hannigan said he feels the majority of the residents would vote against this, the Councilmembers are at large and they should exact the will of the residents. Mr. Hannigan said this will be remembered at election time.

**CONTINUED**  
**RES. 4876**  
**SECOND**  
**READING**  
**AUTH.**  
**PAYMENT OF**  
**FOUR**  
**SEASONS**  
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Bob Belovich, 7772 Sunstone Drive, said when the development was planned the developers and the City knew there would be a requirement for sewer and water for ½ acre lots. The land owners petitioned the City to install sanitary sewer and water line. The land owners said they would pay for the improvements through assessments to the property owners if the City would allow the installation. Mr. Belovich said he believes the City would not have installed sewers to serve such a small amount of residents. The City sold bonds to pay for the water and sewer installation cost. Mr. Belovich said instead of asking the homeowners to pay, the City agreed to pay the amount not collected. Mr. Belovich said he was told the money has to come from the general fund and not from any further assessments. Mr. Belovich said City Council should retract the motion authorizing payment. Law Director Matty asked to correct the record. The motion made by City Council on August 7<sup>th</sup> is not on the condition of the County payment of \$95,000 and the City paying \$681,742. The motion is not conditional on the County's payment. Law Director Matty said the funds do not all come from the General Fund. Law Director Matty said the Finance Director will need to verify the sequence. Law Director Matty said the state statute allows a municipality to contribute to a special assessment with an initial contribution and additional contributions as deemed just. Some of the funds will come from the assessment of the Four Seasons Residents, some of the money will come from the Bond Retirement Fund and any remaining monies owed may come from the General Fund. The expected amount needed from the General Fund is \$129,000 - \$140,000. Finance Director Starosta said yes, those are estimated numbers. Mr. Belovich said he was not questioning the procedure, he was questioning the prudence of Council to make the payment. Mr. Belovich said money located in the Bond Fund that cannot be allocated for other additional aspects of City operation, is different than if it comes out of the general fund at the expense of property owners and wage earners. Mr. Belovich asked that a publication be issued explaining that to residents.

**CONTINUED  
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Marilyn Thomas, 6545 Crabtree Lane, thanked Mr. Petsche for posting on the internet, if Mr. Petsche was not posting on social media she would not know what was happening in the City. Ms. Thomas said in regard to executive session, she said conversations in secret are disturbing. When taxes were raised, she was affected, and she was not aware that was happening.

Neil Sager, 6618 Morningside Drive. Mr. Sager said he is concerned how the error was not caught, and he is concerned the procedure to approve payment was done without input from the residents. Mr. Sager feels this proposal negatively effects everyone for the benefit of a few people. Mr. Sager requested Council rescind this matter and do it in an open and transparent matter.

Mike Berlin, 4826 Snow Blossom Lane, Mr. Berlin was not aware of the mistake before he was notified by the City, the same time everyone else was. Mr. Berlin said there is an additional \$360,000 for the 30 homes in Phase 5 of Four Seasons would not be possible without the original sewer line. Mr. Berlin said he is appalled with Mr. Petsche's media postings creating animosity between residents of Brecksville. Mr. Berlin said the postings, the inflammatory statements and political wheeling and dealing appear to blame the Four Seasons' residents for the problem. Mr. Berlin said Mr. Petsche is permitted to use his message as he chooses and, as someone said previously, we will remember this.

Keith Yoho, 4818 Snow Blossom Lane, said without the Four Seasons development the City would not receive tax dollars. Mr. Yoho said the problem is with the developers. Assessments were not listed in purchase agreements for the lots in Four Seasons. Mr. Yoho said without sewer and water to the property the city would not receive any tax revenue from vacant land or from the income tax paid by the people that live there.

Patricia Cermak, 9504 Greenhaven, asked whose is responsible for the error. Mayor Hruby explained the residents were charged approximately \$1200 each year the first two years of a sewer & water assessment. Mayor Hruby said in the third year of the assessment the County changed the collection of that assessment to approximately \$611 per year and continued collecting the incorrect amount for the next 15 years. Mayor Hruby said when the City receives a payment from the County for assessments, the payment is made in one large payment. When the error was discovered by the City, the City of Brecksville advised the County of the mistake and requested the County begin collecting the correct amount of the

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assessment. The City of Brecksville's records are audited each year. The City is unaware of who has paid their taxes or assessments. That is the responsibility of the County to track the payments. Any excess money in the bond retirement fund will be used to pay the shortage. Mayor Hruby said if Council accepts \$95,000 from the County, it will be used to pay the shortfall, as well as the corrected amounts collected from the Four Seasons residents. Mayor Hruby said the City has contributed to other projects in the City. Mayor Hruby said the Echo Hills project for the residents to convert from septic to sanitary sewer cost in excess of \$1.6 million. The residents were assessed \$882,000 at \$150.00 a year over 20 years and the City contributed \$880,000 from the District 13 funds to cover the cost of the bonds. Mrs. Cermak asked why the City is responsible for the County's mistakes. Law Director Matty said, under state law, the County had a duty to collect the assessment amounts. In 2003 an internal memo in Cuyahoga County Auditor Russo's office references the change to the assessment amount. Law Director Matty said under state law, for their negligence, county officials have immunity. The City of Brecksville is responsible to repay the bonds. If the citizens do not pay the bonds, the City is responsible. Law Director Matty said bond Counsel was consulted with other options for paying the uncollected fees. The City asked bond Counsel if the residents could obtain loans to extend the time to repay the assessments or extend the life of the bonds and Counsel said it is not possible. Law Director Matty said the property owners were told the assessment was \$611.00 per year. When title companies verified rates and assessments, the County Auditor's office showed no delinquencies. The \$611 assessment fee was reported to title companies because those amounts came from Cuyahoga County. Mrs. Cermak asked if the County is doing anything to fix this or helping to pay the shortfall. Law Director Matty said City Council authorized him to negotiate with Cuyahoga County to obtain any funds for the purpose of repayment of the bond. Law Director Matty said the County has offered \$95,000 to assist the City. If the proposed settlement agreement is passed by Council and signed by the County Executive, the County will contribute the funds.

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Rebecca Ferrante-Crocker, 10151 Deer Run, asked if the developers building new homes off Snowville Road were assessed for the sanitary sewers for the Echo Hills project. Mayor Hruby said the part being paid by the homeowners of Echo Hills is for the sewer from the treatment plant to the pump station. Mayor Hruby said the developer could have stopped the sewer at their property and not allowed the Echo Hills residents to connect. Mayor Hruby said the developer was required by the City to contribute financially and be part of the sewer installation project. The residents on Snowville, the Woodlands and the new Woodlands Developments all have paid tap-in fees. The Snowville sewer district was created for that project. After the assessment has ended, any additional tie-in's to the sewer are charged a tap in fees. Mayor Hruby said the tap-in fee escalates. It was \$6800 when Snowville Road residents tapped in previously, currently the fee is approximately \$9000. Ms. Ferrante-Crocker asked where the funds come from to pay the Four Seasons assessment. Mayor Hruby said City Council will decide that. If Council agrees to accept the agreement from the County, \$95,000 will come from the County, the assessments collected from the Four Seasons residents over the next three years, the bond retirement fund, and if additional funds are needed, Council will determine where those funds will come from. Councilmember Petsche said if any funds are left in a bond retirement fund, those funds are transferred to the general fund.

A resident asked where Mr. Petsche thought the money should come from. Councilmember Petsche said the money should come from the homeowners of Four Seasons. If the developer never told the property owners of the assessments, the homeowners should go back to the developer or the title insurance. The City should not pay the assessment. Councilmember Petsche said the entire city did not want Four Seasons. The City was fine without the development being built. The cost of the water and sewer was \$2,000,000. The City worked out the deal for the developers. The City acted on behalf of the citizens to create the assessments. The resident asked why the City does not sue someone. Councilmember Petsche said there is no one to sue.

Rose Petsche, 6607 Morningside Drive. Ms. Petsche said she types Councilmember Petsche's posts on Facebook. Mrs. Petsche said Councilmember Petsche states the facts and is not an inflammatory person. Ms. Petsche said the cartoon was there to help people

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understand what the Councilmember was saying. Ms. Petsche said Councilmember Petsche has not tried to divide the community. Ms. Petsche said she felt this was done in a private meeting, it was not in the Gazette or the Bulletin. Ms. Petsche feels the residents of Four Seasons were able to flush toilets and use their showers and should have some accountability. Ms. Petsche said Council is just agreeing to pay \$700,000 and she would like to see a compromise.

Cassie Barnes, 4867 Snow Blossom. Ms. Barnes said she moved to Four Seasons in August 2017. She does not want to pay for a sewer assessment for a house she did not live in for the previous 14 years. Ms. Barnes said she feels Council has come up with an elegant solution to the problem. Ms. Barnes said the cartoon was inflammatory. She did not get a windfall from the bank, she will be paying in addition to what she agreed to. Councilmember Petsche said he only suggested the resident pay for the years they lived in Four Seasons.

Barb Belovich 7772 Sunstone Dr., said she feels that these discussions regarding Four Seasons were made by Council without any questions or discussion.

Councilmember Carouse said all of the issues are discussed in detail in committee meetings. Ms. Belovich asked if the meetings are open to the public. Councilmember Carouse said yes they are and are usually held before the Council meetings. Any concerns are raised and Council usually comes to a consensus before issues are on the Council floor. City Council was handed a difficult situation to settle. As the Mayor said, it was almost impossible to discover the mistake. Councilmember Carouse said the law requires that the bond and repayment must be done within the twenty (20) years as prescribed by the bond agreement. City Council looked for an equitable way to settle the problem. One of the discussions, Councilmember Petsche suggested the residents pay the amounts not collected properly, which has to be paid before the bond term ends in 3 years. Each time Council suggested an option for payment, it was not permitted by Bond Counsel. City Council knew that requesting property owners to pay double for an assessment they were not aware of would be very difficult. Some of the residents in Four Seasons would not have been responsible for the entire time of the assessment. Many of the residents had the assessments verified during that period of time and were told an incorrect amount. City Council felt there could certainly be legal action taken on this issue. City Council did not want to spend City dollars on legal fees. Councilmember Carouse said City Council has contributed funding to many other projects. Most of the time the decision to contribute funding is made by City Council before or during a project, this is happening after the project. Councilmember Carouse said on the subject of closed meetings, in situations like this negotiations are held in executive sessions and should not be discussed in the public at the time. The Council came out of an executive session and was aware that an agreement with the County was time sensitive and made a motion to authorize the Law Director to negotiate a settlement with the County. Councilmember Carouse said in the subject of utilities, the Council considers the Community as a whole. In 2006 the City suffered from severe flooding in some areas. Councilmember Carouse said the City has spent in excess of \$7 million to provide the infrastructure to fix some of the areas damaged by the flooding. The repairs did not happen in all areas and residents were not ignored because they lived in flooded areas, the City worked to install catch basins and repair waterways. Councilmember Carouse said there are additional monies that will come into the bond retirement fund from properties that continue to tie into the sewer lines. Councilmember Carouse said Council has not made decisions behind closed doors.

Annette Pedersen, 9247 Windswept Drive, Ms. Pedersen asked if research has been done to see how this has been handled in other communities. Mayor Hruby said Council made a motion after receiving legal information from the Law Director in executive session to settle with the County and accept \$95,000 from the County and the City would pay \$681,000 dollars to the bond fund. Mayor Hruby said nothing was done in secret, there will be three readings, to accept the agreement with Cuyahoga County. Council has members that will be on vacation in the next few weeks, the issue may go into October before a decision is made. Law Director Matty said the City operates under Ohio Law and by a Charter the City has adopted. The Charter states that during the assessment process, Council may determine the allocation of funds as it deems just. If this process was to be secret, the Mayor

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would have signed the agreement without Council being included in the process. The Council and Law Director agreed to do this publicly. Law Director Matty said the argument that the motions were made secretively is not true. Executive sessions with the City's lawyers are permitted when pending or imminent litigation is being discussed. No one can discuss what is talked about in executive session. The only discussion outside of the executive session may be the topic in this imminent litigation, and who was responsible in this matter. Law Director Matty said he has researched the Ohio law for any possible situations. Laws and forms of government are different in other states and cannot be used for comparison with Ohio law.

Barbara Drnek, 9400 Fitzwater Road. Ms. Drnek asked what impact the proposed settlement will have on the other projects in the City. Ms. Drnek feels her road has not been paved properly. Mayor Hrubby said Fitzwater will be completed next year. A minimum amount of money is allocated by Council to the Road Program. Mayor Hrubby said the past winter freeze and thaw cycles damaged many roads in the City. Mayor Hrubby said the worst area of Fitzwater was repaired, and agreed Fitzwater Road is not up to the standard the City would like. The rest of the road will be completed in 2019. Accepting this agreement will not alter the funding of the Road Program.

Councilmember Rose said regarding transparency, at the direction of the lawyers, some of the items are discussed in executive session. The issue became public in May when Council increased the assessment. The agendas and minutes are public. The items are posted on the website at Town Hall and other locations in the City. Councilmember Rose said he was glad the residents are here to see how Council operates and reflects the community's interest. Councilmember Rose said this was a very difficult decision for Council. Councilmember Rose said he did not agree with the comment that no one wanted the Four Seasons development. When Echo Hills was created no one wanted that, either. Councilmember Rose said if nothing was built and the only area was Old Town, the City would have acres of empty unproductive land. Mr. McNair said he wrote to all Council members and the Mayor and Jack Petsche are the only people that responded to him. Councilmember Rose said if the question is answered, he does not follow up with the same answer or always respond.

John Kerry, 8379 Settlers Passage, asked who receives the tax money that is collected. Mayor Hrubby said the County collects and transfers the funds to the City. Mr. Kerry asked why the City is responsible to pay for a County mistake. Councilmember Petsche said the City is the Guarantor of the bonds, the City is responsible to pay the bond holders. Mr. Kerry asked who the bond holders are. Councilmember Petsche replied the people that purchased the bonds. Mayor Hrubby said he will contact Mr. Kerry to explain the process.

Kim Middaugh 6411 Oakes Road, asked if the City could request additional funds from the County. Law Director Matty said he negotiated with the County and this was the maximum amount they would agree to. Cuyahoga County owes the City nothing and Law Director Matty said he feels the County Executive is trying to help the City. Ms. Middaugh asked if the time to repay could be extended. Law Director Matty said under the terms of the bonds it cannot. Ms. Middaugh asked when the \$681,000 payment due. Mayor Hrubby said the City has been paying on this bond in annual payments from the bond retirement fund. If, at the end of the bond term, additional funds are needed in the bond retirement fund, the City will contribute the amount needed. Law Director Matty said any excess funds in the bond retirement account may not be used until all of the outstanding bonds have been repaid, currently 2032.

A Resident asked if the Four Seasons homeowners could pay more than the assessed amount for the next three years, possibly \$1,800.00. Law Director Matty said the City may not re-assess property owners for a project that has already been done. City Council does have an option to tell the homeowners they will pay an additional amount. Council has not chosen that option.

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Motion by Redinger, seconded by Carouse, to pass Resolution 4876 to a third reading.

Ayes: Broski, Carouse, Petsche, Redinger, Rose.  
Abstain: Harwood  
Nays: None.

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

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Law Director Matty asked if Council could announce the date of the third reading. Mayor Hruby said there are Council vacations scheduled and the next reading will be announced when a date is available. Mayor Hruby said anyone may access the agendas from the City website or be included in e-mails sent out by the Mayor or Council. Mayor Hruby advised residents to notify City Hall they would like to be included in the e-mail notifications.

**BOARD OF ZONING APPEALS:** Councilmember Rose reported the next meeting of the Board of Zoning Appeals will be Monday, September 10th at 7:30 P.M. to hear eight variance applications.

**BD. OF  
ZONING  
APPEALS**

**PLANNING COMMISSION:** Councilmember Harwood said the Planning Commission has one item recommended for Council consideration. The next meeting of the Planning Commission will be September 6th at 7:00 P.M.

**PLANNING  
COMMISSION**

Motion by Harwood, seconded by Broski to accept the recommendation of a PRELIMINARY approval for a 25,000 sq. ft. Office Building Expansion, 7001 South Edgerton Road, Brecksville, Ohio as described in the application dated August 6, 2018, and plans by Geis Companies and Weber Engineering Services all dated August 6, 2018:

**OFFICE  
BUILDING  
EXPANSION  
7001  
EDGERTON  
RD., BRECKS-  
VILLE, OHIO**

- |       |                     |
|-------|---------------------|
| A2.0  | Rendering           |
| A2.1  | Parking Level Plan  |
| A2.2  | First Floor Plan    |
| A2.3  | Second Floor Plan   |
| A3.1  | Exterior Elevations |
| L1    | Site Plan           |
| L2    | Site Plan           |
| A.1   | Site Plan           |
| C100  | Title Sheet         |
| C101  | Demolition Plan     |
| C102  | Site Plan           |
| C103  | Utility Plan        |
| C104  | Grading Plan        |
| C105  | Site Details        |
| C105A | Site Details        |
| C105B | Site Details        |
| C105C | Site Details        |
| C106  | SWP3                |
| C107  | SWP3 Details        |
| C108  | SWP3 Details        |
| C108A | SWP3 Details        |
| C109  | SWP3 Details        |
| C110  | SWP3 Details        |
| C111  | SWP3 Details        |

Any reference to exterior signage in any of the plans should be deleted with approval subject to a variance as follows:

- The Board of Zoning Appeals approve a variance to allow the building corner to extend beyond the 100 ft. rear yard building setback line pursuant to Code Section 1155.32.

Conditional upon approval of the City Engineer, and City Arborist.



MINUTES OF A MEETING OF THE

COUNCIL OF THE CITY OF BRECKSVILLE

September 4, 2018

HELD \_\_\_\_\_

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Motion by Redinger, seconded by Carouse, to approve the payment of bills for professional services, as follows: Matty, Henrikson and & Greve in the amount of \$10,765.50; Sergio I. DiGeronimo in the amount of \$5,692.50; Roger Wadsworth in the amount of \$700.00; Kulchytsky Architects, LLC in the amount of \$187.50; J Neusser, LLC in the amount of \$2,000.00; Donald G. Bohning & Associates in the amount of \$18,561.65, and Sixmo in the amount of \$362.50. Total of all invoices \$38,269.65.

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

Nays: None.

**MOTION CARRIED 6-AYES, 0-NAYS.**

**MONTHLY  
BILLS FOR  
PROFESS-  
IONAL  
SERVICES**

**REPORT OF LAW DIRECTOR:** Law Director Matty said the City of Brooklyn LAW will be the ninth member of the Chagrin Valley Dispatch Center.

**REPORT OF ENGINEER:** No Report

**ENGINEER**

**REPORT OF FINANCE DIRECTOR:** No Report

**FINANCE**

**REPORT OF BUILDING DEPARTMENT:** C.B.O. Packard reported in August the Building Department issued 105 permits with a valuation of \$2.1 million and the total receipts collected of \$50,191.12. **BUILDING DEPT.**

**REPORT OF PURCHASING DIRECTOR:** No Report

**PURCHASING**

**REPORT OF POLICE DEPARTMENT:** No Report

**POLICE**

**REPORT OF FIRE DEPARTMENT:** Chief Zamiska Reported the Fire Fighter Clam Bake will be held September 8, 2018, tickets are available at the Fire Station or any Fire Fighter. **FIRE DEPT.**

**REPORT OF RECREATION DEPARTMENT:** No Report

**RECREATION**

**REPORT OF THE MAYOR AND SERVICE DIRECTOR:** Mayor Hruby reminded everyone that the Cuyahoga County Planning Commission will facilitate a Public Meeting for the Brecksville Master Plan on September 11<sup>th</sup> at 6:30 P.M. **MAYOR**

**COMMENTS:** Ed Kovak asked when the sound wall would be constructed on I-77. Mayor Hruby said he did not know the exact date and asked the resident to leave contact information and he will find out from ODOT when that is scheduled to begin. **COMMENTS**

Sandy Klopp, 10836 Tanager Trail, asked if the Fitzwater roadway near Tanager Trail could be repaired. Ms. Klopp said the road still has areas that are in need of repair. Mayor Hruby said he will visit the roadway with the Service Department representative responsible for the roads to see what may still be done before winter.

**BRECKSVILLE BROADVIEW HEIGHTS STUDENTS:** The following Brecksville Broadview Heights students were in attendance: James Pignatiello, John McSweemey, Evan Jaite. **STUDENTS**

Motion by Harwood, seconded by Carouse, to adjourn the regular meeting at 10:01 P.M. **ADJOURN**

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

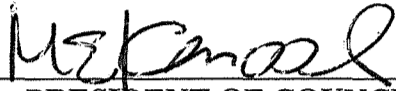
Nays: None.

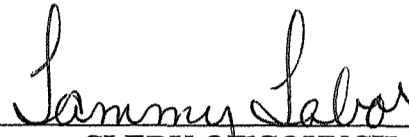
**MOTION CARRIED 6-AYES, 0-NAYS.**

MINUTES OF A MEETING OF THE  
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HELD \_\_\_\_\_ September 4, 2018 \_\_\_\_\_

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PRESIDENT OF COUNCIL

  
\_\_\_\_\_  
CLERK OF COUNCIL