

MINUTES

Council Committee Meetings

June 4, 2019

Present: Council President M. Harwood, Councilmembers G. Broski, L. Carouse, J. Petsche, L. Redinger, D. Rose, K. Veras, Mayor Jerry N. Hruby, Law Director D. Matty, Assistant Law Director S. DiGeronimo, Engineer G. Wise, Finance Director L. Starosta, Police Chief W. Goodrich, Purchasing Director R. Riser, C.B.O. S. Packard, Service Director R. Weidig, Recreation Director T. Tupa, K. Gavin, Brecksville Magazine, B. Sandrick, Northeast Clerk of Council T. Tabor. Absent: None.

Planning Commission members K. Roman, D. Sciria, M. Bandsuh. Approximately 20 guests.

Council President Harwood said Committees are being held in Council Chambers to accommodate the residents that have requested to speak regarding the changes to solar panel legislation and members of the Planning Commission.

Buildings & Grounds Committee

Chairperson - K. Veras

Committee members - L. Carouse, L. Redinger.

Chairperson Veras called the meeting to order at 6:00 P.M.

Roll Call – Present: Carouse, Redinger, Veras.

Absent – None.

Approval of the May 21, 2019 Buildings & Grounds Committee meeting minutes.

Motion by Veras, seconded by Carouse, to approve the, May 21, 2019 Buildings & Grounds Committee meeting minutes as presented. Ayes: Carouse, Veras. Abstain; Redinger, Nays: None. Motion carried 2-Ayes, 1-Abstain, 0- Nays.

Aquatic Center Project: Councilmember Veras said the committee has several items regarding the New Aquatics Facility Project and was advised previously that these additional items would be presented for approval. Purchasing Director Riser said a pre-construction meeting was held with approximately (18) people in attendance. The general contractor, some key sub-contractors, architect Ryan Schmit and the City's Project team were in attendance. The general contractor expects to begin fencing the area for construction on June 13th with construction to begin at that time.



(Buildings & Grounds, Continued)

Aquatic Facility Architect's Fee: Purchasing Director Riser said the first item is an amendment to the architect's fee based on the post bid project cost, which will be \$498,687.00.

- Motion by Veras, seconded by Carouse to recommend to Council an Ordinance accepting Amendment No. 2 to the current AIA agreement between the City and Thendesign Architecture for professional design services on the New Aquatics Center Project. *Account #C492710 3201 Project # BD160001*. Ayes: Carouse, Redinger, Veras. Nays: None. Motion carried 3-Ayes, 0- Nays.

Aquatic Facility Construction Contingency: Purchasing Director Rise said discussions with the Architect have arrived at the suggested construction contingencies. The City will control the contingencies for the duration of the project. A 7% contingency for unforeseen changes, errors and omissions was suggested and a winter conditions contingency of \$35,000.00 was also decided. Approval of this motion will authorize the Mayor to execute change orders if approved.

- Motion by Veras, seconded by Carouse to recommend to Council approval of the construction contingencies on the New Aquatics Center Project. The primary construction contingency equal to 7% of the construction contract amount of \$7,124,100.00 will be \$498,687.00. A Winter Conditions contingency in the amount of \$35,000.00 is also requested. *Account #C492710 3201 Project #BD160001* Ayes: Carouse, Redinger, Veras. Nays: None. Motion carried 3-Ayes, 0- Nays.

Aquatic Facility Mechanical Equipment: Purchasing Director Riser said the following items are for the purchase of mechanical equipment. They include: boilers, pool heaters and a pool dehumidification unit. Also shipping and storage of the equipment is also submitted for Council approval Councilmember Harwood asked if the mechanical contractor was willing to store the equipment at no cost. Service Director Weidig said the City's Building Engineering Department prefers storing the equipment at Shipper's. The equipment is inspected when delivered, and easily accessed when needed.

- Motion by Veras, seconded by Redinger, to recommend to Council passage of an Ordinance for the U.S. Communities Contract purchase from Trane U.S., Inc. in the amount of \$168,180.00 for the Trane equipment and controls for the HVAC system for the New Aquatics Center Project. *Account #C492710 3201 Project #BD160001*. Ayes: Carouse, Redinger, Veras. Nays: None. Motion carried 3-Ayes, 0- Nays.
- Motion by Veras, seconded by Redinger, to recommend to Council an Ordinance for the NJPA/SourceWell Contract purchase from Johnson Controls, Inc. in the amount of \$196,256.00 for (2) Lochinvar Hot Water Boiler and (3) Lochinvar Pool Heaters for the New Aquatics Center Project. This includes all related accessories, startup and transportation of the units to Shippers Highway Express for storage. *Account #C492710 3201 Project #BD160001*. Ayes: Carouse, Redinger, Veras. Nays: None. Motion carried 3-Ayes, 0- Nays.
- Motion by Veras, seconded by Redinger. to recommend to Council an Ordinance for the State of Ohio Contract purchase from The K Company in the amount of \$220,679.00 for the purchase and installation of (1) PoolPak Model PPK190 Pool Dehumidification Unit for the New Aquatics Center Project. This includes all related equipment, accessories,

(Buildings & Grounds, Continued)

startup and transportation of the equipment to Shippers Highway Express for storage. \$120,679.00 charged to *Account #C492710 3201 \$100,000.00 charged to Account #C241710 3202 Project #BD160001*. Ayes: Carouse, Redinger, Veras. Nays: None. Motion carried 3-Ayes, 0- Nays.

- Motion by Veras, seconded by Redinger to recommend to Council approval of a Purchase Requisition to Shippers Highway Express, Inc. in the amount of \$8,000.00 for the storage of all mechanical equipment purchased on state contract for the New Aquatics Center Project. Equipment from Trane, Johnson Controls and The K Company will be transported to Shippers Highway Express where it will be stored until needed on the project site. *Account #C492710 3201 Project #BD160001*. Ayes: Carouse, Redinger, Veras. Nays: None. Motion carried 3-Ayes, 0- Nays.

4410 Oakes Road & 4430 Oakes Road Roof Repairs: Councilmember Veras said an increase to a purchase order is needed for roof repairs to properties at Blossom Hill. Service Director Weidig said Council approved repairs to buildings at Blossom Hill following a storm event. While doing repairs Colony Roofing discovered additional damage to the decking and replacement of the material was needed. Do to the exposed structure, the work was completed.

- Motion by Veras, seconded by Redinger, to increase purchase order #P190359 to Colony Roofing in the amount of \$315.00 for roof repairs at 4430 & 4410 Oakes Road. Total amount of this P.O. will be \$4465.00. Account # 110161 2603. Ayes: Carouse, Redinger, Veras. Nays: None. Motion carried 3-Ayes, 0- Nays.

Adjournment: Motion by Veras, seconded by Carouse, to adjourn the Buildings & Grounds Committee at 6:10 P.M. Ayes: Carouse, Redinger, Veras. Nays: None. Motion carried 3-Ayes, 0- Nays.

Finance Committee

Chairperson - Laura Redinger

Committee members - L. Carouse, D. Rose.

Acting Chairman Carouse called the meeting to order at 6:10 P.M.

Roll Call – Present: Redinger, Carouse, Rose.

Absent - None.

Approval of the May 21, 2019 Finance Committee meeting minutes.

Motion by Rose, seconded by Carouse, to approve the May 21, 2019 Finance Committee meeting minutes as presented. Ayes: Carouse, Rose. Abstain: Redinger. Nays: None. Motion carried 2-Ayes, 1-Abstain, 0-Nays.

- **Tyler Technologies Time & Attendance Software:** Councilmember Redinger said a request has been submitted for the annual support for the finance department software for time and attendance. Motion by Veras, seconded by Carouse, to approve a Purchase Requisition to Tyler Technologies, Inc. in the amount of \$10,473.75 for the annual support,

(Finance Committee, continued)

maintenance and updated licensing for the Advanced Scheduling and Time & Attendance software. Includes expected 5% annual increase in rate. *Account #110150 2103*. Ayes: Carouse, Redinger, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Fund Advance: Councilmember Redinger said the Finance Director has submitted a request for legislation to authorize the advance of funds and to return advances of funds. Finance Director Starosta said the first item is for the repayment to the Building Facilities Recreation Improvement Fund for temporary funding for the pool project. The second item is for repayment of a previous advance prior to the issuance of bonds.

- Motion by Veras, seconded by Carouse, to request passage of a Resolution making necessary advances between certain funds for the fiscal year ending December 31, 2019. Ayes: Carouse, Redinger, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Brecksville Cooperative Pre-School Lease: Councilmember Redinger said the committee received a lease for the Cooperative pre-school for premises at Blossom Hill. Councilmember Rose asked if Law Director Matty had any concerns. Law Director Matty deferred the question to Asst. Law Director DiGeronimo, as he negotiated the lease. Asst. Law Director DiGeronimo said he does not have any concerns with the lease. The Co-op School has been leasing at Blossom Hill for several years now and has always been a great tenant. Asst. Law Director DiGeronimo said there is a rent increase of approximately \$300.00 per year over the (3) year lease. Mayor Hruby said many of the improvements to the facility have been done by the Cooperative Pre-school and has been an asset to the community.

- Motion by Redinger, seconded by Carouse, to recommend to Council for passage an Ordinance authorizing the Mayor to execute an agreement on behalf of the City of Brecksville with Brecksville Cooperative Pre-school, Inc. for the lease of premises located at Blossom Hill. *Account #110135 2501*. Ayes: Carouse, Redinger, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Brecksville Historical Association: Councilmember Redinger said Finance Director Starosta provided information regarding the Brecksville Historical Society. Councilmember Rose said the documents appear to be in order. Mayor Hruby said the City contributes to assist the Society for the upkeep of the buildings.

- Motion by Redinger, seconded by Rose, to recommend to Council passage of a Resolution authorizing the issuance of a grant in the amount of \$3,000 to the Brecksville Historical Association. Ayes: Carouse, Redinger, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Monthly Bills: Councilmember Redinger said the Monthly Bills have been prepared and submitted for Council approval. Hearing no comments or concerns, Councilmember Redinger moved forward with a motion.

- Motion by Redinger, seconded by Rose, to recommend to Council approval of monthly bills for professional services as follows: Matty, Henrikson and & Greve in the amount of \$15,373.33; Sergio I. DiGeronimo in the amount of \$7,535.00; Roger Wadsworth in the amount of \$700.00, Kulchitsky Architects, LLC in the amount of 1,265.25; J Neusser, LLC in the amount of \$2,000.00; and Donald G. Bohning & Associates in the amount of

(Finance Committee, continued)

- \$19,098.89; and Sixmo in the amount of \$575.00. Total of all invoices \$46,538.47. Ayes: Carouse, Redinger, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Finance Director Starosta said the City went to market for the notes, in the amount of \$2.8 million for various purpose notes the rate came out to be 2.75 with a yield of 1.74. We priced the bonds last week, they will be closing later this month at rate \$2.86 million. There was premium generated on that issue, and any excess amount collected after the issuance fees are paid will be deposited to the bond retirement fund.

Adjournment: Motion by Redinger, seconded by Rose, to adjourn the Finance Committee meeting at 6:17 P.M. Ayes: Carouse, Redinger, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Legislation Committee

Chairperson- Dennis Rose

Committee members - J. Petsche, K. Veras

Chairman Rose called the meeting to order at 6:17 P.M.

Roll Call – Present: Petsche, Veras, Rose.

Absent- None.

Approval of the May 21, 2019 Legislation Committee meeting minutes.

Motion by Rose, seconded by Petsche, to approve the May 21, 2019 Legislation Committee meeting minutes as presented. Ayes: Petsche, Rose, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Solar Panel Legislation: Councilmember Rose said the long awaited changes to the Solar Panel Ordinance have been drafted. Councilmember Rose thanked the Building Department, Planning Commission and the citizens for contributing to the proposal. Councilmember Rose said he would like a representative of the citizen's group to speak regarding the proposal. Councilmember Rose said anyone who wishes may speak, please come forward and identify yourself for the record.

Council President Harwood, Council's Representative to the Planning Commission: Members of the Planning Commission; Kirk Roman, Dom Sciria and Mike Bandsuh are present in the audience. Council President Harwood said the members of the Planning Commission held public meetings and heard comments from residents regarding changes to the Solar Panel Legislation. C.B.O. Packard conducted a study to review similar communities and their regulations, a solar orientation plan, law director's review and citizen comments all were considered when reviewing changes. Council President Harwood said from those meetings, the Planning Commission has provided the recommended changes.

Ms. McMillen: A group of Brecksville Citizens have been working on some proposed revisions over the last year and gotten to know the Planning Commission very well. We have proposed several suggestions over the last year. In our discussions with the Planning Commission two

(Legislation Committee, continued)

proposed revisions surfaced, in agreement by everyone, the removal of the language, restricting solar panels to a maximum of 25% of the roof area. The second thing that was agreed to be removed was language suggesting a bond was required for solar installation onto a home. Those were positive and welcome changes. I will provide a quick summary of the other things that were proposed. The group's assessment and the reason we started this is the existing Ordinance found it to be overly restrictive and results in challenges citing a system that's both efficient and cost effective. Most instances where homeowners applied for solar required a variance and many residents abandoned their proposals for solar panels because of issues beyond their control. Such as their homes orientation or their homes position in relation to the fronting street. So you received from me last week a copy of the document we originally submitted which was all of our recommended revisions. I would like to bring your attention to some items which we thought were high priority. The first one is 1186.03 location and use regulation, which says solar should be placed on the rear. We feel the placement of solar requires greater flexibility. The existing language automatically excludes a significant portion of our population from pursuing solar simply because their rear roof is not south facing. The second one that we felt was also important is in the deviation Section 1186.06. And that was where we added something about the enforcement of regulations precluding an economically viable system. And the reason we proposed this was because in many instances solar could only be approved in locations where energy production would be substantially degraded. If it did not have a south facing roof if it had to be on the rear roof. So our recommendation was to include language that factors in an economic analysis. Suggesting the (solar) arrays should be located in the least visible location so long as the annual energy production is not decreased by some amount, say 10%. So in summary was that the current ordinance prohibits solar on a roof essentially if it is visible from the street at all. So we wanted you to view solar energy rather than a nuisance that needs to be regulated but as an opportunity for a homeowner to increase property values and also their access to clean renewable power.

Councilmember Rose: The (3) members have attended all of the meetings, do you have a large group?

Ms. McMillen: We started out with a very big group putting input, Cheryl Gutridge, Ellen Cramer and I have been the core group that have met to hash out the language and the edits we would like to see.

Councilmember Rose: Are all of you Brecksville residents?

Ms. McMillen: Yes.

Councilmember Rose: One of the issues that appears, everyone wants clean energy, is aesthetics versus this. Why does the process that exists now where planning can say, Hey there is no way I can have a solar array this is the only way I can have a functioning system this way it's not practical, then go to planning, go to zoning group and make the case.

(Legislation Committee, continued)

Ms. McMillen: The energy production component does not seem to be taken into account. Any array that street facing or visible to the neighbors has not been approved. And so we felt that Ordinance A puts people off right in the beginning because it is (10) pages going on and on about it is an impact to be mitigated and it is visually unappealing is what you read and there have only be a handful of solar installations that have been approved.

The current legislation does not provide for street facing solar arrays due to aesthetics, without regard for energy production. Several people have abandoned the request for solar due to the process or turned away because a Planning Commission application was required.

Councilmember Veras: How many people have applied?

C.B.O. Packard: The information was provided to Councilmembers, I think (14) applications have been submitted. The first one that we approved was a side facing one on Riverview. Other ones, for different factors have decided not to proceed, financial factors or others decided not to go forward. The majority of them were approved in the nature they were submitted.

Councilmember Rose: There are 14 in the City now?

C.B.O. Packard: Fourteen have applied.

Councilmember Veras: What is the time frame for the 14 applications.

C.B.O. Packard: Since the inception of the Ordinance.

Ms. McMillen: That would be 2001.

Councilmember Redinger: Are we seeing an acceleration in applications.

C.B.O. Packard: No.

Ms. McMillen: Our suggestion is you are not because when you look at the regulation, and compare it to other communities Ordinances, it is prohibitive and seems daunting. So people don't apply.

Councilmember Broski: How many are street facing that have been turned down?

C.B.O. Packard: As I recall we only had one that applied for it. It was taken for public hearing and has not been returned. I believe it was on Snowville.

Council President Harwood: To Councilmember Rose's point, which is a valid point, the process is when you go in front of Planning Commission and you ask for a variance, and the same with Zoning, there are public hearings set where the public can come and weigh in. Councilmember Petsche has been to a couple meetings. One of the questions that was proposed to Councilmember

(Legislation Committee, continued)

Petsche directly is what you really want to do is change a lot of the language to where you would just go in and apply for a general building permit and you would not have to go through any of our commissions which would generate a public hearing. Councilmember Petsche's response was yes, I'd rather go in and get a general building permit and not come in front of the Commissions. Because in a number of the discussion we had is the language for aesthetics they wanted to have stricken even though when the public does come in one of the questions that was asked was do you listen to the people in the audience. If the people in the audience doesn't want it then you vote no. That is the furthest from the case. The reasons why you have those public hearings is, as people use the word transparency, that is what transparency is, a public hearing. Councilman Petsche said he would prefer to go directly to a building permit and not come in front of commissions and the next meeting he adjusted and said he was not speaking for the group, he was speaking for himself. So to (Dennis's) Councilmember Rose's point that is why we have our Boards and Commissions. That's why we have these issues and every group that has presented so far have come 2-3 times for their presentation and we asked if they considered different options and the variances, the ones we have granted the language was corrected to square footage on the roof, so that's what this process is. I don't know if Kirk, Ron, and Dom (Planning Commission members) have any comments.

Law Director Matty: If I may, at the last regular Council meeting, as part of my report, I asked that if anybody was going to abstain from an item that they contact me. I assume no one is abstaining that is part of the legislative committee from this discussion. Is that correct?

Councilmember Veras: No, I'm not abstaining,

Councilmember Rose: I'm not abstaining.

Councilmember Petsche: No Sir.

Law Director Matty: If I may, I think as Law Director I must go in the record. Councilmember Petsche, if you can tell me, are you or have you ever been, either an officer, director or owner of a company that either sells solar panels, installs solar panels, or in any way receives the benefit from solar panels.

Councilmember Petsche: I am not.

Law Director Matty: Drawing your attention to a filing that was done in 2008 and is current in Ohio, are you the Secretary of a company that develops solar systems?

Councilmember Petsche: I am not. Are you referring to Greenfield Solar?

Law Director Matty: That is one of them.

(Legislation Committee, continued)

Councilmember Petsche: Those were not solar panels. That company has basically moved to China and is nearly defunct. That was for solar collection devices that were ground mounted and for commercial use only.

Law Director Matty: Is your position as Secretary still current.

Councilmember Petsche: It is.

Law Director Matty: So you are currently an officer of that company.

Councilmember Petsche: Yes.

Law Director Matty: Was that a Nevada Company?

Councilmember Petsche: Yes.

Law Director Matty: Are you aware that company is licensed to do business in the State of Ohio by a filing in the State of Ohio?

Councilmember Petsche: Yes.

Law Director Matty: That would be the company that, I believe, has one of your neighbors as President.

Councilmember Petsche: Yes.

Law Director Matty: Mr. Sader?

Councilmember Petsche: Yes.

Law Director Matty: Could you also tell me, as to your website, why you list solar panels for USA Roofing?

Councilmember Petsche: I was hoping that we could sell them, but I have never sold one solar panel, we offered it, but we are not pursuing it, we are not selling them. I have not sold one solar Panel or installation of solar panels for anyone.

Law Director Matty: Are you aware of the restrictions in the State of Ohio that would not permit a Councilmember such as yourself to participate in an amendment to a current code or regulation if, in fact, you may have any financial impact from that?

Councilmember Petsche: I am aware of that.

(Legislation Committee, continued)

Law Director Matty: And being aware of that you chose to participate in the January 3rd and January 24th Planning Commission meetings? And are on record as far as the minutes are concerned, which I read today or the first time, since I do not attend those meetings?

Councilmember Petsche: Yes, again, because I have not sold any solar panels, I am not engaged in a business to sell solar panels. We offered to sell them but we have never sold them. I have never sold a solar panel.

Law Director Matty: Is it your position here this evening that you are never going to, in the future, sell a solar panel, install a solar panel or refer anyone to another company for a solar panel?

Law Director Matty: I only ask these questions, because it was only two weeks ago I asked everybody if you had an issue that you thought was going to cause an abstention that I be contacted in advance so that I could understand these issues. Unfortunately, no one contacted me. I had to read, I don't know, how many pages of documentation to find out what was going on. The people's good intentions, as far as their situation, here I find out that you were participating in the discussion. That quite frankly, under the law, I'm going to tell you the same thing I told you the last week about the Seitz issue. That is, please, obtain a personal legal opinion before you participate in actions that we at the City do not know are occurring.

Councilmember Petsche: Well, again, I'm not planning on selling any solar panels, I have never sold any solar panels. I am in the roofing business, primarily the commercial roofing business.

Law Director Matty: The issue is not only selling solar panels. The issue is as a public official having any benefit with anything to do with solar panels. Whether they are sold, installed, referred or designed, anything. when a regulation of this council is being considered with you as a Councilmember.

Council President Harwood: The issue, Jack, is you are putting us all at light for this. Because of this, because you have not told any of this, none of this.

Councilmember Petsche: Greenfield Solar is nearly defunct and that was for solar collection devices, which is not a solar panel. It was mirrors that aim toward solar cells that were a commercial design that basically failed. It's not proved to be commercially viable and is defunct. It has nothing to do with installation on roofs, again, nothing to do with residential installation. It is not solar panels.

Council President Harwood: When (Law Director Matty) brings this up none of has heard any of this.

Councilmember Petsche: I understand, because it's not relevant.

Council President Harwood: It is relevant.

(Legislation Committee, continued)

Councilmember Petsche: How so?

Council President Harwood: The same reason last week that you did not follow the way we need to do our voting. You informed me and (Law Director Matty) after the meeting you are actually in the process of bidding for and potentially negotiating a contract for the Aquatics Facility. We had to schedule a special meeting on Monday in which then you informed (Councilmember Redinger) in the parking lot and you were doing the same thing and you did not attend the meeting. That's why it is important.

Councilmember Petsche: You told me I don't have to.

Council President Harwood: Because you abstained. Because you are telling people about what you are doing but you did not inform anyone on Council other than (Law Director Matty) and myself and then (Councilmember Redinger) on Monday. You have to tell us, these are big deals.

Councilmember Petsche: OK, I did tell you.

Council President Harwood: Not before we voted that night because then we had a problem correct?

Councilmember Petsche: Yes.

Law Director Matty: Here's the problem.

Councilmember Petsche: Yes. I did abstain and I did tell.

Law Director Matty: Here's the problem. Ohio Law provides as follows, Ohio law indicates in §2921.42 (a), it's titled unlawful contract by a public official. A public official cannot have a contract for the benefit or with the city he or she represents unless (4) conditions are met. Those conditions are contained in §2921.42(c). They are as follows:

1. Whatever is being provided has to be a necessary service.
2. It has to be competitively bid. I don't mean on a list of a contractor three to four vendors. I mean competitively bid on the street as (Purchasing Director) Riser does with most of our contracts.
3. It has to be at a price that is equal to or less than any other price provided for the same equipment or service.
4. The most important: The decision makers of the community have to be told by the individual who is the public official, he has to or she has to inform those individuals that are representing the community, the Mayor and the Council, before any solicitation is done, before any bid is submitted and before any work is done.

Those are the items under the Ohio law that mandate when a public official can have a contract with the community. I mention those because (Council President Harwood) mentioned the Seitz situation and, unfortunately Councilman, that situation does not fit the law. And that is all I am going to say this evening as it relates to a contract by a public official. But again I am going to

(Legislation Committee, continued)

advise you to get personal legal advice as soon as you can as it relates to any involvement you have had with the City on contracts either with or for the benefit of the City.

Council President Harwood: (Law Director Matty), as far as this goes, we have to help (Councilmember Petsche), can he speak on this now on behalf of solar panels?

Law Director Matty: I take the position of an officer or director of a company no different than I take when (Councilmember Petsche) incorporated CATTs Construction, and he asked me, I don't know how long ago, if he should recuse himself. I take the same position on the solar panels as I did then. If there is any, any chance of a conflict or a perception of a conflict, that Councilmember shall step aside and not participate either in the discussion or the vote on an issue. It is up to the Councilperson to make that decision, I can only advise.

Ms. McMillen: Can I ask one technical question?

Council President Harwood: Sure, ya.

Ms. McMillen: (Councilmember Petsche), are you talking about solar thermal systems that generates heat and not electricity? The reason I ask is because there is a difference between, solar thermal and solar photovoltaics. So as I read this the sub-definition under solar energy systems is specifically about generating electricity which would be solar voltaics. Solar voltaic may be two different things we're discussing.

Council President Harwood: I would still heed (Law Director Matty's) recommendation.

Law Director Matty: I understand the difference. I cannot get past the website that I reviewed that says solar panels. It doesn't say solar energy. It doesn't say anything related. I cannot get past that.

Melinda Torrez: (Law Director Matty)The statute that you just read is about bidding on contracts that is not what we're not here talking about that.

Council President Harwood: You're right. This is about whether (Councilmember Petsche) can talk about this issue and vote on it.

Councilmember Rose: I will take control of my committee. I don't want to turn this into a debate. That was all Law Director. We want to hear what we're dealing with. Whether Jack can talk or not and vote. I think the advice (Councilmember Petsche) will have to search his own mind and his own advice and whatever he decides is appropriate and will defer to (Councilmember Petsche) to make his own judgements.

Melinda Torrez: Ms. Veras, you were asking about people who were rejected. I have a south facing orientation on Rockledge. In January-February 2017 I came was told absolutely not to consider us for solar. In 2016 there was a big group in Cuyahoga County solar co-op so there

(Legislation Committee, continued)

were pretty good rates. You have to pay money up front just to come to get a consultation. We have a beautiful southern exposure, all of our neighbors can see the front of our house which is where the array would have been. We put money out they came and did everything. Came to the Zoning Building Commission and were told definitely just drop it we're not going to consider this. There was no other place on our roof that would have given us any level of light power. I know you said (14) I was certainly somebody who withdrew, we got our money back from the solar company, but definitely not by choice. So if it was ever allowed my husband and I would.

Councilmember Rose: What is your address?

Melinda Torrez: 6625 Rockledge,

Councilmember Rose: What is your name?

Melinda Torrez: Melinda Torrez.

Councilmember Rose: We have you on the list of somebody who withdrew. This application never came to zoning, I would have known, so it is a process you go to planning. Zoning would grant a variance.

Melinda Torrez: Yes, so that was not a withdrawal by choice.

C.B.O. Packard: There is no variance, it's a deviation through Planning Commission.

Councilmember Rose: There have been variances granted that have come to zoning for a variance. I remember a few that have come to us (BZA) for a variance, correct.

C.B.O. Packard: Not for solar, it's all within Planning Commission.

Councilmember Rose: I remember solar.

Melinda Torrez: Thank you.

Ellen Cramer: I live on Sunstone in Brecksville. Since you were asking for numbers, I'm friends with the Torrez's we also have a south facing orientation and when they were refused we didn't even bother to apply because what was the point. If you're looking at numbers, I would be included as someone who would be interested in it but haven't just because of the way the ordinance is currently drafted. We have not pursued anything.

Councilmember Rose: Thank you. We do have in our record I assume the Building Department went through various neighborhoods & found out the number of houses with a south facing rear.

C.B.O. Packard: We did a general survey.

Councilmember Rose: A general survey.

C.B.O. Packard: A few neighborhoods.

Councilmember Rose: It looks like 50% or something like that.

C.B.O. Packard: They range between something like 18% – 35%. It depends on the way the street turns. We took an average purely rear facing, WE kinda put together a general mapping together with some numbers just to help.

Councilmember Rose: To help figure out impact.

McMillen: Could you say that number again? You though 18 to 30 were south facing...

C.B.O Packard: It was just in General neighborhoods, I believe you should have received it, (Council President Harwood) the information, in the Council packet. We did a general area we did five to six areas. We looked at all the south facing roofs, added up all the houses and came up with a number. It was a good average, the 25% that came out of Planning Commission, some neighborhoods were a little lower, some were higher.

Mr. Pedersen: 9247 Windswept. I came to Planning Commission to request to have a solar system installed on two different parts of my roof both were south facing. One was okay and one wasn't because you could see it from the street. We were told that we weren't going to approve that and we should take a look at an alternate plan. One of the south facing roofs and the east facing was not as efficient as the south facing. The alternative roof areas were not as efficient and unfortunately it didn't make sense for us to go ahead.

Councilmember Rose: One of the reasons we have ordinances, building codes and zoning codes is so people when they buy they have a sense of what they will be seeing. So when people buy they have a sense of will the street will be filled with arrays or not filled with arrays. So that's the aesthetic issue of letting the neighbors say we really don't there to be a solar array. That's the point of having meetings either planning or zoning so people can chime in to say what they want or don't want. I understand your view point and I'm finding it kinda hard to believe that Planning said there was no other way.

Mr. Petersen: They suggested I use one on the south facing and one on the east facing.

(Legislation Committee, continued)

Councilmember Rose: And that wasn't going to work? Because it wasn't going to be functional or did you not like the aesthetics?

Mr. Petersen: Aesthetics had nothing to do with it, I would be more than happy to put a solar array right in front of my house.

Councilmember Rose: You can't even put a fence in front of your house.

Mr. Petersen: it's not the aesthetics, it's just the efficiency.

Councilmember Rose: It was not efficient.

Mr. Petersen: Compared to the south facing roof. Both roofs that I proposed were south facing. The reason one was Ok is one was on the back of the house. The house is turned sideways to the street and unfortunately it curves in front of my house. There is an exposed south and one that is not quite as exposed.

Councilmember Rose: Thank you. Does someone from the Planning want to speak for planning.

Kirk Roman: I am the Chairperson of the Planning Commission. We spent a lot of time with this issue as a commission as we do with all these issues. We are looking at this from a standpoint of not only applicants but also the general population of the City whatsoever. It seemed as if the thrust or the intent of my colleagues in their drafting of the proposed legislation was to turn this into something very right lined from the stand point of, if this made economic fiscal sense for the homeowner, then there should be statutory language that would allow them to go forward with a solar panel project. We felt however, as Mr. Rose indicated, that when we sit behind that desk we should do what we believe is best for the entire city. We felt that it would be best to retain control through the Planning Commission and through the Zoning Boards to consider projects and applicants when they came forward in the context with the entire city with aesthetics being a consideration not only the economics of the particular applicant and so forth. We take these issues and these applications very seriously. We try to work with these homeowners as much as we can to enable them to go forward with their projects but also within the context of allowing the public to weigh in. That is why, as (Council President) Harwood said we have public hearings & so forth. We felt that the legislation that we proposed struck a sufficient balance for the entire community. We felt if there were valid reasons that could result in variances or deviations being provided we would be more than happy to consider them and so forth. That was our mindset in going forward with the proposal that we drafted.

Councilmember Veras: I had the opportunity to attend many of the meetings, several, quite a few,. I agree with everything Mr. Roman said. That's exactly they were very deliberate, patient, and accommodating, I think, in support of clean renewable power. It questioned the whole community especially with the neighborhoods placement on the houses. The conclusions and recommendations seems reasonable and accommodating in trying to strike that balance.

Michael Bandsuh: In my brief time sitting on the Planning Commission I want to state and I would like to reiterate Mr. Roman's comments. I believe in the process. I believe that in any case, when you're talking about solar energy, whether you are talking about structures on property things that benefits any homeowner, I believe in the city's endeavoring to control the aesthetics, property values and as far as I'm concerned, just to strike things or eliminate them from the code of regulations just because a small group of people have such passion for that particular area. Again,iIn my short time with the Planning Commission, I see a reasonability, I see a willingness (**Legislation Committee, continued**)

to work with the citizens in this community and in any case whether it is solar energy or somebody that wants to do things outside the code of regulations, on their property I always see good suggestions being made and I see a group of people on the Planning Commission that is willing to accommodate the people that come before the commission. And it is for those reasons that, I believe, we know changes have been made to that part of the code and, I think that those are reasonable changes and I also think if anyone wants to go beyond those regulations and want to come before (Planning Commission) they will be listened to and thought through carefully and a decision that will be made on behalf of the City.

Councilmember Rose: Just to note, so this is part of the record, a search of other municipalities and it seems many have (legislation) that solar panels cannot be visible from the street. Moreland Hills, Orange, Bedford, Medina, Brooklyn Heights- these are just some of a strong majority. Then our neighbors, Independence, Broadview Heights, North Royalton and Strongsville have no legislation, which leads me to believe all solar panels come before planning. I don't know what that means. This is what this community decided, just like Brecksville decided not to have tall fences, we don't allow six foot fences. Aesthetics of the community and the look of the community. Any comments from Council. Any further comments?

Councilmember Carouse: I did not attend any of the meetings. Aesthetics can be very subjective. I would have to say a lot of building code & planning & zoning laws that we have are really designed around what we think is appropriate for the community as a whole. The air conditioner where they're placed and generator placement, certain building materials, fences, all of those things. A lot of those regulations are built upon protecting the community from an aesthetic point of view. What one person sees as not being unattractive, another would. That's the job of the Planning Commission and Board of Zoning to make the judgements so I think this is appropriate.

Councilmember Rose: Any comments from the audience?

Cheryl Gutredge: 5536 Forest Lane, Brecksville. I have lots of comments, we've heard a lot of good things. I am also one of the people who has self-selected out of the process due to the current status. I think it would be difficult to assess the negative impact for those who are eligible if they had not gone to the Planning Commission. I would not pay several hundred dollars to have someone come to my house having heard the Torrez's experience. I have a property that is on Forest Lane which is not directly south facing roof, it sort of follows the curve of the street. I do not have direct frontage on any particular ordinance. But anyways my identification as one of those people. A couple comments, I would like to make sure that we are using the correct language. Absolutely certain using the correct language that given the interest of everyone and the seriousness of which the planning commission, they don't want the record to be incorrect. I don't think Mr. Harwood or others have intentionally misspoken. We should be clear, the proposed changes that we had with the regard to economic viability still occurred within the context of a request for a deviation or to vary from the ordinance. In other words, this was not a proposal that resulted in assuming the economic impacts could be made that therefore you did not have to come to the planning commission. That was not the case at all. In other words the evaluative nature of the planning commission's body was built into the proposal as stated by us so that they could perform the function of being the arbiter of that information. There should be a neutral arbiter.

The fact that I say that I'm going to be negatively impacted shouldn't be the end all and be all for the Community of Brecksville. I think everybody that has sought solar around their house or would consider in the future would agree with that. There has to be someone who does not have a vested financial interest in the process to take a look at it and to compare it against all the community interests that are in play. However, I'm really happy about the fact that we brought up the comparable community standards. In my view that really aids in reframing the question. The question is what type of evidence do we have that peer communities either in the State of Ohio or elsewhere have adopted ordinances as strict as our have had positive community impacts therefrom. In other words, the review of the Ordinance, unfortunately the spreadsheet that was provided does not provide quite as much detail, our Ordinance is pages and pages long. You can't quite capture the essence. A number of these also include side provisions, not just rear but rear and side. That would have of course taken care of the Petersen's home and rendered it unnecessary to come before the community. But also a number of them which was not discussed in a lot of detail provide for the sort of economic analysis or the ability to present to a body for a variance or deviation exactly what we are proposing. So we were essentially proposing going toward the strictest version of what we saw of anything that looked like a comparable community. It hasn't been brought to our attention, despite the fact that as you heard that this has been going on for a year, that there is any community in Ohio that we would consider a peer to be equivalent to or stricter than ours if you actually delve into the regulatory language of the Ordinance. So to return to my point of reframing the question, we should ask ourselves is our on-going restrictiveness of this necessary and proper as we move forward or is it accomplishing what we are trying to get it to accomplish. If you want people to be able to raise the value of their homes and also the utility of their homes but they are opting out of the process due to the nature of the restrictiveness. I'm not sure that the balance we have struck is 100% correct so let's put the power in the hands of the PC to assess the economic viability of the systems as a factor to be considered against the aesthetics. The difficulty of the Ordinance is of course the City Council has not given them any direction as it pertains to the issue of economic viability and the ability to power one's home when evaluating the nature of the proposal. So, more guidance to the Commission is essentially the nature of the request. There is no intent on the part of anybody involved in the process who has spoken to me to enable a person to put solar in a public facing view without ever having to talk to anybody in a position of authority in Brecksville to engage those community standards. So, I appreciate thoughtful consideration of this because I feel as though there is a lot of pressure on this issue is because of the fact we are speaking to values the community holds simultaneously. We are Tree City USA. It was clear to me from the time I moved here several years ago that the natural environment is something that was prioritized. It is also clear that the nature of how the community presents itself is a value that is considered. So the proposal that we have offered; again we feel the Commission's proposal is commendable because it helps the community. But the right balance, we feel, is struck in the language we put forward because it still provides for that review process. As with an iota of direction as it pertains to the ability of the homeowner's enjoyment of their property. Again, I appreciate everyone's consideration.

Councilmember Veras: I just want to say about comparing us to other communities in the State of Ohio. That should not be an issue comparing Brecksville to other communities, Brecksville is unique- I think one of the hallmarks of Brecksville is we are unique. Even just recently in our Master Plan survey I think 97% of the people are thrilled with their life in Brecksville either very happy or whatever the statistic is. The point is because groups like the Planning Commission

are so careful, deliberative and thoughtful. I love your passion and I admire you. I think looking at the whole community and the aesthetics and the way Brecksville has always looked the consideration that they give the issues Mr. Roman referenced to make that comparison to other cities, their zoning and rules are not relative. What do you think Mr. Rose?

(Legislation Committee, continued)

Councilmember Rose: I think Ms. McMillen, Ms. Gutredge and Ms. Cramer are in the 97%, they love being in Brecksville. I appreciate the way you presented it to make it less onerous on people if we should keep it with the changes that are being proposed. You don't have to spend money to figure out whether you need it and you can make a case that there is no other way to get it (solar) paneled if you don't let me put it some other way. Hearing no other comments.

Councilmember Petsche: I would like to make a comment. In light of what Law Director Matty said, yes, many years ago when we were drafting our website or placing an ad in a CEA advertisement that lists 500 different union companies in Northern Ohio, state what we offer or hope to sell. I probably listed solar panels, I forgot about that. Again, I would like to repeat, I have never sold a solar panel, I don't plan to sell a solar panel. I'm not in the business of installing solar panels. But to avoid the appearance of impropriety, I am going to abstain from this discussion and this vote.

Councilmember Rose: I appreciate that (Councilmember Petsche.)

Dom Sciria: I am Vice Chair of the Planning Commission, I have just a couple of quick comments. It's my belief, based both on my professional life and my work on the Planning Commission, it is not Brecksville's Code that is preventing blossoming of solar panels on roofs in Brecksville. It is our climate, our geography and the fact that they are basically not economically viable in this part of the country, climate without tax breaks and other incentives.

Comment from the audience: Not true.

Dom Sciria: Ma'am with all due respect I manage a lot of commercial real estate and I can show you studies that I have done independently for my company when we were looking at putting solar panels and frankly the payback without incentives was not there. That's just my opinion, I could be wrong but that's just an observation I'm giving you. Even in communities nearby that have supposedly much more lenient regulations I don't think you see dozens of solar panels in every neighborhood as you drive through and there is a reason for that. Mr. Packard was good enough to point out to us that new technology roofing shingles will be coming shortly which will basically achieve the same thing these folks want, and I think that's wonderful. It will get here eventually. If it is not here now it is because of the free market system, because of a lack of demand, it is as simple as that. They tell you that as a planner or builder. But the more important issue, from my perspective as a planning commission member is this, I have read in detail the changes that these folks are suggesting and my belief is, they will make financial benefit the primary consideration for the commission. I think that is wrong. I think if we do that it turns on its head all of the principles of planning and zoning this City has applied as long as I've been here. If we made financial consideration as the major reason for decisions we would be telling a lot of developers

and commercial building owners yes when our answer would otherwise be no. I don't believe that would be the best interest of the community.

Eric Lahrmer: Secretary of Planning Commission. I also want to speak on the topic of the financial consideration. I support everything they are pushing for solar panels. Financial consideration for criteria with planning is risky, at best. You take every other criteria in the Ordinance. If you have a lot that is "this" size you have to have a certain size house. Well, if it is not economically viable for you to build a minimum sized house, can you build a (smaller) 1200 square foot house. All the criteria, the setbacks, if there is an obstruction on the property, so now I want to build right up to my neighbor's yard line because it is going to be economically better for me. So when you introduce finance into the discussion or economic viability it puts at risk the whole rest of the zoning ordinances. Because now you introduce the criteria that for almost the history of zoning is taboo to the conversation because you're making it on a qualitative analysis not a financial discussion. Now every other ordinance becomes at risk because you are setting a precedent of financial consideration. I support the solar ordinances, I support the revisions and I support the discussion. I cannot support financial consideration as a criteria in the process without putting at risk the rest of the interpretation that we do as a committee.

Councilmember Rose: Planning has brought forward to us the proposed revisions to 1186.03 (c) (1), adding a new 1186.04 (c) (10) and a revision of 1186.09(c), do I hear a motion to advance this ordinance to City Council.

Councilmember Veras: So moved.

Councilmember Rose: Second. All in favor?

Councilmember Veras: Aye.

Councilmember Rose: Aye.

Councilmember Petsche: Abstain.

Councilmember Rose: Motion carried 3-Ayes, 0-Nays.

Appointments: Councilmember Rose said the Fire Chief has requested the appointment of (4) part-time firefighters. Fire Chief Zamiska said the part-time firefighters are used to supplement the department when full time firefighters are on vacation or unavailable. Mayor Hruby said we are a department that is full time, we have a number of full time firefighters and paramedics. All of our members have paramedic certification as well as firefighter. The history of the fire department has always been to have a number of volunteer firefighters as the background of the department. In recent years many have retired or left the City. The City has been looking for volunteer part time firefighters to train and each one needs the firefighter paramedic requirements. Fire Chief Zamiska said six of the part-time firefighters have resigned or retired. The part time firefighters must have the same qualifications as the full time employees. Twenty-seven firefighters submitted applications and four have been recommended. Ben Kremer, he's from the

Brecksville Broadview Heights School District, a member of the Explorers Program and currently works full time as a paramedic for the Cleveland Clinic.

Matt Levitt has been in fire service since 1997. He holds 41 professional credentials and currently works for the Cleveland Hopkins Fire Department.

Timothy Musat is an avid Hockey Player, top scholar in his firefighter class. Timothy also works for the Columbia Station Fire Department

(Legislation Committee, continued)

Nick Sokolowski is a Brecksville Resident and earned his EMT Certification at the Career Center in Brecksville.

Fire Chief Zamiska said all of these applicants have went through a very long process and background checks were performed. Brecksville checked their history and how they performed in school. All are very, very well qualified.

Councilmember Rose asked how many hours they work. Fire Chief Zamiska said it depends on the availability. During June –September they work more hours, to fill in for full time members on vacation. There is always availability for public relations and education events. Councilmember Rose asked if we have experience working with them. Fire Chief Zamiska said two of the applicants have been in the explorer program, through their junior and senior year in high school they would be around the fire station and doing volunteer work. We were able to get to know them and their capabilities. Councilmember Rose asked if the part-time volunteers have an opportunity to move up to full time firefighters and paramedics. Fire Chief Zamiska said yes, occasionally, he is one of them. They are able to take the test. Mayor Hruby said many volunteers will work for departments while waiting for a full time position. We hope that they will be able to take our test and become full time members of the department. We have a firefighter that may be retiring next year and we hope that one of these men could move into that position. Mayor Hruby said all of them have the same qualifications as our full time members. Councilmember Petsche asked chief Zamiska recommends all of these applicants Fire Chief Zamiska said yes. Councilmember Petsche asked if this is a paid position. Fire Chief Zamiska said yes. There are different rates for part-time paramedics and EMT's. Three of them are paramedics and one is an EMT and attending paramedic school.

- Motion by Rose, seconded by Veras, to request passage of a Resolution appointing Benjamin R. Kremer to the position of part-time, Volunteer Firefighter/Paramedic in the Fire Department of the City of Brecksville. Ayes: Petsche, Rose, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.
- Motion by Rose, seconded by Petsche, to request passage of a Resolution appointing Mathew A. Levitt to the position of part-time, Volunteer Firefighter/Paramedic in the Fire Department of the City of Brecksville. Ayes: Petsche, Rose, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.
- Motion by Rose, seconded by Petsche, to request passage of a Resolution appointing Timothy V. Musat to the position of part-time, Volunteer Firefighter/Paramedic in the Fire Department of the City of Brecksville. Ayes: Petsche, Rose, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.
- Motion by Rose, seconded by Petsche, to request passage of a Resolution appointing Nicholas T. Sokolowski to the position of part-time, Volunteer Firefighter/Paramedic in the Fire Department of the City of Brecksville. Ayes: Petsche, Rose, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Adjournment: Motion by Rose, seconded by Veras, to adjourn the Legislation Committee meeting at 7:18 P.M. Ayes: Petsche, Veras, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Safety-Service Committee

Chairperson- Louis Carouse

Committee members- G. Broski, K. Veras

Chairperson Carouse called the meeting to order at 7:19 P.M.

Roll Call – Present: Broski, Carouse, Veras.

Absent: None.

Approval of the May 21, 2019 Safety-Service Committee meeting minutes.

Motion by Carouse, seconded by Broski, to approve the May 21, 2019 Safety-Service Committee meeting minutes as submitted. Ayes: Carouse, Broski, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Discard or Salvage of Municipal Property: Councilmember Carouse said the Service Director has provided a list of items that has been requested for disposal of unusable equipment. Service Director Weidig said he has compiled a list of the following items that are not able to be sold due to safety concerns. Service Director Weidig said based on the recommendation of the Law Director a request shall be made to the Finance Director and Mayor before discarding any equipment. Council should make the final decision on the recommendation. Service Director Weidig said old first aid kits at the community center are outdated and should be destroyed. Fire extinguishers that are outdated and can no longer be filled should be destroyed along with broken safety harnesses. The departments have purchased new safety harnesses and the ones listed should be destroyed. The ladders listed are broken and are a safety hazard. They will be cut up and destroyed. There is also a destroyed truck piston that will be cut up and salvaged.

- Motion by Carouse, seconded by Broski, to submit to Council for passage of a motion granting the Service Director the authority to discard or salvage attached listed property no longer needed for municipal purposes and not sold due to safety and liability concerns. Ayes: Broski, Carouse, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Adjournment: Motion by Carouse, seconded by Veras, to adjourn the Safety-Service Committee meeting at 7:22 P.M. Ayes: Broski, Carouse, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Streets & Sidewalks Committee

Chairperson Gerald Broski

Committee members J. Petsche, L. Redinger.

Chairperson Broski called the meeting to order at 7:22 P.M.

Roll Call – Present: Broski, Petsche, Redinger.

Absent: None.

Approval of the May 21, 2019 Streets & Sidewalks Committee meeting minutes.

Motion by Broski, seconded by Petsche, to approve the May 7, 2019 Streets & Sidewalks Committee meeting minutes as presented. Ayes: Broski, Petsche, Abstain: Redinger, Nays: None. Motion carried 2-Ayes, 1-Abstain, 0-Nays.

(Streets & Sidewalks Committee, continued)

SR 82 Pavement Improvement Project: Councilmember Broski said a change order for CATTS Construction was discussed at the previous council meeting. Councilmember Broski said there was insufficient votes at the previous meeting so there was a motion to table.

- Motion by Redinger, seconded by Broski, to remove from the table.

Engineer Wise said ODOT requires this process to close out the project. There is a deduct to the account in the amount of \$12,094.78. Field measurements were done to calculate quantities of materials used. If Council accepts this the contract will be closed. Councilmember Petsche has worked with CATTS Construction in the past and will not vote on the matter.

- Motion by Broski, seconded by Redinger, to authorize a Change Order #8 for a deduct to CATTS Construction for the SR 82 Pavement Improvement Project. Ayes: Broski, Redinger. Abstain: Petsche, Nays: None. Motion carried 2-Ayes, 1-Abstain, 0-Nays.

Service Director Weidig said repair work on Fitzwater Road has begun. The concrete program is working well, small sections throughout the City have been completed.

Councilmember Broski said he viewed some areas of the City with the Service Director. Service Director Weidig reported the Service Department revealed more extensive damage to Riverview Road Culvert No. 1 and additional emergency repairs were needed for the temporary repair to Riverview Road. Engineer Wise provided additional information on the repair plan. The road has been reopened. Engineer Wise said the permanent repair will be included in the Capital Budget Plan in the future.

Service Director Weidig also provided information to Council regarding work that will be done for the Brecksville Broadview Heights City School District. Paving and concrete repairs have been requested near the middle school. Councilmember Broski asked if the school pays for the materials and how long will the work take. Service Director Weidig said yes, the school pays and the small jobs should take one day.

Adjournment: Motion by Broski, seconded by Petsche, to adjourn the Streets and Sidewalks Committee meeting at 7:29 P.M. Ayes: Broski, Redinger, Petsche, Nays: None. Motion carried 3-Ayes, 0-Nays.

Utilities Committee

Chairperson Jack Petsche

Committee members G. Broski, D. Rose

Chairperson Petsche called the meeting to order at 7:30 P.M.

Roll Call – Present: Broski, Petsche, Rose.

Absent: None.

(Utilities Committee, continued)

Approval of the May 21, 2019 Utilities Committee meeting minutes.

Motion by Petsche, seconded by Rose, to approve the May 21, 2019 Utilities Committee meeting minutes as presented. Ayes: Petsche, Broski, Rose, Nays: None. Motion carried 3-Ayes, 0-Nays.

Engineer's Report

Hickory Ridge Slope repair Project: Engineer Wise reported the property owner, Mr. Paul, reported he is not satisfied with the restoration of the slope. I have inspected the slope and explained to Mr. Paul I am satisfied with the work and it has been completed in accordance with the contract requirements. Mr. Paul is requesting that additional trees be planted on the slope. Engineer Wise said the City's Arborist and Geotechnical Engineer have recommended against planting trees on the slope as they may contribute to another slope failure in the future. Mr. Paul still has numerous requests for trees, fencing, sidewalk replacement and creating additional flat areas of his yard. Councilmember Petsche asked if trees were removed for this project. Engineer Wise said trees were removed. The material used to embank the slope was mostly clay and the arborist said it is not good material for tree growth. The geotechnical engineer said it would not be advisable due to the weight on top of the embankment. Many of the trees removed were sliding down the slope. This is over utility easements and planting over those easements is not advisable. After discussion Council agreed not to plant additional trees on the slope.

Cambridge Village: 7807 English Drive Catch Basin Installation. Engineer Wise said the project has been completed and grass will be planted soon.

Councilmember Petsche said a resident sent him an e-mail asking if the outstanding easement for the Whitewood Aerial Sewer Project had been obtained. Engineer Wise said he sent a letter to the property owner and explained the City would be moving forward to appropriate an easement. The property owner then responded and said she will contact Engineer Wise next week to get more information and copies of the easements already obtained by the city. Councilmember Petsche asked if he should respond to the e-mail with that response. Engineer Wise said he had no objection.

Councilmember Broski asked if lighting was proposed for SR 82 in the area of the pavement project. Mayor Hruby said that was planned as a future project.

Adjournment: Motion by Petsche, seconded by Broski, to adjourn the Utilities Committee meeting at 7:37 P.M. Ayes: Petsche, Broski, Rose, 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 7:37 P.M. Ayes: Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

(Committee of the Whole Meeting, continued)

Approval of the May 21, 2019 Committee of the Whole meeting minutes. Motion by Harwood, seconded by Carouse, to approve the May 21, 2019 Committee of the Whole meeting minutes as submitted. Ayes: Broski, Carouse, Harwood, Petsche, Rose, Veras. Abstain: Redinger. Nays: None. Motion carried 6-Ayes, 1-Abstain, 0-Nays.

Committee of the Whole Meeting Adjourned: Motion by Harwood, seconded by Carouse to adjourn the Committee of the Whole at 7:38 P.M. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. Motion carried 7-Ayes, 0-Nays.

/tt

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