

MINUTES

Council Committee Meetings

September 18, 2018

Present: Council President M. Harwood, Councilmembers: G. Broski, L. Carouse, J. Petsche, D. Rose, K. Veras, Mayor Jerry N. Hruby, Law Director D. Matty, Assistant Law Director S. DiGeronimo, Engineer G. Wise, Police Chief Goodrich, Purchasing Director R. Riser, Fire Chief N. Zamiska, C.B.O. S. Packard, Recreation Director Tupa; K. Gaivin - Brecksville Magazine, Clerk of Council T. Tabor.

Absent: L. Redinger.

Buildings & Grounds Committee

Chairperson - K. Veras

Committee members - L. Carouse, L. Redinger.

Chairperson Veras called the meeting to order at 6:34 P.M.

Roll Call – Present: Carouse, Veras.

Absent - Redinger.

Approval of the September 4, 2018 Buildings & Grounds Committee meeting minutes.

Motion by Veras, seconded by Carouse, to approve the September 4, 2018 Buildings & Grounds Committee meeting minutes as presented. Ayes: Carouse, Veras. Nays: None. Motion carried 2-Ayes, 0- Nays.

Fall Trees - Councilmember Veras said quotes have been received to purchase trees for replacement and new trees for the City. The lowest and best quotes were reviewed and confirmed by the City of Brecksville Arborist, Doug Novak and Horticulturist, Charles Owen. The request for quote tabulation is provided for Council's review.

- Motion by Veras, seconded by Carouse, to submit to Council for consideration a Blanket Vendor Purchase Requisition in the amount of \$13,786.00 for the purchase of (86) new and replacement Fall Trees. *Account #252530 2201*. Ayes: Carouse, Veras. Nays: None. Motion carried 2-Ayes, 0- Nays.

Community Center Doors - Councilmember Veras said a request has been submitted to replace the front entry doors at the Community Center. Mayor Hruby said the purchase of these doors was in the budget for 2018, it was also in the budget for 2017. Mayor Hruby said other items replaced the door purchase in 2017. A letter of explanation from Recreation Director, Tom Tupa, is provided along with copies of the vendor estimates for Council's consideration.



Recreation Director Tupa said the doors are (26) years old, and original to the building. Councilmember Broski asked if the doors were wood or aluminum. Recreation Director Tupa said the doors are aluminum and will be replaced with the same. Councilmember Carouse asked if the mechanical parts will be replaced. Recreation Director Tupa said no, only the doors.

- Motion by Veras, seconded by Carouse, to submit to Council for consideration a Purchase Requisition in the amount of \$20,880.00 to Barcol Door of Cleveland for replacement of the (3) front entrance doors to the Brecksville Community Center. An additional \$2,120.00 is requested for contingency on the project making the aggregate amount for this purchase requisition \$23,000.00. *Account #C490240 3202*. Ayes: Carouse, Veras. Nays: None. Motion carried 2-Ayes, 0- Nays.

Diesel Vehicle Exhaust Extraction System - Councilmember Veras said a request has been made to authorize the purchase of a Diesel Vehicle Exhaust Extraction System for the Fire Department. Fire Chief Zamiska provided a letter of explanation for this recommendation, as well as copies of the bid tabulation and related information. Fire Chief Zamiska said the City submitted for a grant through FEMA and was awarded \$100,000.00 for this purchase. The City's cost share of this purchase is \$4,761.00, and \$95,239.00 is the Federal Grant share. Cuyahoga County Public Safety will be picking up the City's share. Fire Chief Zamiska said he reviewed the bid submissions with Purchasing Director Riser to determine the best bid.

- Motion by Veras, seconded by Carouse, to submit to Council for consideration an Ordinance to Accept the Bid of Hastings Air Energy Control, Inc. for the Furnish & Install of a Diesel Vehicle Exhaust Extraction System for the Brecksville Fire Department in an amount not to exceed ninety-six thousand, nine hundred seventy-two dollars and twenty-nine cents (\$96,972.29), which includes a 3% discount for prepayment with order. *Account #C450260 3300*. Ayes: Carouse, Veras. Nays: None. Motion carried 2-Ayes, 0- Nays.

Brecksville Broadview Heights School - Mayor Hruby said the Brecksville Broadview Heights School District began the visioning for the new school today. The district invited administrators, residents, parents and some public officials to help determine how the new school will be built.

Aquatic Center – Mayor Hruby said while at the meeting with the School District, the Architect for the pool advised him that Purchasing Director Riser is reviewing the final specifications. When the final specifications have been determined, the City will be advertising for bids for the expansion of the Aquatic Facility. Purchasing Director Riser said she met with the architect and had a very productive session. This will be a very extensive bid package and should be ready in less than two weeks. Mayor Hruby said the City will be interviewing applicants for the manager at-risk position for the Aquatic Center project next week and hope to have a recommendation to Council soon.

Police Station – Mayor Hruby said the drywall is being installed and the contractors are on schedule. The Police Department should begin moving in November. Mayor Hruby said the radio room will begin operating in January 2019 and move to the new facility in February 2019. Four of Brecksville's dispatchers will become employees of the Chagrin Valley Dispatch. Mayor Hruby said a tour of the building may be offered during an opening celebration before the radio room is opened. The cost of the project has not exceeded the contingency funds. Councilmember Petsche asked how many dispatchers will be working at one time. Mayor Hruby said Brecksville will have

(Buildings & Grounds Committee Continued)

one dispatcher, one dispatcher will be assigned to Independence and one dispatcher will be assigned to dispatch for four other member communities. One back up dispatcher will be available and one person will be assigned to the fire dispatch. Police Chief Goodrich said the schedule may vary, but he expects there to be no less than four dispatchers at any time. Mayor Hruby said in response to a question he received regarding the construction of the facility, he said the City is building the facility. Everything inside the radio room including the utilities will be shared among the member cities. Mayor Hruby said by eliminating the City's jail, the City is spending \$1,000.00 to \$2,000.00 a month for housing prisoners. Mayor Hruby said the previous budget for the jail was \$300,000.00, and that will be a tremendous savings to the City. Councilmember Broski asked who will be responsible for the billing at the dispatch center. Mayor Hruby said the Broadview Heights Finance Director will be in charge of the billing.

Adjournment: Motion by Veras, seconded by Carouse, to adjourn the Buildings & Grounds Committee at 6:50 P.M. Ayes: Carouse, Veras. Nays: None. Motion carried 2-Ayes, 0-Nays.

Finance Committee

Chairperson - Laura Redinger

Committee members - L. Carouse, D. Rose.

Acting Chairman Carouse called the meeting to order at 6:50 P.M.

Roll Call – Present: Carouse, Rose.

Absent - Redinger.

Approval of the September 4, 2018 Finance Committee meeting minutes.

Motion by Carouse, seconded by Rose, to approve the September 4, 2018 Finance Committee meeting minutes as presented. Ayes: Carouse, Rose. Nays: None. Motion carried 2-Ayes, 0- Nays.

Appropriations - Councilmember Carouse said two items have been presented to the Finance Committee. Both items are typical legislation. Hearing no comments or concerns, Councilmember Carouse continued.

- Motion by Carouse, seconded by Rose, to submit to Council for consideration an Ordinance to amend Ordinance No. 5145, making appropriations for current expenses of the City of Brecksville during the Fiscal Year ending December 31, 2018, making necessary appropriation and revenue adjustments. Ayes: Carouse, Rose. Nays: None. Motion carried 2-Ayes, 0- Nays.

Fund Transfer- Councilmember Carouse introduced the second piece of legislation submitted by the Finance Director as a typical transfer of funds.

- Motion by Carouse, seconded by Rose, to submit to Council for consideration a Resolution making necessary transfers between certain funds and advances of funds for the FY ending December 31, 2018. Ayes: Carouse, Rose. Nays: None. Motion carried 2-Ayes, 0- Nays.

Adjournment: Motion by Carouse, seconded by Rose, to adjourn the Finance Committee meeting at 6:52 P.M. Ayes: Carouse, Rose. Nays: None. Motion carried 2-Ayes, 0- Nays.

Legislation Committee

Chairperson- Dennis Rose

Committee members - J. Petsche, K. Veras

Chairperson Rose called the meeting to order at 6:52 P.M.

Roll Call – Present: Rose, Petsche, Veras.

Absent- None

Approval of the September 4, 2018 Legislation Committee meeting minutes.

Motion by Rose, seconded by Petsche, to approve the September 4, 2018 Legislation Committee meeting minutes as presented. Ayes: Rose, Petsche, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Swimming Pool Fencing Regulations – Councilmember Rose reported the Building Department was investigating local regulations regarding swimming pools while they are under construction. C.B.O. Packard said during his research he was unable to find any of the surrounding communities with regulations available for review on line for pools under construction. The City of Mayfield Heights provided Clerk Tabor with regulations during pool construction. Councilmember Rose said the Committee would like to see the codes that were researched and will work with the Planning Commission and Building Department to determine if a change to the Brecksville Code is necessary.

Adjournment: Motion by Rose, seconded by Petsche, to adjourn the Legislation Committee meeting at 6:55 P.M. Ayes: Rose, Petsche, Veras. 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 6:55 P.M.

Roll Call – Present: Carouse, Broski, Veras.

Absent: None

Approval of the September 4, 2018 Safety-Service Committee meeting minutes.

Motion by Carouse, seconded by Broski, to approve the September 4, 2018 Safety-Service Committee meeting minutes as submitted. Ayes: Carouse, Broski, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Vehicle Extrication Tool System – Councilmember Carouse said the requested equipment is also known as the “jaws of life”. The equipment currently used by the Fire Department is (26) years old and is in need of repair and upgrade. Fire Chief Zamiska said the tool system to be purchased is on state contract purchase for \$43,999.00 new. The manufacturer is selling this demonstrator set that has never been used for \$34,979.00, and the new equipment is much stronger and lighter than the old equipment. Councilmember Veras asked if the equipment is used for other purposes. Fire Chief Zamiska said the equipment is also used when a person is involved in machine accidents, opening doors and other emergencies.

(Safety-Service Committee, Continued)

- Motion by Carouse, seconded by Broski, to submit to Council for consideration an Ordinance for the State Contract purchase in the amount of \$34,979.00 for a vehicle extrication tool system for the Fire Department. *Account #C450260 3300*. Ayes: Carouse, Broski, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Majestic Particulate Hoods – Councilmember Carouse said this purchase will be funded by the Firefighter Exposure to Environmental Elements Grant through the Ohio Bureau of Workers' Compensation. Fire Chief Zamiska said the grant will cover all but \$2,479.11 of the purchase cost.

- Motion by Carouse, seconded by Broski, to submit to Council for consideration a motion to authorize a purchase requisition in the amount of \$7,224.66 to Dicar Corporation for (34) Majestic Particulate Hoods and (34) pairs of Honeywell Super Gloves for the Fire Department. *Account #C450260 3300*. Ayes: Carouse, Broski, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Firefighter Gear Commercial Washer Unit - This purchase will be funded by the Firefighter Exposure to Environmental Elements Grant through the Ohio Bureau of Workers' Compensation also.

- Motion by Carouse, seconded by Broski, to submit to Council for consideration a motion to authorize a purchase in the amount of \$7,650.00 to Advantage Equipment for (1) Firefighter Turnout Gear Commercial Washer Unit & Installation for the Fire Department. The City's total share for these purchases will be \$2,479.11. *Account #C450260 3300*. Ayes: Carouse, Broski, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Recycling Trailer Bid Request – Councilmember Carouse said this purchase would replace the City's current recycle trailer, B-60. The bid specifications will include the request for bidders to provide a trade-in value on the B-60. Councilmember Petsche said he was told the County may require recycling bins. Councilmember Petsche asked if the trailer would work with the bins. Mayor Hruby said yes, it will. Mayor Hruby said the state may require the removal of all blue bags from the landfill, in which case everyone will use bins.

- Motion by Carouse, seconded by Broski, to submit to Council for consideration a motion authorizing the Purchasing Director to advertise for bids for a new recycling trailer for the Service Department's curbside recycling program. Ayes: Carouse, Broski, Veras. Nays: None. Motion carried 3-Ayes, 0-Nays.

Purchasing Director Riser provided Councilmembers with the Recycling Awareness Brochure created with grant funds. The flyer includes information regarding newer recycling regulations and contact information if residents have questions regarding recycling in the City.

Adjournment: Motion by Carouse, seconded by Broski, to adjourn the Safety-Service Committee meeting at 7:07 P.M. . Ayes: Carouse, Broski, 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 7:07 P.M.

Roll Call – Present: Broski, Petsche.

Absent: Redinger.

Approval of the September 4, 2018 Streets & Sidewalks Committee meeting minutes.

Motion by Broski, seconded by Petsche, to approve the September 4, 2018 Streets & Sidewalks Committee meeting minutes as presented. Ayes: Broski, Petsche, Nays: None. Motion carried 2-Ayes, 0-Nays.

Engineer: Engineer Wise said he is working with the contractor to finalize the S.R. 82 Pavement Improvement Project. The contractor should be returning to finalize the project.

Road Program: Mayor Hruby said the road signs were placed notifying the traffic on Vaughn Road of the Road closure on Friday September 14th. Vaughn Road closed on Monday and will be paving on Wednesday to complete the project, except for striping. Fitzwater will have more paving work done for a section needing repair. Mayor Hruby said additional paving will be done on Fitzwater in the spring.

Adjournment: Motion by Broski, seconded by Petsche, to adjourn the Streets and Sidewalks Committee meeting at 7:14 P.M. Ayes: Broski, Petsche, Nays: None. Motion carried 2-Ayes, 0-Nays.

Utilities Committee

Chairperson Jack Petsche

Committee members G. Broski, D. Rose

Chairperson Petsche called the meeting to order at 7:14 P.M.

Roll Call – Present: Petsche, Broski, Rose.

Absent: None

Approval of the September 4, 2018 Utilities Committee meeting minutes.

Motion by Rose, seconded by Broski, to approve the September 4, 2018 Utilities Committee Minutes as submitted. Ayes: Petsche, Broski, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Engineer's Report: Engineer Wise reported a pre-construction meeting with the contractor for the Hickory Ridge project will be held on Friday. Fabrizi Contractors have completed the Brecksville Road Water Line Replacement Project. Grass has been planted and the contractor is maintaining the site.

CATTS Construction has finished the pavement of the S.R. 82 Pavement Improvement Project and will need to complete some final items of the project including grass planting.

Chippewa Road Sanitary Sewer Project: Councilmember Petsche said a request has been received requesting authorization to request funding for the Chippewa Road Sanitary Sewer

(Utilities Committee, Continued)

Construction. Mayor Hruby said sanitary sewers on Chippewa Road are needed. Mayor Hruby said the project will require assessment of homeowners to cover the cost. This is the third time the City has applied for grant funding for the project. To determine the amount residents will be responsible to pay, an assessment Board is appointed. The assessment board recommends to Council what they believe the assessment amount should be.

Engineer Wise said \$1.5 million is needed in grant money before a reasonable assessment amount could be obtained. Engineer Wise said the City has requested grants previously for this project, however, the project was too costly and grant funding was not previously available. Council authorized a request for funding. The City has requested an OPWC grant request of \$500,000.00 and a \$250,000.00 loan. Cuyahoga County has also agreed to a \$300,000.00 refund to the City for the abandonment of the Glenwood Pump Station. The Board of Health has deemed many of the septic systems non-functioning and will soon mandate sewers or the replacement of non-functioning septic systems. Councilmember Carouse asked if any engineering studies have been done. Engineer Wise said there has been no engineering for this project. Councilmember Broski asked if Engineer Wise had an estimated cost of the project. Engineer Wise said he estimates the project to cost approximately \$3.5 million, however it could exceed that depending on the existing underground conditions. Engineer Wise said the legislation that has been prepared, if approved, will authorize the request for funding from the Ohio Public Works Commission.

Councilmember Rose asked how many properties this sewer would serve. Engineer Wise said 86 homes that would be assessed. Engineer Wise said there are more properties this would benefit that are not part of the assessment. Glen Valley has a functional sewer that goes to the pump station. The pump station would be eliminated as part of the project.

Engineer Wise said there are many meetings and public hearings for assessments to the residents. Mayor Hruby asked what is the amount expected to be assessed to the residents. Engineer Wise said he expects \$1.25 million - \$1.5 million, depending on if the City contributes money to the project.

Councilmember Petsche asked how far the project would extend. Engineer Wise said on Chippewa Road from Riverview to just shy of Emerald Woods. The line would pick up again past Emerald and would go to Weise Road and then to Calvin Road to the pumps station. Mayor Hruby said the assessments would be approximately \$17,500.00 per house. Engineer Wise agreed with that estimate. The City is only responsible to pay 2% of the project cost plus the cost to run the sewer in the intersections. Mayor Hruby asked if the project would run to the Anzalone property east of Riverview. Engineer Wise said there is one property and the cost would be very high to run the sewer the required length to benefit one property. Mayor Hruby said to investigate the cost and ask the property owner if he would be willing to pay the cost. Engineer Wise said that would be hundreds of feet of sewer to be run and included in the project cost. Mr. Anzalone has said in the past he would only pay the same assessment fee, nothing additional for the length to benefit only his property. Including additional land may increase the amount assessed to properties. Assessments cannot be more than 33 1/3 % of a property's value.

Preserve at Parkside Easements- Engineer Wise said a developer of Preserve at Parkside will be submitting easements and assignments of easements for the filing of the plat for that project.

(Utilities Committee, Continued)

Engineer Wise said legislation will be prepared for those easements and assignments and will be required before the project begins. Councilmember Petsche asked if that is on Dewey Road. Engineer Wise said yes.

Councilmember Petsche asked if Council would consider a compromise to pay the Four Seasons assessment.

Council President Harwood asked if Councilmember Petsche would like to make a motion to present the easement issue to Council. Council President Harwood asked if Councilmember Petsche understands the responsibility of Council Procedures. Councilmember Petsche said he is trying to understand. Council President Harwood explained Councilmembers have tried to assist Councilmember Petsche regarding the rules of Council and procedures. Citizens are questioning the rules of Council and Councilmember Petsche is misrepresenting the rules because he does not know the rules Council follows. Council has received concerns from residents regarding Councilmember Petsche reporting the approval of legislation and motions in Committee meetings. Council President Harwood said the committees are recommending bodies. Motions made in committee meetings are to recommend a motion or legislation for Council's consideration, approvals are not done in committee meetings. Council President Harwood said transparency issues have come about because people are being told by Councilmember Petsche approvals are voted on in committees and that is not true. Councilmember Petsche said he understands that. Council President Harwood said a motion is needed to move the issue to the floor for Council's consideration.

- Motion by Petsche to request passage of a Resolution authorizing a request for financial assistance for the Chippewa Road Sanitary Sewer Project. Council President Harwood said Councilmember Petsche cannot ask for approval from a committee, a motion should be made to submit to Council for consideration.
- Motion by Petsche, seconded by Broski, to consider the request for passage of a Resolution authorizing a request for financial assistance for the Chippewa Road Sanitary Sewer Project. Ayes: Petsche, Broski, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Settlement Agreement and Mutual Release- Councilmember Petsche asked if Council would consider a compromise to pay the Four Seasons assessment. Council President Harwood asked if this discussion should be in Executive Session. Law Director Matty said no, however Council President Harwood and Councilmember Veras should excuse themselves before discussion. Harwood and Veras left the meeting at 7:34 P.M.

Councilmember Petsche proposed the residents pay a percentage of the assessment. Councilmember Rose said this was discussed at a previous meeting. Councilmember Rose said when the committee was presented with the options, the committee made a motion to authorize the law director to negotiate with the County. Councilmember Rose said in previous discussions, when the committee was presented with the options for paying the bonds, the settlement with Cuyahoga County seemed like the best option to him. Councilmember Rose said his question to Law Director Matty was, if the City was to accept the Settlement Agreement with the County, would the City be responsible to give back a portion of the funds received from Cuyahoga County.
(Utilities Committee, Continued)

Law Director Matty responded yes, it is possible that a proportion of the funds may need to be returned to the County, if we collect from whatever source. Councilmember Rose asked Law Director Matty if that is correct. Law Director Matty said Section 1 of the agreement says the City will pay \$681,742.00. That is the representation made to the County.

Law Director Matty explained if Council wished to debate this issue again a motion to rescind would be needed by Council, a second of the motion is needed and a positive vote is required to begin discussions on this issue. Law Director Matty said the motion was made to instruct the Law Director to negotiate a settlement and a motion to accept the results of that negotiation was made and voted on to accept that motion.

Mayor Hruby said the community is very confused. The emails he has received, many are copied to Mrs. Belovich, are from residents that think the entire City will be billed for the Four Seasons assessment. Councilmember Rose said he has also received those concerns. The City will not write a check in the next three years for \$681,742.00 at the end of the bond term. The bond payments are made annually in equal installments, the City's contribution to the Bond Retirement Fund will not be fully realized until all of the outstanding bonds are collected. Mayor Hruby said Council will determine where the funds come from and how it will be paid.

Councilmember Petsche said he would like Four Seasons residents to pay half and the City pay half.

Councilmember Carouse said he recalls discussion regarding the agreement. As an example, if the City receives \$40,000 from the residents, the City receives \$40,000 less from the County. When an agreement is made that is what you adhere to. Councilmember Petsche said the City should collect another \$340,000 from the residents, and only charge the people for the time they lived in their homes.

Law Director Matty has not had any further discussions with Cuyahoga County. Without a motion, to rescind the original motion, the Law Director cannot discuss with Cuyahoga County any changes to the agreement. The City has already missed the September 15th assessment date for the Four Seasons residents, the residents are only responsible for five corrected assessment payments.

Councilmember Carouse said the urgency was to be able to collect the proper assessments from the residents, and now the delay has caused the City to miss one of the assessment collections, and forfeiting additional from the Four Seasons residents. Law Director Matty said that issue was brought to Council's attention in June of this year.

Mayor Hruby said the City has already made 17 bond payments from the Bond Retirement Fund. Councilmember Rose said this is a potential shortfall, the final numbers are not known. Councilmember Rose said residents are believing the City will be writing a check for \$681,000 and they will receive a bill for that payment. Councilmember Petsche said he has not heard those concerns and does not know most of the people that are making their concerns known. Councilmember Petsche said most people understand Council is paying for an assessment the

Council agreed would be paid by the residents in 2001 and now Council is agreeing to pay that assessment based on a mistake that the County and the City made.

Law Director Matty said in all of the misinformation the fact that is being missed by the residents is at any point in time during a special assessment Council, by a majority, may do what it deems just, to pay any part of a special assessment. Law Director Matty said he has received comments from people in Four Seasons that are concerned about the assessments being double, because their paperwork does not show the increased assessment amounts. It has been commented that people feel the residents of Four Seasons have a claim against the title companies, they do not, the title companies were given incorrect information by the County Auditor.

Mayor Hruby said he is concerned with a Councilmember telling the community that the City made a mistake. Mayor Hruby said the City is a victim in this issue and asked the Councilman to explain his reasoning. Councilmember Petsche said the City missed the fact the County was incorrectly collecting the assessments. Mayor Hruby asked how the City would know that. Councilmember Petsche said separate accounts or detailed reports from the County. Mayor Hruby asked how the City is at fault. Councilmember Petsche said he did not say it was not an understandable or careless mistake, but someone made a mistake. Councilmember Petsche said he was just talking among the Councilmembers, Mayor Hruby said the discussion is in public with the media in attendance. Mayor Hruby asked Councilmember Petsche for an explanation of how the City made the mistake.

Councilmember Carouse said the City did not contribute any funds for this project at the inception. The City has contributed funding for most of the projects that have been assessed to the residents. The Riverview Road assessments were originally \$17,000 and the residents were only assessed \$12,500 after the City's contribution. Councilmember Carouse does not believe if Council rescinds the agreement with the County the County will still provide funds. Councilmember Petsche said he feels the residents should pay their share and the County will still contribute. Councilmember Petsche said he would like to go back to the County Executive and ask him if he would change his mind.

Councilmember Rose said he would like the real facts to be explained to the residents. Councilmember Rose said Councilmember Petsche has said this was a backroom deal, disparaging the members of Council. Councilmember Petsche said this was not on an agenda, or debated in the community. Councilmember Carouse said it has been debated in the community. Mayor Hruby said a motion was made to authorize a negotiation with the County for a settlement. There was no agreement voted on at that time, because there was no agreement. Law Director Matty said an agreement with the County had not been negotiated. Mayor Hruby said after the Law Director negotiated with Cuyahoga County, legislation was presented to Council. Mayor Hruby said any Councilmember may change his vote at any time during the three readings. To let the people think that this agreement was not transparent is not true. Law Director Matty said the way this would not be transparent would be to have discussion in executive session or have no discussion on the issue, and have no action taken until the Finance Director said funds were needed to be transferred to pay the bond. The first reading of the legislation, Resolution 4876, was done on August 21st, the second reading on September 4th. The third reading has yet to be scheduled.

Councilmember Carouse said all possible solutions were discussed previously. Councilmember Petsche said he does not remember discussing the residents paying half of the shortage or a compromise. Councilmember Carouse said compromises were discussed. Councilmember Carouse said Councilmember Petsche has not done anything to remove the controversy that the decision was made because of the Councilmembers that live in Four Seasons.

Mayor Hruby said Councilmember Petsche has not added this discussion to the Utilities Committee Agenda. Councilmember Petsche said he will have the discussion on the floor. Mayor Hruby said Councilmember Petsche has misrepresented approvals made in the Committee Meetings and items that are discussed are not listed on the committee agenda. Mayor Hruby said Councilmember Petsche should have requested this discussion to be listed on the agenda.

Councilmember Carouse said it was known to Council if an agreement was negotiated with the County for a settlement, it would be necessary to make a decision soon. Councilmember Carouse said the first installment of the arrearage has already passed without the City being able to collect those funds from the Four Seasons residents, only five payments remain in the assessment period. Another reason to make a timely decision was the County may change what was agreed to in August.

Mayor Hruby said he felt the Channel 5 news had a headline telling people that their taxes will be raised because of this agreement, and that is not true. The issues are changing based on the e-mails received by the Mayor. Mayor Hruby said he is putting together a fact sheet answering some of the mis-conceptions that will be available to the public.

Petsche said he feels Council does not want to compromise. Councilmember Carouse said he feels Council has already made compromises to get to this point. Mayor Hruby asked if Councilmember Petsche has written a proposal to be presented to Council. Councilmember Petsche said he did not.

Councilmember Rose said Councilmember Petsche should provide the members of Council with his request, rather than bring up the subject in an abstract way.

Adjournment: Motion by Petsche, seconded by Rose, to adjourn the Utilities Committee meeting at 8:12 P.M. Ayes: Petsche, Broski, Rose. Nays: None. Motion carried 3-Ayes, 0-Nays.

Mayor Hruby said he will table the executive session items regarding personnel.

Committee of the Whole Meeting: Motion by Harwood, seconded by Carouse, to convene a Committee of the Whole meeting at 8:12 P.M. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose. Nays: None. Motion carried 6-Ayes, 0-Nays.

Approval of the September 4, 2018 Committee of the Whole meeting minutes. Motion by Harwood, seconded by Carouse, to approve the September 4, 2018 Committee of the Whole meeting minutes as submitted. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose. Nays: None. Motion carried 6-Ayes, 0-Nays.

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Committee of the Whole Meeting Adjourned: Motion by Harwood, seconded by Carouse to adjourn the Committee of the Whole at 8:13 P.M. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose. Nays: None. Motion carried 6-Ayes, 0-Nays.

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