

MINUTES OF THE MEETING OF THE
CITY OF BRECKSVILLE COUNCIL COMMITTEE MEETING

HELD: March 07, 2023

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Virtual Meeting Notice

For the safety of our staff and residents, to listen to the live stream of the meeting please go to: <https://www.facebook.com/233577357056186/live/> or the City's website: www.brecksville.oh.us. Questions and comments may be e-mailed to ttabor@brecksville.oh.us or by phone to (440) 526-2609 and will be forwarded to the appropriate personnel for a response.

BUILDINGS & GROUNDS COMMITTEE

Call to Order

Chairperson Ann Koepke

Members: AJ Ganim, Brian Stucky

6:36 PM

Roll Call

Present: AJ Ganim, Ann Koepke, Brian Stucky

Items for Consideration:

B&G 1. Approval of February 21, 2023 Buildings & Grounds Committee Minutes

:40

B&G 2. Grant - Recommending to Council authorizing the Mayor to enter into a Capital Improvement Community Park, Recreation/Conservation Project Pass-Through Grant Agreement on behalf of the City of Brecksville with the ODNR for improvements to the city's Stadium Drive property.

Planning Director Bartkiewicz said authorization is requested to permit the Mayor to enter into a Capital Improvement Community Park, Recreation/Conservation Project Pass-Through Grant Agreement with the Ohio Department of Natural Resources ("ODNR") for improvements to the City's Stadium Drive property. Such improvements include the installation of permanent bleachers and a scoreboard. The funding was earmarked through House Bill 687 and is administered by ODNR. Through this agreement, ODNR will provide Ninety-Eight Thousand Dollars (\$98,000.00) to be used toward the total project cost. Two Thousand Dollars (\$2,000.00) of the amount appropriated for the project will be retained by ODNR to cover administrative costs.

Motion made by Koepke, Seconded by Ganim.

Voting Yea: Ganim, Koepke, Stucky.

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01:52

B&G 3. Control Link Equipment Baseball Fields E & F at Blossom Hill -Recommending to Council amending Ordinance #5551 authorizing the SourceWell Contract purchase from Musco Sports Lighting for the Re-Lamping of Baseball Fields E & F at Blossom Hill. This request is to add the Control Link equipment and installation to the project in the amount of \$10,600.00. A contingency in the amount of \$2,400.00 is requested authorizing the encumbrance of the entire budget amount of \$13,000.00. This amendment would increase Purchase Order #CT225551 for the Re-Lamping opened for \$11,902.50 resulting in the new P.O. total of \$24,902.50 *Additional \$13,000.00 to be charged to Account #C240710 3300 Project #EQ230001*

Purchasing Director Riser said Council approved legislation in September 2022 for the SourceWell purchase for re-lamping of the baseball fields at Blossom Hill. The weather and scheduling of the contractor was moved to the 2023 capital project. The contractor advised the combining of the Control Link Equipment purchase and install and re-lamping would be more cost effective.

Recreation Director Engle said the amendment would add the installation of the Control Link Equipment that was budgeted as a separate project. The Control Link System is the system used on fields B and C, the turf field and the tennis courts. The lights are controlled remotely, allowing staff to control the lighting on many fields. Recreation Director Engle said staff is working with the installers to determine the best time to complete the installation with the least damage to the fields.

Motion made by Koepke, Seconded by Ganim.

Voting Yea: Ganim, Koepke, Stucky.

05:21

B&G 4. Makovich & Pusti-Human Services Pool Area Improvements - Recommending to Council approval of a Resolution accepting the proposal of Makovich & Pusti Architects, Inc. for architectural and engineering services for the Human Services Pool Area Improvements Project. Acoustic Panel Mounting: Account #C490330 3202 Project #BI230004; Automatic Door Openers: Account #C110330 3202 Project #BI230005; Emergency Egress: Account #C490330 3202 Project #BI230006

Service Director Weidig said he is requesting Makovich and Pusti to prepare a plan for improvements for the Human Services pool. The improvements would include mounting of the acoustic panels on all four walls at the perimeter of the pool area, install automatic door openers to the three existing doors and ensure space is accessible, as well as provide an emergency egress door to the northwest corner with an exterior refuge area to accommodate occupants in the event of an emergency

Other Matters deemed appropriate

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07:27

Councilmember Koepke said an update to ongoing Service Department projects was submitted for Council review. Service Director Weidig said the Highland Cemetery Garage has been emptied out and, if Council agrees, the Service Department will have the electrical service disconnected and begin the process of demolition of the garage. Engineer Wise provided a conceptual drawing of graves that would be located in the open area of the old garage. Service Director Weidig said the area could possibly accommodate 246 additional cemetery plots. With Council authorization Engineer Wise could proceed with a design for the cemetery expansion and the Service Department will move forward with the demolition of the garage.

Committee and Council members had no objection to moving forward with expansion plans and demolition of the garage.

Motion to Adjourn

6:45 PM

Motion made by Koepke, Seconded by Ganim.

Voting Yea: Ganim, Koepke, Stucky.

FINANCE COMMITTEE

Call to Order

Chairperson Dominic Caruso

Members: Daryl Kingston, Beth Savage.

6:45 PM

Roll Call

Present: Caruso, Kingston, Savage.

Items for Consideration:

FIN 1. Approval of Finance Committee Minutes

Motion made by Caruso, Seconded by Savage.

Voting Yea: Caruso, Kingston, Savage.

09:15

FIN 2. Appropriations - Recommending to Council approval of an Ordinance to amend Ordinance No. 5570, making appropriations for current expenditures of the City of Brecksville during the fiscal year ending December 31, 2023, making necessary appropriation and revenue adjustments.

Finance Director Starosta said legislation has been prepared for your consideration to amend appropriations and estimated resources as follows:

General Fund (110): Movement between operating and capital budget of \$5,831 for

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the traffic signal controller at 82 and Highland.

Street Construction, Maintenance & Repair Fund (202)

Increase of \$1,425.00 for the purchase of the Freightliner truck for the Service Department.

Building and Improvements Fund (490)

Increase to estimated resources of \$46,904 for the award of the NOPEC Energized Communities grant to be used toward Phase 4 of the Window Replacement Project at 4450 Oakes Road, Blossom Hill – Building #7.

Motion made by Caruso, Seconded by Savage.

Voting Yea: Caruso, Kingston, Savage.

10:18

FIN 3. Transfers - Consideration of a motion recommending to Council approval of a Resolution making necessary transfers and advances between certain Funds and return an advance of fund for the fiscal year ending December 31, 2023.

Finance Director Starosta said legislation has been prepared to transfer and advance funds as approved in the budget for the second quarter of 2023.

Motion made by Caruso, Seconded by Savage.

Voting Yea: Caruso, Kingston, Savage.

11:03

FIN 4. Monthly Bills for Professional Services Approve the payment of bills for professional services, as follows: Matty, Henrikson and & Greve in the amount of \$17,088.33; Kulchystsky Architects, LLC in the amount of \$318.75; William Logan in the amount of \$4,000.00; Mansour Gavin LPA in the amount of \$8,824.50; Donald G. Bohning & Associates in the amount of \$26,546.26 and Sixmo in the amount of \$862.50; Total of all invoices \$57,640.34.

Motion made by Caruso, Seconded by Savage.

Voting Yea: Caruso, Kingston, Savage.

Other Matters deemed appropriate

Motion to Adjourn

6:48 PM

Motion made by Caruso, Seconded by Savage.

Voting Yea: Caruso, Kingston, Savage.

LEGISLATION COMMITTEE

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Call to Order

Chairperson Beth Savage

Members: AJ Ganim, Ann Koepke

6:48 PM

Roll Call

Present: Ganim, Koepke, Savage.

Items for Consideration:

LEG 1. Approval of Legislation Committee Minutes

Motion made by Savage, Seconded by Koepke.

Voting Yea: Ganim, Koepke, Savage.

12:41

LEG 2. Codified Supplement - Approval of an Ordinance enacting and adopting a supplement to the Codified Ordinances of the City of Brecksville.

Council Clerk Tabor said the Codified Supplement includes legislation adopted through December 20, 2022 and State Legislation adopted through June 28, 2022.

Motion made by Savage, Seconded by Koepke.

Voting Yea: Ganim, Koepke, Savage.

13:34

LEG 3. Administrative Code – Approval of an Ordinance amending Section 145.06 of the Administrative Code to allow the city to designate when absences that meet the eligibility requirements is eligible for FMLA leave.

Finance Director Starosta said the Finance Department has worked with Law Director Matty to update the City's Family Medical Leave Act (FMLA) policy. A minor revision to Codified Ordinance section 145.06 is necessary to be in line with current practices and the revised FMLA policy.

Motion made by Savage, Seconded by Koepke.

Voting Yea: Ganim, Koepke, Savage.

15:43

LEG 4. Amend 145.13 Exempted Employees - Approval of an Ordinance amending Section 145.13 of the Administrative Code and the exempted employees of the City of Brecksville to include the position of Director of Public Service Trainee.

Finance Director Starosta said legislation is prepared to include the position of Service Director Trainee.

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Motion made by Savage, Seconded by Koepke.
Voting Yea: Ganim, Koepke, Savage.

16:47

LEG 5. Amend Payroll Ordinance - Approval of an Ordinance amending Ordinance No. 5574 as it relates to employee compensation to add compensation for the position of Director of Public Service Trainee.

Finance Director Starosta said legislation is prepared to include the pay rates for the position of Service Department Trainee.

Motion made by Savage, Seconded by Koepke.
Voting Yea: Ganim, Koepke, Savage.

17:07

LEG 6. Codification & Online Hosting - Approval of an agreement with Municode to provide codification services and online hosting of the City's Codified Ordinances.

Council Clerk Tabor said the change from American Legal Publishing to Municode Publishing for the City's Codification of Ordinances will allow for more efficient access to the City's Codes. The Municode Agenda & Meeting Management Program will allow connectivity between recently approved legislation and the meetings in which it was approved at. Online hosting of the code will provide greater access for residents.

Motion made by Savage, Seconded by Koepke.
Voting Yea: Ganim, Koepke, Savage.

21:09

LEG 7. Liquor Permit - Response to Ohio Division of Liquor Control regarding the issuance of a liquor permit to Stucco, Inc. 7059 Mill Road.

Councilmember Savage asked if the committee had any objection to the issuance of this liquor permit. Mayor Hruby said the Police Department and himself, as Safety Director, have no objection to the issuance of this permit.

Motion made by Savage, Seconded by Koepke.
Voting Yea: Ganim, Koepke, Savage.

Other Matters deemed appropriate

22:46

Widening of Chippewa Road (SR 82) - Planning Director Bartkiewicz said she is requesting the Law Director prepare legislation in support of the City of Brecksville's application to the office of Senator Sherrod Brown's for FY 2024 congressionally directed spending appropriations for the widening of Chippewa Road (SR 82) from the bridge over Chippewa Creek to the Brecksville-Northfield Bridge. Engineer Wise said this project was requested for

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funding previously requested unsuccessfully. Engineer Wise said the previous estimate for the project was \$17 million.

Motion made by Savage, Seconded by Koepke.

Voting Yea: Ganim, Koepke, Savage.

22:53

Chagrin Valley Dispatch's Application - Planning Director Bartkiewicz said she is requesting the Law Director prepare legislation in support of Chagrin Valley Dispatch's application to the office of Senator Sherrod Brown for FY 2024 congressionally directed spending appropriations for the construction of a new dispatch center in the City of Brecksville. Chagrin Valley would like to create a dispatch center to combine all of their locations in Brecksville.

Motion made by Savage, Seconded by Koepke.

Voting Yea: Ganim, Koepke, Savage.

Motion to Adjourn

7:02 PM

Motion made by Savage, Seconded by Koepke.

Voting Yea: Ganim, Koepke, Savage.

SAFETY-SERVICE COMMITTEE

Call to Order

Chairperson AJ Ganim

Members Kingston, Stucky

7:02 PM

Roll Call

Present: Ganim, Kingston, Stucky.

Items for Consideration:

SAF 1. Approval of Safety Service Committee Minutes

Motion made by Ganim, Seconded by Stucky.

Voting Yea: Ganim, Kingston, Stucky

27:02

SAF 2. Grant - Authorizing an application for a grant through the Staffing for Adequate Fire and Emergency Response Grant Program for funding assistance to improve staffing and deployment capabilities to respond to emergencies.

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Fire Chief Zamiska said an the application was submitted to the U.S. Department of Homeland Security Federal Emergency Management Agency ("FEMA") for the FY 2022 Staffing for Adequate Fire and Emergency Response ("SAFER") Grant Program. The SAFER Program provides funding to hire firefighter personnel and such funding covers up to 36 months of salary costs for each position. There is no cost share/match required or position cost limit. Benefits for the positions funded under the SAFER Program grant are eligible and such costs are reimbursable if they are included as part of the standard package, available to all operational firefighter positions.

Motion made by Ganim, Seconded by Stucky.

Voting Yea: Ganim, Kingston, Stucky.

28:18

SAF 3. EMS Grant - Approval of a Resolution authorizing the Mayor to apply to the Ohio Department of Public Safety, Division of Ohio Emergency Medical Services (EMS) for a 2023-2024 Ohio Emergency Medical Services (EMS) Grant.

Fire Chief Zamiska said authorization is requested to submit an application to the Ohio Department of Public Safety, Division of EMS for the 2023-2024 Ohio Emergency Medical Services Grant for the purchase of trauma supplies and incident reporting software.

Motion made by Ganim, Seconded by Stucky.

Voting Yea: Ganim, Kingston, Stucky.

29:10

SAF 4. Line Striper - Approving a Purchase Requisition to Sherwin-Williams in the amount of \$8,935.00 for a Graco 3900 Airless Line Striper to replace an older model in the Service Department. Account #C202410 3300

Service Director Weidig said the line striper currently used for roadway and parking lot striping is in need of replacement.

Motion made by Ganim, Seconded by Stucky.

Voting Yea: Ganim, Kingston, Stucky.

30:16

SAF 5. Accept Proposal of TMS Engineers- Overhead Sign Support Painting- Recommending approval of a Resolution accepting the proposal of TMS Engineers, Inc. to provide Construction Services for the Overhead Sign Support Replacements Project.

Service Director Weidig said engineering and review of the Overhead Sign Support Replacements Project requires expertise for the installation and the Service Department would like a professional to oversee the proper installation.

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Motion made by Ganim, Seconded by Kingston.

Voting Yea: Ganim, Kingston, Stucky.

31:21

SAF 6. Traffic Signal Controller - Recommending approval of a purchase requisition to Signal Service Company in the amount of \$5,831.00 for a replacement traffic signal controller at Route 82 and Highland Drive. The price includes the new equipment, installation and programming. *Account #C110230 3300*

Service Director Weidig said the traffic signal controller for Route 82 and Highland needs to be replaced. Councilmember Koepke asked if the replacement will be the same size as the existing. Service Director Weidig said yes.

Motion made by Ganim, Seconded by Stucky.

Voting Yea: Ganim, Kingston, Stucky.

32:42

SAF 7. Traffic Signal Pole Painting- Recommending to Council approval of an increase to purchase order #CT235356 to TMS Engineers in the amount not to exceed \$2,500.00 for revisions to the plans prepared for the Traffic Signal Pole Painting Project. *Account #C480171 3504 Project #TS220002.*

Service Director Weidig said while finalizing the Bid Specifications for the painting of the traffic signal poles, there were changes that were made to the project. The I-77 and Miller Road Project includes the new traffic signal poles and painting of those poles was deleted from the plans. Several poles were identified that should have been on the original plans and are listed to be added.

Motion made by Ganim, Seconded by Stucky.

Voting Yea: Ganim, Kingston, Stucky.

34:08

SAF 8. Service Department Truck - Consideration of a motion recommending to Council approval of an Ordinance authorizing the State Contract Purchase of a 2024 Freightliner Model 108SD Plus Single Axle Truck from Cleveland Freightliner, Inc. in the aggregate amount of \$102,490.00 after a \$1,000.00 trade-in of City vehicle #B-31, an inoperable International truck. *Account #C202410 3300*

Service Director Weidig said the requested truck will replace B-32, a 2011 International 3 ton truck. This truck will be used for plowing, salting, soil, stone, and paving. The anticipated delivery of this truck would be the middle of 2024. The Freightliners are ODOT contract 023-22. Due to the length of time in delivery, the dump body is not being requested at this time.

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Motion made by Ganim, Seconded by Stucky.
Voting Yea: Ganim, Kingston, Stucky.

Other Matters deemed appropriate

Motion to Adjourn

7:12 PM

Motion made by Ganim, Seconded by Stucky.
Voting Yea: Ganim, Kingston, Stucky.

STREETS & SIDEWALKS COMMITTEE

Call to Order

Chairperson Daryl Kingston
Members: Caruso, Savage

7:12 PM

Roll Call

Present: Caruso, Kingston, Savage.

Items for Consideration:

S&S 1. Approval of Streets & Sidewalks Committee Minutes

Motion made by Kingston, Seconded by Caruso.
Voting Yea: Caruso, Kingston, Savage.

36:52

S&S 2. Riverview Road Slope Repair Project - Accept Bid - Recommending to Council approval of an Ordinance accepting the bid of Eclipse Company LLC for the Riverview Road Slope Repair Project in the amount of \$212,550.50.

Engineer Wise said the project is on Riverview Road south of Fitzwater Road. Engineer Wise said the bid opening took place last week, six bidders submitted bids for this project. Eclipse Company was the lowest bidder on the project. Engineer Wise said Eclipse has worked in the City before and there is no reason to believe the company would not be capable of doing the work. Engineer Wise expects to issue a notice to proceed on Monday.

Motion made by Kingston, Seconded by Caruso.
Voting Yea: Caruso, Kingston, Savage

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38:29

S&S 3. Riverview Road Slope Repair Project - Recommending to Council authorizing Donald G. Bohning & Associates provide construction related services for the Riverview Road Culvert Slope Repair Project including Construction Staking, Construction Management, Review & Approval of Pay-Apps, As-builts, and Complete Project Close paperwork in the amount of \$8,502.00.

Engineer Wise said Donanld G. Bohning & Associates will provide the construction related Services for a flat fee of 4% of the project cost.

Motion made by Kingston, Seconded by Caruso.

Voting Yea: Caruso, Kingston, Savage.

39:26

S&S 4. Miller Road Interchange Project Update –Engineer Wise said the project is moving along and the contractors are moving toward installing columns and beams may be delivered on site within the next month. Engineer Wise said ODOT Project Managers have authority to issue change orders. Because the City of Brecksville is a participant in the project with a 59/41 project split invoices will be received for change orders.

Other Matters deemed appropriate

Motion to Adjourn

7:20 PM

Motion made by Kingston, Seconded by Caruso.

Voting Yea: Caruso, Kingston, Savage.

UTILITIES COMMITTEE

Call to Order

Chairperson: Brian Stucky

Members: Caruso, Koepke.

7:20 PM

Roll Call

Present: Caruso, Koepke, Stucky.

Items for Consideration:

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UTL 1. Approval of Utilities Committee Minutes

Motion made by Stucky, Seconded by Caruso.
Voting Yea: Caruso, Koepke, Stucky.

44:53

UTL 2. NEORSD Riverview/Weise/ Greenhaven Project Update

Engineer Wise said he sat in on a call with NEORSD. Engineer Wise said NEORSD will require the assistance of Brecksville in obtaining the easements for the project, approximately 6 or 7 properties.

Law Director Matty said the City of Brecksville has the authority to take. Engineer Wise has been very efficient in getting what is needed for a project and if not, the City has to go to court to get the value of Regional Sewer's participation. La Director Matty said the City will work to obtain the residential parcels and Regional Sewer will work with the National Park

Other Matters deemed appropriate

48:37

Glenwood Trail Storm and Sanitary Project - Engineer Wise said the storm sewer is across and connected to the manhole and are substantially completed. The crews and excavators are going to begin pulling the sanitary line up the middle of Glenwood. The project is on schedule.

49:34

Chippewa Road Calvin Drive Sanitary & Storm Project - Engineer Wise said the Chippewa Road Calvin Drive project is continuing with the installation of storm and sanitary lines. The contractors are now working west of the bike shop. Soil conditions have been difficult and slowed the project down somewhat.

Motion to Adjourn

7:26 PM

Motion made by Stucky, Seconded by Caruso.
Voting Yea: Caruso, Koepke, Stucky.

COMMITTEE OF THE WHOLE

Call to Order

7:27 PM

Roll Call

Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.

Items for Consideration:

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CoW 1. Approval of Committee Minutes

Motion made by Redinger, Seconded by Caruso.

Voting Yea: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.

51:33

CoW 2. Director of Purchasing Fireworks Discussion

Purchasing Director Riser said the City of Brecksville recently prepared a RFP for fireworks. The cost of firework product has significantly increased. Three proposals were received. In the tabulation it was detailed for Councilmembers why American Fireworks would be the lowest and best option for the city to enter into a new three-year agreement. What Purchasing Director Riser wanted to discuss with Council this evening is how Council wanted to proceed with fireworks in 2023 and moving forward. Our discussion this evening would then result in Purchasing Director Riser requesting a final proposal that would be brought to Council on March 21st for a new agreement. The cost of the displays are impacted mostly by the length of the display and the quality and volume of the product that's used. American Fireworks has certainly shown over the past eight years, when we've worked with them, that they can choreograph and deliver very, very good shows in any budget length that we are looking to stay within. Purchasing Director Riser presented in her letter a few options. The City could go with option (1) a full length home days fireworks show that everyone is used to seeing about 20 minutes in length and we could still do a Christmas show as we've been doing but not quite as long as we have had more around 15 minutes in length but high intensity throughout that would bring us in at the budget we allocated for 2023 for fireworks.

Option (2) would be to eliminate the Christmas display and just do the Home Days full length show on Sunday night. This would bring us in certainly under budget. The City could also return to the ground display for Christmas. If you recall the very first time we ever introduced fireworks to Christmas was when we would do the tree lighting on the square and everyone would turn around after the carols would sing and there'd be just a ground display for Christmas.

Another option is the City could still do a home days and a Christmas show and have them both be just 15 minutes in length which is still a lengthy show and they'd be all high intensity throughout almost like one big Grand Finale.

Councilmember Kingston said he thinks that the city should keep Home Days as our main and significant fireworks display, full 20 minutes make that our big one and if there is anywhere we could cut costs, maybe it is at Christmas, even doing the ground display.

Councilmember Ganim said he believes American Fireworks has proven well. When Councilmember Ganim thinks of Home Days the fireworks display comes to mind. Fireworks are not the first think he considers at Christmas. Councilmember Ganim said during the

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pandemic, the fireworks were a family activity where we could go isolate in our cars and see that but the holiday lighting truly is the tradition that I think represents our city and to focus on that. Councilmember Ganim said if the City had to cut something and save some dollars, downsizing or giving up the fireworks display at Christmas time is reasonable.

Councilmember Savage said she agrees the 20 minute display at Home Days is a must have and thinks that is something we want to hold on to. Christmas can be something that is either downsized or eliminated.

Councilmember Stucky said he likes Home Days and if the budget allows would like to keep fireworks at Christmas. Councilmember Stucky said he enjoys leaving the tree lighting to the fireworks display and if possible maybe downsize if necessary.

Councilmember Caruso said he has received positive feedback from a lot of the young families in his neighborhood about the Christmas fireworks. Councilmember Caruso said he thinks definitely having the big one at home days is important and if Christmas could be downsized but maintain some fireworks, that is preferred.

57:47

Council President Redinger said she would like to keep some fireworks at Christmas as well even if it's downsized.

Councilmember Koepke said she is easily swayed on this matter. If this is a matter of cost savings she believes that it's an easy way to save. If the goal is to stay within budget then she would like to fireworks at Christmas.

Councilmember Stucky said the first option presented to Council would allow for Home Days and shorter Christmas Fireworks, the fireworks shows would be within the budget allowance. Council President Redinger asked if there was support for the first option. No objections were heard.

Mayor Hruby asked what happened to the Saturday show. Purchasing Director Riser said the Saturday show was eliminated a few years ago when the City started doing both Christmas and Home Days.

Mayor Hruby said he wanted to make Councilmembers aware that the city already cut back by eliminating the Saturday show.

59:32

Councilmember Savage said in January she received emails from residents who were not pleased with holiday fireworks for their pets and small children they did not feel that it necessarily was relevant to that type of a celebration.

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Councilmember Koepke said she completely appreciates the comments of residents. Councilmember Koepke said most said they did not know about the fireworks. Councilmember Koepke said notice was given in the bulletin, it was on the website and out of 365 days we're talking two days and 20 minutes or less. Councilmember Koepke said in that perspective, perhaps the City can make a larger attempt to make sure that people are aware and I think that that will help.

Mayor Hruby said the same people that complained at Christmas were the people that complained at home days, a very small group of our residents.

Other Matters deemed appropriate

1:01:45

Council President Redinger said Council does have an executive session, however, a resident is in the audience to discuss Democracy Day.

Council President Redinger said at the previous Council meeting discussion was had regarding Mr. Belovich's concerns regarding the continuation of Democracy Day.

Council President Redinger said the city has completed five democracy days starting in 2013 rotating every other year through 2021 and at that time we had communicated via all of the notices and the meeting that 2021 would be the last one that the city had completed our requirements for the legislation.

Vice President Caruso and Council President Redinger did meet Mr. Belovich to hear his concerns and his concerns are that the legislation said Democracy Day should run through 2023 and that we were short on having one more Democracy Day that should have been completed in February. Council President Redinger said the question we are being asked to have one more Democracy Day and Council needs to decide whether or not we want to have one more Democracy Day or if Council is comfortable that we've completed our end of the obligation relative to the legislation.

Bob Belovich was in the audience to speak regarding Democracy Day.

Mr. Belovich read Ordinance 129.03 to you which says the "biennial public hearings will continue for a period of 10 years through February 2023 Vor until a constitutional amendment reflecting the principles set forth in section 129.02 is ratified by three quarters of the state legislatures."

Mayor Hruby said he has taken the lead on providing Democracy Day in accordance with the Ordinance and as instructed by the Ordinance and by law. Mr. Belovich just said that it read that it was 10 years through 2023. Mayor Hruby said if you add up the number of years that he is speaking of, that is a longer period than 10 years. The City met the obligations of every other year for 10 years and that was the reason why we had announced that the last democracy day was in 2021 at that time there was no objection voiced to the city. Mayor Hruby said there was a request that the City Council could, by its own legislative action, move forward and create an extension to Democracy Day. Mayor Hruby said that was asked of this Council in a

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public meeting and after that nothing took place. Mayor Hruby said it was his firm belief the City had met its obligations.

Law Director Matty said Councilmembers should understand that this is not a normal ordinance drafted by Law Director. This is a resident petition which was filed and put on a ballot and approved. Law Director Matty said the language that you see in chapter 129 is the language which was on that petition there is no doubt that the city, through the Mayor and through the efforts of former Council President Harwood and now current Council President Redinger have made sure these meetings were held and input taken but all the required letters of notification have been sent out and received by the respective elected officials. Law Director Matty said the problem that exists is in the petitioner's language itself. The 10 years go to February of 2022. The City certainly met all those obligations. Law Director Matty said there's ambiguity because it says through February 2023 which would require us to have more than 10 years of this so this is really a Council policy issue. Council is not allowed to alter what was presented and passed and you are not allowed in a ballot issue to change the language on such a petition so this simply codifies what was in the documents when the residents signed for that petition to go to the ballot so it is Council's decision.

Councilmember Stucky said he listened to the presentation, the legislation said 10 years. The City held five meetings and the city advertised the last meeting, it was written up that this was the last meeting. Councilmember Stucky said there was no doubt that this was the last Democracy Day meeting. The City did what we thought was right and made a presentation for the 10 years.

1:09:47

Councilmember Caruso said the problem is the ambiguity. There's nothing in the ordinance that says the 2023 date supersedes or is more important than the 10-year. The first meeting that's the first year you count through to 10 it's sunset on an off year. Councilmember Caruso's opinion is if residents feel strongly and want to petition again and put it on the ballot and let the electorate decide I think that would be appropriate.

1:10:19

Councilmember Caruso said five meetings with the intent of biannual meetings over 10 years equals five. The intent was that number was ever to be six so I think the city has fulfilled its obligations.

Councilmember Kingston said if the petitioners want to have another meeting and put it on the ballot again that would be fine.

Councilmember Ganim would support if the electorate wanted to put something on the ballot again. Councilmember Ganim said he feels that the City has accomplished what was set forth. The ambiguity of the initial language was dealt with by stating that this was the last meeting to try to bring clarity to that at that point. Councilmember Ganim said he feels it was a clear messaging as far as trying to bring some closure to what the expectation was.

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Councilmember Caruso asked if any funds budgeted for hosting the meetings or any costs associated with that.

Mayor Hruby said no funds were budgeted, we provided the space for the meeting there was no cost.

Councilmember Caruso said his understanding of Democracy Day was to bring some level of State participation and other leaders from our surrounding governments through Democracy Day.

Councilmember Ganim said he wasn't involved in Council at that time. What level of participation was there from other legislators.

Mayor Hruby said the Mayor and the Council President of the city of Brecksville were to appear and give comment as to the issue at hand. The issue was to see that a Supreme Court decision was overturned by creating another amendment to the Constitution. Council President, at the time, Skaljic, and Mayor Hruby began the process. Mike Harwood appeared while he was Council President. The other officials that were to be notified were our elected Congressman from our district and our Senators. Both Senators, our representative to the Ohio State Legislature, both Senate and House of Representatives. The County Commissioners and the County Executive.

All officials were notified in writing of the event if they wished to appear but at least they knew that the city of Brecksville was having this event and there was certain language that in the Ordinance that says that you know what we're we were to say in those letters. Mayor Hruby said letters were sent each time to those people.

Councilmember asked if any other officials attended.

Mayor Hruby said some Representatives attended from some of the groups. Sherrod Brown I believe he had and again I'd have to go back and look at the notes but I know Sherrod Brown sent someone to attend. Mayor Hruby said I believe Armond Buddish was executive at the time and I think he attended one of them. Representative Robinson attended I know of no County Commissioner attending and no Senator attended but a representative did. Mayor Hruby said that a U.S. Congressman attended. Mayor Hruby said Council President and the Mayor attended each one of them as required by law.

Council President Redinger said she feels Council had a good conversation and I think it sounds like we all feel the City has met their obligation of the legislation. Council President Redinger asked Law Director Matty if further action was needed. Law Director Matty said no further action and also for the record he reviewed the minutes and paperwork Council received no responses from any of the elected officials. Mayor Hruby said those that showed up and thanked us for the information. Law Director Matty said there has been no effort on a federal level to do anything about this for that 10-year period just for the record

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Councilmember Koepke said the last Democracy Day was virtual. Councilmember Koepke, Council Vice President Caruso and Council President Redinger were on the call. Councilmember Koepke said she noticed we did pay attention we were engaged.

Mr. Belovich said he wants to correct one thing that Mr. Matty told you. Mr. Matty told you that there has been no effect from this because there has been no correspondence back to any official from the City of Brecksville about the 28th Amendment. Mr. Belovich said that may be the case but legislation has been introduced in the U.S Congress to enact such an amendment and for that Democracy Day did its part and as you may all know amending the U.S. Constitution is not an easy thing to do and most of the Amendments take a long, long time.

1:17:07

CoW 3. Executive Session - Convene an executive session to discuss matters of personnel related to the appointment and employment of a public employee.

7:53 PM

Convene an executive session to discuss matters pertaining to the appointment and employment of public officials.

Motion made by Redinger, Seconded by Caruso.

Voting Yea: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.

Adjourn Executive Session and reconvene regular meeting.

8:25 PM

Motion made by Redinger, Seconded by Caruso.

Voting Yea: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.

Motion to Adjourn

8:25 PM

Mayor and Safety Director: Jerry N. Hruby,

City Council Members: Laura C. Redinger, *President*; Dominic Caruso, *Vice President*; AJ Ganim, Daryl Kingston, Ann Koepke, Beth Savage, Brian Stucky.

Clerk: Tammy Tabor