

MINUTES OF THE MEETING OF THE
**CITY OF BRECKSVILLE COUNCIL COMMITTEE MEETING -
AMENDED**

HELD: February 06, 2024

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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 Mark Jantzen

Members Beth Savage, Brian Stucky

6:30 PM

Roll Call

Present: Jantzen, Savage, Stucky.

Items for Consideration:

:12

B&G 1. Buildings & Grounds Committee Meeting Minutes 1-16-2024

Motion made by Jantzen, Seconded by Savage.

Voting Yea: Jantzen, Savage, Stucky.

B&G 2. Authorize Bid Advertisement - Recommend approval of a motion authorizing the Director of Purchasing to advertise for bids for the Shingle Roof Replacement over the Community Center Field House and Meeting Rooms.

Motion made by Jantzen, Seconded by Savage.

Voting Yea: Jantzen, Savage, Stucky.

2:19

B&G 3. NOPEC Energized Community Grant Program - Recommend approval of a Resolution authorizing the Mayor to complete the application process for the NOPEC Energized Community grant program. The City of Brecksville has been notified of their 2024 funding allocation of \$44,652.00 for an energy efficiency project.

Purchasing Director Riser said the City of Brecksville has been notified of their approved 2024 funding allocation of \$44,652.00 for an energy efficiency project. The City has applied for and received funding to remove asbestos and install new windows for several of the Blossom Hill Buildings. Service Director Kickel said the administration is considering these funds be used toward either the replacement of the metal roof on the Service Garage, or Phase

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5 of the Window Replacement Project at 4450 Oakes Road, Blossom Hill, Building #7 (Montessori School).

Council member Jantzen asked if the life expectancy of the Service Garage is compatible with replacing the roof section.

Motion made by Jantzen, Seconded by Savage.

Voting Yea: Jantzen, Savage, Stucky.

4:47

Motion to Adjourn

6:35 PM

Motion made by Jantzen, Seconded by Savage.

Voting Yea: Jantzen, Savage, Stucky.

FINANCE COMMITTEE

5:06

Call to Order

Chairperson: Beth Savage

Members: Dan Bender, Ann Koepke

6:35 PM

Roll Call

Present: Koepke, Savage.

Absent: Bender.

Items for Consideration:

FIN 1. Finance Committee Meeting Minutes 1-16-2024

Motion made by Savage, Seconded by Koepke.

Voting Yea: Koepke, Savage.

5:37

FIN 2. Appointment - Recommend approval of a Resolution appointing Jonathan Lindow as Assistant Director of Finance in the City of Brecksville.

Finance Director Starosta said Mr. Lindow is relocating from a similar position in another municipality and will be coming to Brecksville in March.

Motion made by Savage, Seconded by Koepke.

Voting Yea: Koepke, Savage.

6:48

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FIN 3. Appointment - Recommend approval of a Resolution appointing Janice Cerovac as the Finance Clerk in The City of Brecksville.

Finance Director Starosta said Ms. Cerovac has government experience in a public works department as well as a local school district.

Motion made by Savage, Seconded by Koepke.

Voting Yea: Koepke, Savage.

7:41

FIN 4. Grant - Recommend approval of a Resolution authorizing the issuance of a grant in the amount of \$4,200.00 to the Brecksville Historical Association, Inc. to fund utility expenses at the Squire Rich Museum.

Mayor Kingston said this amount remains the same as granted previous years to assist with the cost of utility expenses.

Motion made by Savage, Seconded by Koepke.

Voting Yea: Koepke, Savage.

8:23

FIN 5. Professional Bills- Recommend approval of Professional Bills

Approve the payment of bills for professional services, as follows: Matty, Henrikson and & Greve in the amount of \$12,023.33; Kulchystsky Architects, LLC in the amount of \$1,062.50; William Logan in the amount of \$4,000.00 and Donald G. Bohning & Associates in the amount of \$12,460.54. Total of all invoices \$29,546.37.

Motion made by Savage, Seconded by Koepke.

Voting Yea: Koepke, Savage.

Motion to Adjourn

6:39 PM

Motion made by Savage, Seconded by Koepke.

Voting Yea: Koepke, Savage.

LEGISLATION COMMITTEE

9:17

Call to Order

Chairperson: Dan Bender

Members: AJ Ganim, Mark Jantzen

6:40 PM

Roll Call

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Present: Ganim, Jantzen.

Absent: Bender.

Items for Consideration:

LEG 1. Legislation Committee Meeting Minutes 1-16-2024

Motion made by Ganim, Seconded by Jantzen.

Voting Yea: Ganim, Jantzen.

9:58

LEG 2. Recreational Marijuana Legislation Discussion

Council member Ganim said Council members received information regarding the use and distribution of medical marijuana in Brecksville, passed in 2017. The voters in the State of Ohio approved adult use of marijuana. The City of Brecksville may want to adopt provisions for recreational (adult use) marijuana.

Law Director Matty said Section 1189 in the Brecksville Code bans medical marijuana from being cultivated, processed and dispensed in the city. Some of the surrounding communities have a limited ballot issue for a vote of the people. When there is a change in zoning or a change in use, some communities do not have a provision for ballot approval and Council, in those communities, may pass legislation of a ban without the vote of the people. According to the State Law, the city cannot regulate "home grow". Home grow allows each adult in the home the ability to grow (6) plants. Law Director Matty said a motion by Council is needed to authorize Law Director Matty to prepare draft legislation to submit to the Planning Commission for review and recommendation to Council for consideration. Law Director Matty said the State of Ohio law is "in flux". Where dispensaries are currently permitted, the same locations would allow for adult use dispensaries. Law Director Matty and CBO Packard could determine the need for a moratorium before the issue would be up for a vote.

Council Member Savage asked if this would be on the November ballot. Law Director Matty said if Council wishes to go forward with a change, it would be on the November ballot. The deadline for submittal to the Board of Election would be the first week in August, following three readings by Council.

Council member Koepke said the issue passed in Brecksville by 275 votes. would need to pass by 55%. Voters may think this will overturn Issue 2.

Council President Caruso said he feels the path for recreational marijuana should follow the same regulations as the medical marijuana regulations.

Council member Koepke said her research showed that dispensaries could produce a 36% revenue stream. Law Director Matty said the city does not currently allow dispensaries. If

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the current discussions are adopted, the City of Brecksville would be omitted as the same dispensaries used for medical marijuana would be used for adult use dispensaries.

Law Director Matty said, if Council requests, he would need a motion from the Committee and then Council approval to draft legislation and submit to the Planning Commission for review.

Council member Koepke asked about the use of electricity, is that a concern.

Councilmember Stucky asked if the Safety Director had any comments. Mayor Kingston said the safety forces are still trying to determine how to regulate the use and how to determine if someone is under the influence. Mayor Kingston believes the City should follow the same rules for medical marijuana in the City of Brecksville.

Council member regarding the tax collection concern, the city avoids many grants that have strings attached that are not in the best interest of the City. The same could be said about the requirements and consequences of permitting dispensaries in the City of Brecksville.

Council member Ganim asked if the process to allow could be reversed if the city would like to change it. Law Director Matty said the issue could be brought to the voters.

Motion authorizing Law Director Matty prepare legislation prohibiting the cultivating, processing and dispensing of recreational (adult use) marijuana for consideration by the Brecksville Planning Commission.

Motion made by Ganim, Seconded by Jantzen.

Voting Yea: Ganim, Jantzen.

Motion to Adjourn

6:58 PM

Motion made by Ganim, Seconded by Jantzen.

Voting Yea: Ganim, Jantzen

SAFETY-SERVICE COMMITTEE

27:27

Call to Order

Chairperson: Ann Koepke

Members: Mark Jantzen, Beth Savage

Roll Call

Present: Jantzen, Koepke, Savage.

Items for Consideration:

SAF 1. Safety Services Committee Meeting Minutes 1-16-2024

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

27:48

- SAF 2. Appointment** - Recommend approval of a Resolution Appointing Andrew J. Posa to the position of Police Officer in the City of Brecksville Police Department.

Police Chief Korinek said due to retirements and promotions, Police Officer appointments are needed to fill the vacancies. Police Chief Korinek said Andrew Posa will begin tomorrow and Alexander Plant will begin as soon as he graduates from the academy. Mayor Kingston said as Safety Director he feels the two candidates considered for appointment are two of the best applicants for the position.

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

- SAF 3. Appointment** - Recommend approval of a Resolution appointing Alexander J. Plant to the position of Police Officer in the Police Department in the City of Brecksville.

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

30:27

- SAF 4. Police Vehicles** - Recommend approval of an Ordinance authorizing the State Contract Equivalent purchase of (3) 2023 Ford Police Utility Vehicles for the Police Department from Montrose Ford in the aggregate amount of \$126,434.88. *Account #C1100210 33000. Project #EQ240004.*

Police Chief Korinek said the issue of vehicle purchases has been volatile and safety vehicles have been hard to come by. Three of the vehicles scheduled to purchase in 2023 are now available for purchase at 2023 prices. The vehicles are available for pick up tomorrow and upfitting and graphics can begin after that.

Police Chief Korinek said the department is requesting the State Contract Equivalent purchase of (3) 2023 Ford Police Utility Vehicles for the Police Department from Montrose Ford in the aggregate amount of \$126,434.88. This purchase will be under the 2024 budgeted amount by \$25,000.

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

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SAF 5. Police Vehicle Decommission & Equipment - Recommend approval of an Ordinance for the State Contract Equivalent purchase in the aggregate amount of \$50,247.33 from Hall Public Safety Upfitters for labor and equipment needed to decommission (3) aging police vehicles and equip (3) new vehicles for Police service. *Account #C1100210 33000 Project #EQ240004*

Police Chief Korinek said the State Contract Equivalent request includes equipment at a cost of \$34,797.33, and labor at \$13,950.00. A \$1,500.00 contingency is also requested for unforeseen issues during the changeover process. An Affidavit of Equivalency has been submitted by vendor, Hall Public Safety Upfitters for verification that equipment and services provided are at or below the State Contract offering from Parr Public Safety.

Motion made by Koepke, Seconded by Jantzen.

Voting Yea: Jantzen, Koepke, Savage.

SAF 6. Police Vehicle Graphics - Recommend approval of a Purchase Requisition to Cleveland Trim & Stripe Co. in the aggregate amount of \$2,550.00 for the vehicle graphic installation on the (3) new Police Utility Vehicles. *Account #C1100210 33000. Project #EQ240004.*

Police Chief Korinek said approval is needed for a Purchase Requisition to Cleveland Trim & Stripe Co. in the aggregate amount of \$2,550.00 for the vehicle graphic installation on the (3) new Police Utility Vehicles.

Motion made by Koepke, Seconded by Jantzen.

Voting Yea: Jantzen, Koepke, Savage.

33:13

SAF 7. Amending Ordinance - Recommend approval of an Ordinance amending Ordinance #5677 for the purchase of a 2024 Ford F-350 for use by the Brecksville Service Department.

Service Director Kickel said legislation is prepared requesting to Amend Ordinance #5677 that was approved on January 16, 2024, for the purchase of a 2024 Ford F-350 with the following after-purchase add-ons: spray-in bedliner, floor liners, salt spreader, snow plow, back window rack and warning lights. The vendor for the truck purchase has changed to National Auto Fleet Group on SourceWell contract #091521-NAF. The new aggregate amount for the purchase is \$64,557.62 which is \$1,840.62 more than the previous vendor Nick Mayer Ford.

Motion made by Koepke, Seconded by Jantzen.

Voting Yea: Jantzen, Koepke, Savage.

34:56

SAF 8. Vehicle Equipment & Install Purchase - Recommend approval of an Ordinance authorizing the Service Department to proceed with the Ohio Department of Administrative Services

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Purchase for the removal of an Existing Stainless Steel Dump Body to be Upfitted with Hydraulics, Warning Lights and a new Snow Plow Frame, and Installation on the new B-32 Cab & Chassis by Concord Road Equipment Mfg in the aggregate amount of \$82,558.13. *Account #C1100610 33000.*

Service Director Kickel said the department is requesting approval of the removal of a stainless steel dump body and reinstalled on a new truck.

Motion made by Koepke, Seconded by Jantzen.

Voting Yea: Jantzen, Koepke, Savage.

36:26

SAF 9. Code Red Notification - Recommend approval of a purchase requisition for the contract extension with OnSolve, LLC for CodeRED Emergency Notification Service in the annual amount of \$10,838.28 and Weather Warning Service in the amount of \$4,072.50 for the aggregate total of \$14,910.78. The contract term is 2/28/24 – 2/27/25. *Account #1100150 21030*

Fire Chief Zamiska said the emergency notification system has worked well for emergency notices and severe weather warnings. Currently the system has over 1,000 users, residents and businesses, for Brecksville.

Motion made by Koepke, Seconded by Jantzen.

Voting Yea: Jantzen, Koepke, Savage.

37:57

SAF 10. NOPEC Community Event Sponsorship - Recommend approval of a Resolution authorizing the Mayor to Accept Funding through the NOPEC Community Event Sponsorship Program in the amount of \$2,000.00 for 2024.

Purchasing Director Riser said the City has used this funding for the past (5) years for a community event sponsored by a tax exempt non-profit. This is run through the Brecksville Fire Association. Purchasing Director Riser said the Safety Service Fair and Ice Cream Social have been very successful. Chief Zamiska said the funds are used for the purchase of stickers, safety literature and helmets, many of the items the children like. The event has grown every year, extending to the Police Department and Service Department.

Motion made by Koepke, Seconded by Jantzen.

Voting Yea: Jantzen, Koepke, Savage.

Motion to Adjourn

7:10 PM

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Motion made by Koepke, Seconded by Jantzen.

Voting Yea: Jantzen, Koepke, Savage.

STREETS & SIDEWALKS COMMITTEE

39:37

Call to Order

Chairperson: Brian Stucky

Members: Dan Bender, AJ Ganim

7:10 PM

Roll Call

Present : Stucky, Ganim.

Absent: Bender.

Items for Consideration:

S&S 1. Streets & Sidewalks Committee Meeting Minutes 1-16-2024

Motion made by Stucky, Seconded by Ganim.

Voting Yea: Ganim, Stucky.

40:13

S&S 2. 2024 Road Program - Review of the 2024 Road Program Proposal.

Service Director Kickel said the 2024 Road Program is currently out to bid for multiple services. We award bids for asphalt and concrete providers as part of the road program. Service Director Kickel explained the different processes. The 2024 Road Program provided to Council explains the process and procedures for roadway repair and paving.

Service Director Kickel said all of the sidewalk repairs are done by Service Department Employees.

Council member Stucky asked how the City determines when a road is repaired.

Service Director Kickel said the Ohio Department of Transportation has a road rating system which is used by the City. That is included in the Road Program. If emergency repairs are necessary the road repairs can be moved up or delayed. If safety issues come up, the City will make necessary repairs for safety.

Motion made by Stucky, Seconded by Ganim.

Voting Yea: Ganim, Stucky.

52:14

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S&S 3. Riverview Road Slope Repair - Recommend approval of a motion authorizing the Director of Purchasing to advertise the project for public bidding.

Engineer Wise said Riverview Road only has one lane open at this time. The solution is the same as the repairs done on another area of Riverview Road. The road will be closed for 45 days since the entire road will be excavated. This will be a long detour route from Snowville Road to SR 21 and Chippewa Rd. to get back to Riverview Road. The estimate is expected to be \$275,000. Councilmember Koepke asked if the detour could go through the park. Engineer Wise said local residents may know that route, but the detour cannot go through the park.

Council member Koepke asked if the road configuration is the same. Engineer Wise said yes it will be the same width with a curb and one catch basin to catch the drainage. Engineer Wise said the width will match the roadway on either side of the repair.

Motion made by Stucky, Seconded by Ganim.

Voting Yea: Ganim, Stucky.

55:00

S&S 4. Funding Application - Recommend approval of a Resolution authorizing the Mayor to apply for the County Road 50/50 Program Funding through the Cuyahoga County Department of Public Works.

Service Director Kickel said this is an annual program that Cuyahoga County offers. A municipality can apply for additional construction assistance toward County Roads. The County will pay 50% of the cost of road repair up to \$250,000.

Motion made by Stucky, Seconded by Ganim.

Voting Yea: Ganim, Stucky.

Other Matters deemed appropriate

Motion to Adjourn

7:27 PM

Motion made by Stucky, Seconded by Ganim.

Voting Yea: Ganim, Stucky.

57:02

UTILITIES COMMITTEE

Call to Order

Chairperson: AJ Ganim

Members: Ann Koepke, Brian Stucky

7:27 PM

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Roll Call

Present: Ganim, Koepke, Stucky.

Items for Consideration:

UTL 1. Utilities Committee Meeting Minutes 1-16-2024

Motion made by Ganim, Seconded by Koepke.

Voting Yea: Ganim, Koepke, Stucky.

57:31

UTL 2. Chippewa Road & Calvin Dr. - Recommend approval of a Final Change Order #2 from Fabrizio Trucking & Paving Company Inc. in the amount of -\$23,463.80 for the Chippewa Road Calvin Drive Sanitary Sewer Project.

Engineer Wise said he is in agreement with this final change order request. In efforts not to require encumbrance of additional City funds, I am including two bid items that were not needed and will be non-performed by the project in this change order request, which will result in a net deduct of -\$23,463.80. After Change Order-2 is processed, we will close out the contract for more than \$250,000 below the original bid price.

Motion made by Ganim.

Voting Yea: Ganim, Koepke, Stucky.

1:00:31

UTL 3. Glen Valley Easement Release - Recommend approval of a Resolution releasing the Permanent and Temporary Easements acquired as part of the Glen Valley Pump Station installation.

Motion made by Ganim, Seconded by Koepke.

Voting Yea: Ganim, Koepke, Stucky.

1:01:01

Engineer Wise began the discussion regarding Glen Valley easements.

Wise: When the Chippewa Calvin Sanitary Sewer Project went in, we (Brecksville) eliminated the pump station that was temporarily installed well back in the early 2000's. The Pump Station was needed. The way the city funded it was they passed a series of documents to obtain funding from the residents in Glen Valley that built the pump station because they have a private sanitary sewer that pumped their affluent to Emerald Woods

1:01:24

Now it was all deemed temporary at the time until this project eventually came forward and it has now come forward to eliminate the pump station and the Glen Valley residents have asked us to release the old easements and Dave (Law Director Matty) has prepared the two things that are in front of you today for Council's information.

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1:01:49

Law Director Matty: The documentation I reviewed was from former Law Director Paul Grau. Paul was, to say that he was involved in this project is an understatement. I believe the files were about 18 in height. Paul drafted some documentation in 2002 and 2003 for what then was a potential sanitary project which was known as the Riverview Calvin Glen Valley Sanitary Sewer project and as part of that project as the City Engineer(Wise) has indicated there was a Temporary Pump Station put in and it since has been removed but in addition to that there were a number of permanent and temporary easements filed and signed by residents who agreed to those easements in advance of this project and in addition to those permanent and temporary easements there was an agreement between the city and the Glen Valley Club Company (Co.) for its three parcels and also representing that the five homeowners or the five residents who wouldn't sign those easements the Glen Valley Club company would be responsible for the costs of those five Parcels if the sanitary store were installed as time went on. This project that never happened and those easements sat and were filed of record. Along with the agreement with Glen Valley Club, Law Director Paul Grau had what's called an open-ended mortgage signed by the club so that if in fact somebody defaulted, that being the club, we would have mortgage rights on their three parcels. A resident cannot sell their home with these easements filed. Other than if somebody wants to buy the home with these easements of record which no longer need to be of record because that project never went and never will go at least as of now. So after going through all this documentation, my office went down to the county offices to make sure we could confirm from Law Director Grau's file that each one of these easements was in fact filed. And if it was filed when it was filed and they do this by the county now by what's called document numbers.

1:04:36

So, you'll see in the permanent & temporary easement Exhibit A that's been drafted, extinguishing those easements. You'll see a chart and that chart represents all the homeowners that have signed off on an easement to be there which doesn't need to be there. So if a resident wants to sell their home if the title company does their job they'll pick up the fact that the city of Brecksville easement has been extinguished. The second piece of legislation is to release the actual mortgage deed. There was an actual mortgage deed filed on the Glen Valley Club Parcels. The mortgage deed you will see in the exhibit is a release of that mortgage deed which is filed of record will clear those three Parcels owned by the Glen Valley Club. If you (Council)does pass this(legislation) this evening (Clerk)Tammy Tabor will have the two documents executed. I will take them with me this evening and we will file this of record with the County Fiscal office that should end the project that was started by Law Director Grau and the city's involvement in the project.

1:05:55

Councilmember Ganim thanked Engineer Wise and Law Director Matty for that explanation.

1:06:00

UTL 4. Glen Valley Mortgage Release - Recommend approval of a Resolution authorizing the Mayor to execute a release of Mortgage Deed for the Glen Valley Club Co. Permanent Parcel Nos. 602-15-004, 602-15-005 and 602-15-006.

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Motion made by Ganim, Seconded by Koepke.

Voting Yea: Ganim, Koepke, Stucky.

Motion to Adjourn

7:37 PM

Motion made by Ganim, Seconded by Koepke.

Voting Yea: Ganim, Koepke, Stucky.

COMMITTEE OF THE WHOLE

Call to Order

Bender, Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.

7:37 PM

Roll Call

Present: Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.

Absent: Bender.

Items for Consideration:

CoW 1. Committee of the Whole Meeting Minutes 1-16-2024

Motion made by Caruso, Seconded by Savage.

Voting Yea: Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.

CoW 2. Salary Continuation - Recommend to Council approval of salary continuation for a Service Department employee injured while working.

Motion made by Caruso, Seconded by Savage.

Voting Yea: Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.

CoW 3. Executive Session - Convene an executive session to discuss matters pertaining to imminent litigation and include Engineer Wise in the executive session.

Motion made by Caruso, Seconded by Savage.

Voting Yea: Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.

Motion made by Caruso, Seconded by Savage to adjourn executive session and reconvene the regular meeting.

Voting Yea: Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.

Motion to Adjourn

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8:00 PM

Motion made by Caruso, Seconded by Savage.

Voting Yea: Caruso, Ganim, Jantzen, Koepke, Savage, Stucky

Mayor and Safety Director: Daryl Kingston

City Council Members: Dominic Caruso; President , Beth Savage,*Vice President*;

Dan Bender; AJ Ganim, Mark Jantzen, Ann Koepke, Brian Stucky.

Clerk: Tammy Tabor

PRESIDENT OF COUNCIL

CLERK OF COUNCIL