



**City of Brecksville, Ohio**  
**City Council Regular Meeting**  
Ralph W. Biggs City Council Chambers  
July 02, 2024 – 8:00 PM.

*In compliance with the Americans with Disabilities Act, those requiring accommodation for meetings should notify the City Clerk's Office at least three days prior to the meeting at (440)526-2609.*

## AGENDA

### 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](http://www.brecksville.oh.us). Questions and comments may be e-mailed to [ttabor@brecksville.oh.us](mailto:ttabor@brecksville.oh.us) or by phone to (440) 526-2609 and will be forwarded to the appropriate personnel for a response.

#### Call to Order

#### Pledge of Allegiance

#### Roll Call

#### Approval of Minutes

- 1. Approval of June 18, 2024 Council Minutes**

#### Oath of Office

- 2. Oath Of Office - Fire Chief Mark Bender**

#### Old Business

- 3. ORD 5717 Assessing Ordinance Chippewa Calvin Sanitary Sewer Project - Second Reading** - an Ordinance levying special assessment for the costs of constructing an 8" sanitary sewer and 6" sanitary sewer laterals, together with all necessary appurtenances to extend sanitary sewer along Chippewa Road (S.R. 82) from Riverview Road to Wiese Road and along Calvin Drive and extending to the termini point of Glen Valley Drive allowing for the removal of the Glen Valley pump station
- 4. ORD 5718 Chippewa Road Calvin Drive Sanitary Sewer Project Bond - Second Reading** - an Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$249,000 to pay the property owners' portion, in anticipation of the collection of special assessments heretofore levied, of the cost of constructing an 8" sanitary sewer and 6" sanitary sewer laterals, together with all necessary appurtenances to extend sanitary sewer along Chippewa Road (S.R. 82) from Riverview Road to Wiese Road and along Calvin Drive and extending to the termini point of Glen Valley Drive allowing for the removal of the Glen Valley pump station.

#### New Business

- 5. RES 5570 Vehicle Purchase** - a Resolution authorizing the Mayor to execute a retail purchase agreement on behalf of the City of Brecksville with Valley Motor City, Inc. for the purchase of a 2022 Jeep grand Cherokee.

- 6. RES 5571 Tax Budget** - a Resolution adopting the alternate format Tax Budget for the year 2025.
- 7. RES 5572 Grant** - a Resolution authorizing the Mayor on behalf of the City of Brecksville to provide a grant to the Brecksville-Broadview Heights Community Awareness and Prevention Association for the partial funding and operation of prevention and intervention services.
- 8. ORD 5720 Lease** - an Ordinance authorizing the Mayor to execute a Restatement of Lease Agreement on behalf of the City of Brecksville with South Suburban Montessori Association, Inc. for the lease of premises known as Building 6 located at 4448 Oakes Road in the Blossom Hill Property Complex consisting of approximately 5,882 square feet, including the use of access roads.
- 9. ORD 5721 Lease** an Ordinance authorizing the Mayor to execute a Restatement of Lease Agreement With Amendments on behalf of the City of Brecksville with South Suburban Montessori Association, Inc. for the lease of premises known as Building 7 located at 4450 Oakes Road in the Blossom Hill Property Complex consisting of approximately 31,000 square feet, including the use of access road.
- 10. ORD 5722 Lease** -an Ordinance authorizing the Mayor to enter into a Restatement of Lease Agreement between the City of Brecksville as Lessor and the Brecksville Cooperative Pre-School, Inc. as Lessee for premises located at 4430 Oakes Road in the Blossom Road Property Complex.

**Report of Council Representatives: Board of Zoning Appeals, Planning Commission, Recreation Commission, Human Services Advisory Board.**

**Report of Council Committees: Safety-Service, Streets & Sidewalks, Utilities, Buildings & Grounds, Legislation, Finance.**

**Report of the Director of Law, Engineer, Director of Finance, Chief Building Official, Director of Human Services, Director of Service, Director of Purchasing, Chief of Police Department, Chief of Fire Department, Director of Recreation.**

**Report of the Mayor**

**Adjournment**

"The strongest of all governments is that which is most free."

— William Henry Harrison

**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**

MINUTES OF THE MEETING OF THE  
CITY OF BRECKSVILLE CITY COUNCIL REGULAR MEETING

HELD: June 18, 2024

1:31

**Call to Order**

8:00 PM

**Pledge of Allegiance**

**Roll Call**

Members Present: D. Bender D. Caruso, AJ Ganim, M. Jantzen; A. Koepke, B. Savage, B. Stucky.

Members Absent: None.

Others Present: Mayor Daryl Kingston, Law Director D. Matty, Engineer G. Wise, Finance Director L. Starosta, CBO S. Packard, Economic and Community Dev. Director, M. Bartkiewicz, Fire Chief N. Zamiska, Fire Chief Trainee M.Bender, Police Chief S. Korinek, Service Director J. Kickel, IT Technician Z. Benson, Council Clerk T. Tabor.

**Approval of Minutes**

**1. Approval of June 4, 2024 Council Minutes**

Motion made by Ganim, Seconded by Koepke.

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

Voting Abstaining: Caruso

**New Business**

1:33:02

**2. Appropriations** - an Ordinance to amend Ordinance No. 5666 making appropriations for current expenses of the City of Brecksville during the fiscal year ending December 31, 2024, making necessary appropriation and revenue adjustments.

Motion for suspension made by Ganim, Seconded by Koepke.

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

Nays: None.

**MOTION CARRIED: 7- Ayes, 0-Nays.**

Motion by Stucky, seconded by Bender, to pass Ordinance 5716.

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

Nays: None.

**MOTION CARRIED: 7- Ayes, 0-Nays.**

1:34:02

**3. Assessing Ordinance Chippewa Calvin Sanitary Sewer Project** - an Ordinance levying special assessment for the costs of constructing an 8” sanitary sewer and 6” sanitary sewer laterals, together with all necessary appurtenances to extend sanitary sewer along Chippewa Road (S.R. 82) from Riverview Road to Wiese Road and along Calvin Drive and extending to the termini point of Glen Valley Drive allowing for the removal of the Glen Valley pump station

Motion to move to second reading made by Ganim, Seconded by Koepke.

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

Nays: None.

**MOTION CARRIED 7-AYES, 0-NAYS.**

1:35:04

**4. Fiscal Officer Certificate**

Finance Director Starosta read the Fiscal Officer's Certificate.

1:36:24

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- 5. **Chippewa Road Calvin Drive Sanitary Sewer Project Bond** - an Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$249,000 to pay the property owners' portion, in anticipation of the collection of special assessments heretofore levied, of the cost of constructing an 8" sanitary sewer and 6" sanitary sewer laterals, together with all necessary appurtenances to extend sanitary sewer along Chippewa Road (S.R. 82) from Riverview Road to Wiese Road and along Calvin Drive and extending to the termini point of Glen Valley Drive allowing for the removal of the Glen Valley pump station.

Motion to move to second reading made by Ganim, Seconded by Koepke.

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

Nays: None.

**MOTION CARRIED 7-AYES, 0-NAYS.**

1:37:40

- 6. **Ammunition Purchase** - an Ordinance authorizing the purchase of ammunition for use by the Police Department from Vance's Law Enforcement and Kiesler Police Supply through the State of Ohio Administrative Services Purchasing Program.

Motion for suspension made by Ganim, Seconded by Koepke.

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

Nays: None.

**MOTION CARRIED 7-AYES, 0-NAYS.**

Motion by Stucky, seconded by Bender, to pass Ordinance 5719.

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

Nays: None.

**MOTION CARRIED 7-AYES, 0-NAYS.**

1:38:40

- 7. **Lease** - an Ordinance authorizing the Mayor to execute a Restatement of Lease Agreement on behalf of the City of Brecksville with South Suburban Montessori Association, Inc. for the lease of premises known as Building 6 located at 4448 Oakes Road in the Blossom Hill Property Complex consisting of approximately 5,882 square feet, including the use of access roads.

1:38:39

Motion for suspension made by Ganim, seconded by Koepke.

**Discussion :** Council member Jantzen said he is not comfortable with this the term of the lease. The contents of the lease are a matter of commercial issue and he has no issues with those. Council member Jantzen said he feels the six year term, with no ability for the city to exit, is in his opinion excessive. Councilmember Jantzen said a shorter term or the option for either party to exit the lease with a prior notice.

Councilmember Jantzen said the lessees have been with the city for many years. This is a very unique situation and that they are a 501c3 and there are not a lot of those types of customers around to lease property from the city. The school is a very valuable member for those reasons I respectfully moved to table this legislation for 30 days to allow further review of the term of this lease with a focus on providing the city time to more fully explore the issue.

1:40:42

Motion made by Jantzen, Seconded by Bender.

Voting Yea: Ganim, Koepke, Stucky, Bender, Jantzen

Voting Nay: Caruso, Savage.

1:41:22

- 8. **Lease** an Ordinance authorizing the Mayor to execute a Restatement of Lease Agreement With Amendments on behalf of the City of Brecksville with South Suburban Montessori Association, Inc. for the lease of premises known as Building 7 located at 4450 Oakes Road in the Blossom

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Hill Property Complex consisting of approximately 31,000 square feet, including the use of access road.

Motion to table Ordinance 5721 for 30 days made by Jantzen, Seconded by Bender.

Ayes: Bender, Ganim, Jantzen, Koepke, Stucky.

Nays: Caruso, Savage.

**MOTION CARRIED 5-AYES, 2-NAYS.**

1:42:51

- 9. **Lease** -an Ordinance authorizing the Mayor to enter into a Restatement of Lease Agreement between the City of Brecksville as Lessor and the Brecksville Cooperative Pre-School, Inc. as Lessee for premises located at 4430 Oakes Road in the Blossom Road Property Complex.

Motion to table Ordinance 5722 for 30 days made by Jantzen, Seconded by Bender.

Ayes: Bender, Ganim, Jantzen, Koepke, Stucky.

Nays: Caruso, Savage.

**MOTION CARRIED 5-AYES, 2-NAYS.**

1:43:38

- 10. **Transfers** - a Resolution making necessary transfers between certain funds for the fiscal year ending 12-31-2024.

Motion for suspension made by Ganim, Seconded by Koepke.

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

Nays: None.

**MOTION CARRIED 7-AYES, 0-NAYS.**

Motion by Stucky, seconded by Bender, to pass Resolution 5568.

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

Nays: None.

**MOTION CARRIED 7-AYES, 0-NAYS.**

1:44:37

- 11. **Fire Alarm Systems** - a Resolution accepting the proposal of Silco Fire & Security for the Vehicle Storage Building, the Vehicle Maintenance Building and the Service Garage

Motion for suspension made by Ganim, Seconded by Koepke.

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

Nays: None.

**MOTION CARRIED 7-AYES, 0-NAYS.**

Motion by Stucky, seconded by Bender, to pass Resolution 5569.

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

Nays: None.

**MOTION CARRIED 7-AYES, 0-NAYS.**

**Report of Council Representatives: Board of Zoning Appeals, Planning Commission, Recreation Commission, Human Services Advisory Board.**

1:45:35

**Appeal 2024-18** A variance from Section 1185.02(d) that solid board fences not be permitted to permit a solid board fence and from Section 1185.03(a) that the maximum permitted fence height be 4 ft to allow 6 ft. as shown on the application dated May 3, 2024, located at 7489 Oakhurst Circle, PPN 602-01-059.

Motion made by Stucky, Seconded by Bender.

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

**MOTION CARRIED 7-AYES, 0-NAYS.**

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**1:46:31**

**Appeal 2024-19** A variance from Section 1151.24 that the rear yard setback by 60 feet in an R-20 district to allow 50 feet for a house addition as shown on the application dated May 14, 2024, located at 9560 Chapel Hill Oval, PPN 603-16-044.

Motion made by Stucky, Seconded by Bender.

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

**MOTION CARRIED 7-AYES, 0-NAYS.**

**1:47:21**

**Appeal 2024-20** A Variance from Section 1151.24 that the side yard setback be a minimum of 10 feet for R-20 residential districts to allow 5 feet for a house addition, as shown on the application dated May 10, 2024, located at 6924 Lawnpark Drive, PPN 603-08-030.

Motion made by Stucky, Seconded by Bender.

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

**MOTION CARRIED 7-AYES, 0-NAYS.**

**1:48:15**

**Appeal 2024-21** A Variance from Section 1151.25(d) that sheds be a maximum of 192 sq. ft. in an R-30 district to allow 280 sq. ft as shown on the application dated May 20, 2024, located at 9416 Brecksville Road, PPN 603-16-015.

Motion made by Stucky, Seconded by Savage.

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

Voting Abstaining: Bender.

**MOTION CARRIED 6-AYES, 0-NAYS, 1- ABSTAIN.**

**Planning Commission: Council member Caruso reported the next meeting of the Planning Commission will be June 27, 2024**

**1:49:04**

**Front Yard Set Back – 11114 Parkview Drive, Brecksville, Ohio**

Move to approve the Planning Commission recommendation for a front yard setback of 106’ for 11114 Parkview Drive, Brecksville, Ohio, Permanent Parcel Number 605-05-003, as described in the application dated April 24, 2024, contingent upon approval by City Council and the Board of Zoning Appeals of the following variance:

- A variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate.

Motion made by Caruso, Seconded by Stucky.

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

**MOTION CARRIED 7-AYES, 0-NAYS.**

**1:50:05**

**E. Edgerton Rd. Major Subdivision & Front Yard Setbacks Edgerton Rd, Brecksville.**

Preliminary approval for a Major Subdivision and establishment a 490’ front yard setback for Lot A, a 100’ front yard setback for Lot B, a 100’ front yard setback for Lot C, a 100’ front yard setback for Lot D, and a 315’ front yard setback for Lot E on E. Edgerton Road, Brecksville, Ohio, Permanent Parcel Number 604-02-001, as described in the application dated April 19, 2024, and shown on the Preliminary Plan dated April 18, 2024, by Lewis Land Professionals Inc., contingent upon receipt of Army Corp of



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Engineer permit, approval of the City Engineer, City Council and Board of Zoning Appeals of the following variances:

- From Section 1117.09 that lots be generally rectangular in form to allow irregular form for Lots A, B and E.
- From Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate,
- From Section 1151.21 that each lot shall abut a dedicated street for a distance not less than 6;0% of the lot width set forth in 1151.22 to allow 39% for Lot A

Motion for approval made by Caruso, Seconded by Stucky.

Discussion

Councilmember Koepke made a motion to separate the request and vote on the three variance items separately.

Seconded by Jantzen.

Voting Yea: Bender, Jantzen, Koepke

Voting Nay: Caruso, Ganim, Savage, Stucky.

**MOTION DENIED 3-AYES, 4-NAYS.**

Voting Yea: on the motion to approve the Caruso, Ganim, Savage, Stucky, Bender, Jantzen.

Voting Nay: Koepke

**MOTION CARRIED 6-AYES, 1-NAYS.**

1:53:55

**Revised Preliminary Plan and Planned Development Area (PDA) Conditional Use – VA Phase 2 Residential Lavender Lane, Brecksville, Ohio**

- The Brecksville Planning Commission will hold a Public Hearing on Thursday, June 27, 2024, at 7:00 pm at Brecksville City Hall, 9069 Brecksville Road, Brecksville, OH to review a revised Preliminary Plan and Planned Development Area (PDA) Conditional Use for Valor Acres Phase 2 Residential, for T6, T7, and T8, sublots 37 to 46, Lavender Lane, Brecksville, Ohio 44141 (PPN 603-21-106)

1:54:57

**Recreation Commission:** Council member Ganim reported the next meeting is scheduled for June 24, 2024. Prior to the meeting of the Commission residents will have an opportunity to provide input on the Kids Quarters renovations from 5:00 PM to 7:00 PM.

1:55:15

**Human Services Advisory Board:** Council member Koepke reported the next meeting of the Human Services Advisory Board is scheduled for July 15<sup>th</sup>. Baldwin Wallace Institute for learning in retirement presents the history of Cleveland on July 15<sup>th</sup>. Digital navigators offers one on one help with phones and laptops. Please register if you would like to schedule an appointment on July 18<sup>th</sup>. The first cookout of the year will take place on July 19<sup>th</sup> at the Human Services Center. The University Heights Symphonic Band will host a concert at Brecksville Human Services Center.

**Report of Council Committees: Safety-Service, Streets & Sidewalks, Utilities, Buildings & Grounds, Legislation, Finance.**

1:56:20

**Safety Service Committee** - Council member Koepke reported the committee met earlier and has two items for Council consideration.

**Audible Pedestrian Signal Change Order** - Approval of a deduct change order for the Audible Pedestrian Signals Project in the amount of (\$680.00).

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Motion made by Koepke, Seconded by Ganim.  
Voting Yea: Caruso, Ganim, Koepke, Savage, Stucky, Bender, Jantzen.

**MOTION CARRIED 7-AYES, 0-NAYS.**

**1:56:49**

**Document Shredding Events** - Approval of a blanket purchase order in the total amount of \$7,297.00 for the document shredding events and the pull-up educational banner.

Motion made by Koepke, Seconded by Ganim.  
Voting Yea: Caruso, Ganim, Koepke, Savage, Stucky, Bender, Jantzen.

**MOTION CARRIED 7-AYES, 0-NAYS.**

**Streets & Sidewalks Committee:** Council member Stucky reported the committee met earlier this evening and has two item for Council consideration.

**1:58**

**SR 21 Repaving Project** - Approval of a motion authorizing Donald G. Bohning and Associates Inc. to provide construction services on an hourly as needed basis throughout the duration of the project.

Motion made by Stucky, Seconded by Bender.  
Voting Yea: Caruso, Ganim, Koepke, Savage, Stucky, Bender, Jantzen

**MOTION CARRIED 7-AYES, 0-NAYS.**

**1:58:30**

**Road Program Concrete Repairs** - Approval of a deduct Change Order in the amount of (\$113,294.57) for the 2024 Road Program concrete repairs.

Motion made by Stucky, Seconded by Bender.  
Voting Yea: Caruso, Ganim, Koepke, Savage, Stucky, Bender, Jantzen.

**MOTION CARRIED 7-AYES, 0-NAYS.**

**1:59:06**

**Buildings & Grounds Committee** - Council member Jantzen reported the committee met earlier and has one item for Council consideration.

**Pickleball Courts at Kids Quarters** - Approval of a purchase requisition in the amount of \$65,000 authorizing the construction of pickleball courts at Kids Quarters.

Motion made by Jantzen, Seconded by Stucky.  
Voting Yea: Caruso, Ganim, Koepke, Savage, Stucky, Bender, Jantzen

**MOTION CARRIED 7-AYES, 0-NAYS.**

**2:00:05**

**Utilities Committee:** Council member Ganim thanked Dave Conley with First Energy for himself as the Regional External Affairs representative for Brecksville and reminded people to report outages directly to First Energy.

**Vehicle Maintenance Building** - Approval of a purchase requisition in the amount of \$10,665.96 for the installation of a 277/480V 3 Phase Power Service for the Vehicle Maintenance Building. Account: C4900170-32020; Project: BI240002.

Motion made by Ganim, Seconded by Stucky.  
Voting Yea: Caruso, Ganim, Koepke, Savage, Stucky, Bender, Jantzen

**MOTION CARRIED 7-AYES, 0-NAYS.**

**2:00:42**

**Legislation Committee:** Council member Bender reported the committee met earlier and has no items for Council consideration.

**Finance Committee:** Council member Savage reported the committee met earlier and has no items for Council consideration.



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**2:01:01**

**Bid Authorization** - Authorize the Purchasing Director to advertise for bids for the installation of electrical service from the existing power pole to the Vehicle Maintenance Building.

Motion made by Caruso, Seconded by Jantzen.

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

**MOTION CARRIED 7-AYES, 0-NAYS.**

**Report of the Director of Law, Engineer, Director of Finance, Chief Building Official, Director of Service, Director of Purchasing, Chief of Police Department, Chief of Fire Department.**

**2:01:34**

**Director of Law:** No Report.

**Engineer:** No Report.

**Director of Finance:** No Report.

**Chief Building Official:** No Report.

**Planning & Community Development Director:** No Report.

**Director of Service:** No Report.

**Chief of Police Department:** No Report.

**2:02:19**

**Chief of Fire Department:** Fire Chief Zamiska thanked present and former Council members and Department Directors for all of their help making his job easier. Chief Zamiska said this is his final council meeting before Fire Chief Trainee Bender takes over as Fire Chief. Fire Chief Zamiska wished Fire Chief Trainee well in the new position as Chief.

Fire Chief Zamiska thanked Mayor Jerry Hruby for taking a chance on him as an 18 year old to work in the City of Brecksville.

**2:03:58**

**Report of the Mayor**

Mayor Kingston reported Home Days begins this weekend. The City Offices and Human Services Department will be closed on July 4th in observance of Independence Day.

Council member Stucky said the Home Days Run will take place on Sunday morning, registration begins at 7:00 AM with the race beginning at 8:00 AM. Council member Koepke said there will be roads closed in the area related to the run.

**Adjournment**

8:34 PM

Motion to adjourn made by Caruso, Seconded by Savage.

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

**2:06**

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

5717

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE COSTS OF CONSTRUCTING AN 8” SANITARY SEWER AND 6” SANITARY SEWER LATERALS, TOGETHER WITH ALL NECESSARY APPURTENANCES TO EXTEND SANITARY SEWER ALONG CHIPPEWA ROAD (S.R. 82) FROM RIVERVIEW ROAD TO WIESE ROAD AND ALONG CALVIN DRIVE AND EXTENDING TO THE TERMINI POINT OF GLEN VALLEY DRIVE ALLOWING FOR THE REMOVAL OF THE GLEN VALLEY PUMP STATION, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the improvement described in Section 1 has been completed and the final cost of that improvement has been determined;

**NOW, THEREFORE, BE IT ORDAINED** By the Council of the City of Brecksville, County of Cuyahoga, Ohio, that:

**SECTION 1. Levy of Special Assessments.** The special assessments for the cost and expense of constructing an 8” sanitary sewer and 6” sanitary sewer laterals, together with all necessary appurtenances to extend sanitary sewer along Chippewa Road (S.R. 82) from Riverview Road to Wiese Road and along Calvin Drive and extending to the termini point of Glen Valley Drive allowing for the removal of the Glen Valley pump station, in the manner provided in Resolution No. 5264, adopted on March 15, 2022, amounting in total to \$999,000, which were filed and are on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in Resolution No. 5264 in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

**SECTION 2. Determination of Proportionality of Special Assessments.** This Council finds and determines that the special assessments are in the same proportion to the estimated special assessments as the actual cost of the improvement is to the estimated cost of the improvement as originally filed.

**SECTION 3. Installments; Interest Rate.** The special assessment against each lot or parcel of land shall be payable in whole or in part by cash or check within 30 days after the passage of this Ordinance, or at the option of the owner in 30 annual installments with interest at the same rate or rates of interest as borne by the bonds to be issued in anticipation of the collection of the special assessments. All payments by cash or check shall be made to the Director of Finance of the City. All special assessments remaining unpaid at the expiration of those 30 days shall be certified by the Clerk of Council to the County Fiscal Officer as provided by law to be placed on the tax duplicate and collected as taxes are collected.

**SECTION 4. Publication of Notice.** The Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in the City and shall keep on file in the office of the Clerk of Council the special assessments.

**SECTION 5. Certification and Delivery of Ordinance.** The Clerk of Council shall deliver or cause to be delivered a certified copy of this Ordinance to the County Fiscal Officer within 20 days after its passage.

**SECTION 6. Compliance with Open Meeting Requirements.** This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 7. Captions and Headings.** The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

5717

**SECTION 8. Declaration of Emergency; Effective Date.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the levy of the special assessments is effective at once to begin the cash payment period so that the special assessments payable with respect to the improvement can be delivered to the Cuyahoga County Fiscal Officer in a timely fashion and thereby permit the City to commence the collection of assessments during calendar year 2025, such that notes issued by the City in anticipation of that levy may be retired from bonds to be issued in anticipation of the collection of those special assessments not paid in cash as soon as possible and thereby preserve and protect the fiscal health of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_, 2024

APPROVED: \_\_\_\_\_, 2024

\_\_\_\_\_

Mayor

\_\_\_\_\_

Clerk of Council

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$249,000 TO PAY THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE COLLECTION OF SPECIAL ASSESSMENTS HERETOFORE LEVIED, OF THE COSTS OF CONSTRUCTING AN 8" SANITARY SEWER AND 6" SANITARY SEWER LATERALS, TOGETHER WITH ALL NECESSARY APPURTENANCES TO EXTEND SANITARY SEWER ALONG CHIPPEWA ROAD (S.R. 82) FROM RIVERVIEW ROAD TO WIESE ROAD AND ALONG CALVIN DRIVE AND EXTENDING TO THE TERMINI POINT OF GLEN VALLEY DRIVE ALLOWING FOR THE REMOVAL OF THE GLEN VALLEY PUMP STATION, AND DECLARING AN EMERGENCY.**

**WHEREAS**, this Council has previously by proper legislation declared the necessity of constructing the improvement described in Section 1; and

**WHEREAS**, that improvement has been completed, the final costs have been ascertained and special assessments have been levied to pay the property owners' portion of those costs; and

**WHEREAS**, pursuant to Ordinance No. 5512, passed on June 7, 2022, there were issued \$5,200,000 Chippewa Road Sanitary Sewer Improvement Notes, Series 2022, in anticipation of bonds for the purpose stated in Section 1, which notes were retired with funds available to the City and with \$3,600,000 Chippewa Road Sanitary Sewer Improvement Notes, Series 2023 issued in anticipation of bonds for the purpose stated in Section 1 pursuant to Ordinance No. 5604, passed on April 4, 2023, which notes were retired with funds available to the City and with \$249,000 Chippewa Road Sanitary Sewer Improvement Notes, Series 2024 issued in anticipation of bonds for the purpose stated in Section 1 pursuant to Ordinance No. 5704, passed on May 7, 2024 (the Outstanding Notes), which Outstanding Notes mature on September 5, 2024; and

**WHEREAS**, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Bonds described in Section 2; and

**WHEREAS**, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 2 is at least five years and the estimated maximum maturity of the Bonds described in Section 2 is 30 years;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Brecksville, County of Cuyahoga, Ohio, that:

**SECTION 1.** Authorized Principal Amount and Purpose. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum principal amount of \$249,000 (the Bonds) to pay the property owners' portion, in

anticipation of the collection of special assessments heretofore levied, of the cost of constructing an 8" sanitary sewer and 6" sanitary sewer laterals, together with all necessary appurtenances to extend sanitary sewer along Chippewa Road (S.R. 82) from Riverview Road to Wiese Road and along Calvin Drive and extending to the termini point of Glen Valley Drive allowing for the removal of the Glen Valley pump station.

The aggregate principal amount of Bonds to be issued shall not exceed \$249,000 and shall be issued in an amount determined by the Director of Finance in the Certificate of Award (as defined in Section 7) to be the aggregate principal amount of Bonds required to be issued at this time in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the issuance of the Bonds.

**SECTION 2. Denominations; Dating; Principal and Interest Payment; Redemption.** The Bonds shall be issued only as fully registered bonds, in the principal amount specified in the Certificate of Award, in denominations requested by the original purchaser but not exceeding the principal amount maturing on any one date, provided that if the original purchaser shall so elect, a single bond, in printed or typewritten form, may be issued with multiple maturities of principal in amounts equal to the aggregate principal amount of Bonds stated to mature on a particular maturity date; and unless otherwise specified in the Certificate of Award, shall be dated their date of issuance.

Unless otherwise specified in the Certificate of Award, the Bonds shall mature on December 1 in each year commencing December 1, 2025, and ending December 1, 2054, and shall bear interest (computed on the basis of a 360-day year consisting of 12 30-day months), payable on December 1 of each year (the Interest Payment Dates), commencing December 1, 2025, until the principal amount has been paid or provided for, at a rate or rates specified in the Certificate of Award not to exceed 6.00% per year.

The Bonds of any one maturity shall all bear the same rate of interest. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

The annual maturities for the Bonds, and any adjustments of those times of payment which shall be evidenced in the Certificate of Award, shall all be such that the total estimated principal and interest payments on the Bonds in any fiscal year in which principal is payable are no more than three times the amount of those payments in any other fiscal year.

The Bonds shall be subject to call for redemption in whole or in part at any time at par and accrued interest to the date of redemption. Any right of redemption shall be exercised by ordinance of this Council; and notice of the call for redemption, specifying the redemption price to be paid, the date fixed for redemption and the place where the amounts due upon redemption are payable, shall be given by the Bond Registrar (as defined in Section 4) on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption at the registered owner's address shown on the Bond Register (as defined in Section 6) maintained by the Bond Registrar at

the close of business on the 15<sup>th</sup> day preceding that mailing. Each owner may, however, waive such a notice, but, if notice is given, failure to receive notice by mail or any defect in that notice regarding any Bond shall not affect the validity of the proceedings for the redemption of any Bond. Upon the redemption date, all interest on the Bonds so called shall cease unless default shall be made, upon the presentation of the Bonds, in the payment of the redemption price and accrued interest to the redemption date. Any redemption of the Bonds shall be indicated by appropriate endorsement thereon.

**SECTION 3. Execution and Authentication of Bonds.** The Bonds shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be numbered as determined by the Director of Finance, and shall express upon their face the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until the certificate of authentication appearing on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this Ordinance. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

**SECTION 4. Appointment of Bond Registrar.** The Director of Finance is authorized and directed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Bond Registrar).

**SECTION 5. Payment of Debt Charges.** The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the registered owner shown, and to that person's address appearing, on the Bond Register at the close of business on the 15<sup>th</sup> day preceding the Interest Payment Date (the Record Date). If a single bond is issued in accordance with Section 2 hereof, principal and interest shall be paid upon presentation of the Bond for the proper endorsement of such payments.

**SECTION 6. Registration; Transfer and Exchange.** So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep at the office of the Director of Finance all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such



payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the office of the Bond Registrar, together with an assignment executed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be the valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Bonds surrendered upon that exchange or transfer.

Any Bond surrendered to the Bond Registrar for payment, retirement, exchange, replacement or transfer shall be cancelled by the Bond Registrar. The City may at any time deliver to the Bond Registrar for cancellation any previously authenticated and delivered Bonds that the City may have acquired in any manner whatsoever, and those Bonds shall be promptly cancelled by the Bond Registrar.

**SECTION 7.** Award and Sale of Bonds. The Bonds are offered at a purchase price, not less than par, as shall be determined by the Director of Finance, to the Treasury Investment Board of the City for investment under Section 731.56 of the Revised Code. Bonds not so purchased shall be sold at not less than par at private sale by the Director of Finance in accordance with law and the provisions of this Ordinance. The Director of Finance shall determine the principal amount of the Bonds to be issued and the interest rate the Bonds shall bear, shall make the other designations authorized herein to the extent required, shall sign a Certificate of Award (the Certificate of Award) awarding and selling the Bonds and evidencing those designations and shall cause the Bonds to be prepared, signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the original purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate,

each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

**SECTION 8.** Application of Proceeds. The proceeds from the sale of the Bonds, except any premium and accrued interest, shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund

**SECTION 9.** Provisions for Tax Levy. All special assessments collected for the improvement described in Section 1, and any unexpected balance remaining in the improvement fund after the cost and expenses of that improvement have been paid, shall be used for the payment of the debt charges on the Bonds until paid in full and shall be used for no other purpose. In the event and to the extent that those special assessments are not collected, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation provided by the Charter of the City, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Bonds when and as the same fall due. In each year to the extent money from the levy of the special assessments for the improvement is available for the payment of the debt charges on the Bonds and is appropriated for that purpose, the tax shall be reduced by the amount of money so available and appropriated. Nothing in this Section in any way diminishes the pledge of the full faith and credit and property taxing power of the City to the prompt payment of the debt charges on the Bonds.

**SECTION 10.** Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a signed copy of the Certificate of Award to the Cuyahoga County Fiscal Officer.

**SECTION 11.** Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinion upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the

City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

**SECTION 12.** Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

**SECTION 13.** Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

**SECTION 14.** Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

**SECTION 15.** Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance must be immediately effective so that the Bonds can be delivered at the earliest possible date, which is necessary to enable the City to retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

PASSED: \_\_\_\_\_, 2024

APPROVED: \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk of Council

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RETAIL PURCHASE AGREEMENT ON BEHALF OF THE CITY OF BRECKSVILLE WITH VALLEY MOTOR CITY INC. FOR THE PURCHASE OF A 2022 JEEP GRAND CHEROKEE; AND DECLARING AN EMERGENCY**

**WHEREAS**, at its meeting of August 2, 2022, the Council adopted Res. No. 5312 authorizing an agreement with Ken Ganley Chrysler Dodge Jeep Ram Bedford for the lease of a 2022 Jeep Grand Cherokee for use by the Mayor for twenty-four (24) months; and

**WHEREAS**, due to the mileage and good condition of said vehicle, the Director of Public Service has recommended the purchase of the vehicle at the buyout cost being offered through Valley Motor City.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The Mayor be, and he hereby is, authorized to execute a Retail Purchase Agreement with Valley Motor City, Inc., a copy of which Retail Purchase Agreement is attached hereto as Exhibit “A” and made a part hereof, for the purchase of a 2022 Jeep Grand Cherokee at a cost of thirty-one thousand, twenty-four dollars and twenty-six cents (\$31,024.26).

**SECTION 2.** The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof, and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes as expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

**SECTION 3.** The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency relates to the daily operation of a municipal department, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

**A RESOLUTION ADOPTING THE ALTERNATE  
FORMAT TAX BUDGET FOR THE YEAR 2025;  
AND DECLARING AN EMERGENCY**

**WHEREAS**, a budget for this municipality has been duly prepared as provided by the Charter of this City and the laws of the State of Ohio; and

**WHEREAS**, this Council finds said budget to be proper and the same should be approved and adopted; and

**WHEREAS**, Ohio law now permits the Tax Budget to be submitted to the County Budget Commission in an alternate format which the Budget Commission has adopted.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The alternate format for the Tax Budget of the City of Brecksville for the fiscal year beginning January 1, 2025 and submitted to this Council by the Mayor, be and the same is hereby approved and adopted.

**SECTION 2.** The Director of Finance be and is hereby authorized and directed to file said Budget as required by law with the Budget Commission of Cuyahoga County through the County Auditor.

**SECTION 3.** The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the need to timely submit the Tax Budget to the County Budget Commission, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

**A RESOLUTION AUTHORIZING THE MAYOR,  
ON BEHALF OF THE CITY OF BRECKSVILLE,  
TO PROVIDE A GRANT TO THE BRECKSVILLE-  
BROADVIEW HEIGHTS COMMUNITY AWARENESS  
AND PREVENTION ASSOCIATION FOR THE  
PARTIAL FUNDING AND OPERATION OF  
PREVENTION AND INTERVENTION SERVICES;  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the Mayor and City Council believe that it is in the furtherance of the public’s health, safety and welfare to help fund the Brecksville-Broadview Heights Community Awareness and Prevention Association (C.A.P.A.).

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The Mayor be and is hereby authorized, on behalf of the City of Brecksville, to provide a grant in the amount of twenty thousand dollars (\$20,000.00) to the Community Awareness and Prevention Association for the partial funding and operation of prevention and intervention.

**SECTION 2.** The Council hereby appropriates the sum of twenty thousand dollars (\$20,000.00) to effectuate the provisions contained in Section 1 hereof. The Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer’s certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes as expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

**SECTION 3.** The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency relates to the continued operation of the Community Awareness and Prevention Association, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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



**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A RESTATEMENT OF LEASE AGREEMENT WITH AMENDMENTS ON BEHALF OF THE CITY OF BRECKSVILLE WITH SOUTH SUBURBAN MONTESSORI ASSOCIATION, INC. FOR THE LEASE OF THE PREMISES KNOWN AS BUILDING 6 LOCATED AT 4448 OAKES ROAD IN THE BLOSSOM HILL PROPERTY COMPLEX CONSISTING OF APPROXIMATELY 5,882 SQUARE FEET INCLUDING THE USE OF ACCESS ROADS; AND DECLARING AN EMERGENCY**

**WHEREAS**, South Suburban Montessori Association, Inc. has been leasing Building 6 located at 4448 Oakes Road in the Blossom Hill Property Complex for the past several years; and

**WHEREAS**, South Suburban Montessori Association, Inc. desires to lease the premises known as Building 6 located at 4448 Oakes Road, including the use of access roads, for the term commencing July 1, 2024 and ending June 30, 2029.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The Mayor be, and he hereby is, authorized to execute a Restatement of Lease Agreement with Amendments on behalf of the City of Brecksville with South Suburban Montessori Association, Inc. for the lease of premises known as Building 6 located at 4448 Oakes Road in the Blossom Hill Property Complex consisting of approximately 5,882 square feet, including the use of access roads, a copy of which Restatement of Lease Agreement With Amendments is attached hereto as Exhibit "A" and expressly made a part hereof by reference.

**SECTION 2.** The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency relates to the expiration date of the existing Lease Agreement, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A RESTATEMENT OF LEASE AGREEMENT WITH AMENDMENTS ON BEHALF OF THE CITY OF BRECKSVILLE WITH SOUTH SUBURBAN MONTESSORI ASSOCIATION, INC. FOR THE LEASE OF PREMISES KNOWN AS BUILDING 7 LOCATED AT 4450 OAKES ROAD IN THE BLOSSOM HILL PROPERTY COMPLEX CONSISTING OF APPROXIMATELY 31,000 SQUARE FEET INCLUDING THE USE OF ACCESS ROADS; AND DECLARING AN EMERGENCY**

**WHEREAS**, South Suburban Montessori Association, Inc. has been leasing Building 7 located at 4450 Oakes Road in the Blossom Hill Property Complex for the past several years; and

**WHEREAS**, South Suburban Montessori Association, Inc. desires to lease the premises known as Building 7 located at 4450 Oakes Road, including the use of access roads, for the term commencing July 1, 2024 and ending June 30, 2029.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The Mayor be, and he hereby is, authorized to execute a Restatement of Lease Agreement With Amendments on behalf of the City of Brecksville with South Suburban Montessori Association, Inc. for the lease of premises known as Building 7 located at 4450 Oakes Road in the Blossom Hill Property Complex consisting of approximately 31,000 square feet, including the use of access roads, a copy of which Restatement of Lease Agreement with Amendments is attached hereto as Exhibit "A" and expressly made a part hereof by reference.

**SECTION 2.** The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency relates to expiration date of the existing Lease Agreement, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A RESTATEMENT OF LEASE AGREEMENT WITH AMENDMENTS ON BEHALF OF THE CITY OF BRECKSVILLE WITH BRECKSVILLE COOPERATIVE PRE-SCHOOL, INC. FOR THE LEASE OF PREMISES LOCATED AT 4430 OAKES ROAD IN THE BLOSSOM HILL PROPERTY COMPLEX; AND DECLARING AN EMERGENCY**

**WHEREAS**, Brecksville Cooperative Pre-School, Inc. has been leasing Building 10 located at 4430 Oakes Road in the Blossom Hill Property Complex for the past several years; and

**WHEREAS**, Brecksville Cooperative Pre-School, Inc. desires to lease the premises known as Building 10 located at 44430 Oakes Road, including the use of access roads, for the term commencing July 1, 2024 and ending June 30, 2029.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The Mayor be, and he hereby is, authorized to execute a Restatement of Lease Agreement with Amendments on behalf of the City of Brecksville with Brecksville Cooperative Pre-School, Inc. for the lease of premises known as 4430 Oakes Road in the Blossom Hill Property Complex, a copy of which Lease Agreement is attached hereto as Exhibit “A” and expressly made a part hereof by reference.

**SECTION 2.** The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency relates to the expiration date of the existing Lease Agreement, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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