

**MINUTES OF A MEETING OF THE
COUNCIL OF THE CITY OF BRECKSVILLE**

June 04, 2024

HELD _____

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1:29:21

Call to Order

8:00 PM

Pledge of Allegiance

Roll Call

Present: Dan Bender, AJ Ganim, Mark Jantzen, Ann Koepke, Beth Savage, Brian Stucky,

Members Absent: Dominic Caruso

Others Present: Mayor Daryl Kingston, Law Director D. Matty, Assistant Law Director Sabol, Engineer G. Wise, Assistant CBO S. Synek, Economic and Community Dev. Director, M. Bartkiewicz, Purchasing Director L.Cramer, Fire Chief N. Zamiska, Fire Chief trainee Mark Bender, Police Chief S. Korinek, Service Director J. Kickel, IT Technician M. Rapkin, Council Clerk T. Tabor.

Approval of Minutes

1. Approval of May 21, 2024 Council Minutes

Motion made by Ganim, Seconded by Koepke.

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

1:30:35

Old Business

2. ORDINANCE 5705 Proposed Planning & Zoning Code Amendment Adult Use Cannabis Activity Prohibition in All Use Districts - Third Reading - an Ordinance amending Section 1189.01 of the Planning & Zoning Code by adding subsection (O) to prohibit adult use cannabis activities in all districts.

Motion for passage by Ganim, seconded by Koepke.

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

Nays: None.

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

1:31:45

New Business

3. RESOLUTION 5563 - a Resolution confirming the appointment by the Mayor of Bryan Stowe as Tree Warden for the City of Brecksville.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Resolution 5563 on third and final reading.

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

Nays: None.

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

Motion by Stucky, seconded by Koepke, to pass Resolution 5563.

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

Nays: None.

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

4. Oath of Office

Oath of Office was administered by Mayor Kingston.

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1:35:12

- 5. RESOLUTION 5564** - a Resolution appointing Mark Bender as Fire Chief Trainee from June 4, 2024 thru July 4, 2024 and as Fire Chief beginning July 5, 2024 for the City of Brecksville.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Resolution 5564 on third and final reading.

yes: Ganim, Jantzen, Koepke, Savage, Stucky.

Nays: None.

Abstain: Bender.

MOTION CARRIED 5-AYES, 0-NAYS, 1-ABSTAIN.

Motion by Stucky, seconded by Koepke, to pass Resolution 5564

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

Nays: None.

Abstain: Bender.

MOTION CARRIED 5-AYES, 0-NAYS, 1-ABSTAIN.

- 6. Oath of Office**

Oath of Office was administered by Mayor Kingston.

1:41:20

- 7. RESOLUTION 5565** - a Resolution authorizing the payment of unused sick leave in the employee payout for Nikola Zamiska into an established HRA through Buckeye Deferred Compensation.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Resolution 5565 on third and final reading.

yes: Ganim, Jantzen, Koepke, Savage, Stucky.

Nays: None.

Abstain: Bender.

MOTION CARRIED 5-AYES, 0-NAYS, 1-ABSTAIN.

Motion by Stucky, seconded by Koepke, to pass Resolution 5565

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

Nays: None.

Abstain: Bender.

MOTION CARRIED 5-AYES, 0-NAYS, 1-ABSTAIN.

1:42:25

- 8. RESOLUTION 5566** - a Resolution authorizing the granting of a utility easement and right of way to the Cleveland Electric Illuminating Company for the distribution of electric current, including communication facilities, upon, over and across certain lands owned by the City of Brecksville

Motion by Ganim, seconded by Koepke, to suspend the rules and place Resolution 5566 on third and final reading.

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

Nays: None.

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

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~~Motion by Stucky, seconded by Bender, to pass Resolution 5566.~~

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

Nays: None.

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

1:43:35

9. **ORDINANCE 5715** - 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 by Ganim, seconded by Koepke, to suspend the rules and place Ordinance 5715 on third and final reading.

yes: Ganim, Jantzen, Koepke, Savage, Stucky.

Nays: None.

Abstain: Bender.

MOTION CARRIED 5-AYES, 0-NAYS, 1-ABSTAIN.

Motion by Stucky, seconded by Ganim, to pass Ordinance 5715.

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

Nays: None.

Abstain: Bender.

MOTION CARRIED 5-AYES, 0-NAYS, 1-ABSTAIN.

1:44:45

10. **RESOLUTION 5567** - a Resolution making necessary transfers and advances between certain funds for the fiscal year ending 12-31-2024.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Resolution 5567 on third and final reading.

yes: Ganim, Jantzen, Koepke, Savage, Stucky.

Nays: None.

Abstain: Bender.

MOTION CARRIED 5-AYES, 0-NAYS, 1-ABSTAIN.

Motion by Stucky, seconded by Koepke, to pass Resolution 5567.

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

Nays: None.

Abstain: Bender.

MOTION CARRIED 5-AYES, 0-NAYS, 1-ABSTAIN.

1:45:45

11. **ORDINANCE 5710** - an Ordinance enacting and adopting a Supplement to the Codified Ordinances of the City of Brecksville.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Ordinance 5710 on third and final reading.

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

Nays: None.

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

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Motion by Stucky, seconded by Bender, to pass Ordinance 5710.
Ayes: Bender, Ganim, Jantzen, Koepke, Savage, Stucky.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS, 0-ABSTAIN.

1:46:37

- 12. ORDINANCE 5711** - an Ordinance amending Ordinance 5668 as it relates to employee compensation.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Ordinance 5711 on third and final reading.
yes: Ganim, Jantzen, Koepke, Savage, Stucky.
Nays: None.
Abstain: Bender.
MOTION CARRIED 5-AYES, 0-NAYS, 1-ABSTAIN.

Motion by Stucky, seconded by Koepke, to pass Ordinance 5711.
Ayes: Bender, Ganim, Jantzen, Koepke, Savage, Stucky.
Nays: None.
Abstain: Bender.
MOTION CARRIED 5-AYES, 0-NAYS, 1-ABSTAIN.

1:47:46

- 13. ORDINANCE 5712** - an Ordinance amending Section 145.13 of the Administrative Code and the exempted employees of the City of Brecksville.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Ordinance 5712 on third and final reading.
yes: Ganim, Jantzen, Koepke, Savage, Stucky.
Nays: None.
Abstain: Bender.
MOTION CARRIED 5-AYES, 0-NAYS, 1-ABSTAIN.

Motion by Stucky, seconded by Koepke, to pass Ordinance 5712.
Ayes: Bender, Ganim, Jantzen, Koepke, Savage, Stucky.
Nays: None.
Abstain: Bender.
MOTION CARRIED 5-AYES, 0-NAYS, 1-ABSTAIN.

1:48:52

- 14. ORDINANCE 5713** - an Ordinance authorizing the purchase of a replacement sound system and related items for the Gathering Room and Community Center through OMNIA Partners Purchasing Organization.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Ordinance 5713 on third and final reading.
Ayes: Bender, Ganim, Jantzen, Koepke, Savage, Stucky.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS, 0-ABSTAIN.

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Motion by Stucky, seconded by Bender, to pass Ordinance 5713.

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

Nays: None.

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

1:49:48

- 15. ORDINANCE 5714** an Ordinance authorizing the Mayor to accept an LPA Federal ODOT-LET Project Agreement No. 38749 Amendment for the CUY-SR 021-00.00 road repaving project.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Ordinance 5714 on third and final reading.

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

Nays: None.

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

Motion by Stucky, seconded by Bender, to pass Ordinance 5714.

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

Nays: None.

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

Report of Council Representatives:

1:51:20

Board of Zoning Appeals: Council member Stucky reported the next meeting of the Board of Zoning Appeals will be held June 10, 2024.

1:51:40

Planning Commission: Council member Savage reported on behalf of Council member Stucky. The next meeting of the Planning Commission will be Thursday, June 6th.

Shoptique, 8914 Brecksville Road; Approval for a 1.46 sq ft permanent, non-illuminated, awning identification sign for Shoptique at 8914 Brecksville Road, Brecksville, Ohio, PPN 601-31-015 as described in the application dated May 6, 2024, application attachments, and conditional on City Council's approval of the following deviations:

- From Section 1187.06(a)(5) to permit an awning sign in the right-of-way; and
- From Section 1187.06(a)(2) that awning signs be located at a minimum height of 8' above the finished sidewalk to allow 7.5'

Motion for passage by Savage, seconded by Stucky.

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

Nays: None.

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

1:53:14

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6864 Chaffee Ct. – Front Yard Set Back

Approve a lot split for 6864 Chaffee Court (601-33-024) and establishment of a 40' front yard setback for Parcel 1 and Parcel 2, as proposed in the application dated April 5, 2024, the Lot Split Plat dated April 3, 2024, and front yard setback exhibit dated April 15, 2024, contingent upon approval of the City Engineer, City Council and Board of Zoning Appeals of the following variances:

- From Section 2229.09(d) that public sidewalks, be installed to not install public sidewalks until such time as the City deems appropriate,
- From Section 1117.09 that lots be generally rectangular in form to allow an irregular form for Parcel 2.
- Conditioned upon the variant allowing the house to be positioned at or up to 10' behind the building line being reduced to 0'.

Motion for passage by Savage, seconded by Stucky.

Motion by Koepke to consider each item separately. No Second.

On the motion for passage.

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

Nays: Koepke.

MOTION CARRIED 5-AYES, 1-NAYS, 0-ABSTAIN.

1:57:47

Recreation Commission: Council member Ganim reported the next meeting of the Recreation Commission will be June 24, 2024.

1:58:01

Human Services Advisory Board: Council member Koepke reported the next meeting of the Human Services Advisory Board will be June 11, 2024.

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

1:58:25

Safety-Service- Council member Koepke reported the committee met earlier this evening and has no items for Council consideration.

1:58:30

Streets & Sidewalks- Council member Stucky reported the committee met earlier this evening and has no items for Council consideration.

1:58:59

Utilities- Highland Drive Storm Sewer Improvement Project CO # 1 - Approval of a purchase requisition to the Rising Son Company, Inc. in the amount of \$5,615.00 for additional equipment and time to perform excavation.

Motion for passage by Ganim, seconded by Stucky.

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

Nays: None.

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

1:59:30

Buildings & Grounds- Council member Jantzen reported the committee met earlier this evening and has no items for Council consideration.

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1:59:48

Legislation- Authorize Council Clerk Tammy Tabor as the Elected Officials Designee of Brecksville City Council and Mayor Kingston, to complete the required Public Records Training.

Motion for passage by Bender, seconded by Stucky.

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

Nays: None.

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

2:00:41

Finance- Approve the payment of bills as follows: Matty, Henrikson and & Greve in the amount of \$12,795.83; Kulchystsky Architects, LLC in the amount of \$516.25; William Logan in the amount of \$4,000.00; Donald G. Bohning & Associates in the amount of \$13,703.00, SIXMO in the amount of \$575.00, Total of all invoices \$31,590.08.

Motion for passage by Savage, seconded by Stucky.

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

Nays: None.

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

2:02:04

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.

Director of Law: No Report.

Engineer: No Report.

Director of Finance: No Report.

2:02:18

Assistant Chief Building Official: : Assistant Building Commissioner Steve Synek reported the Building Department issued 153 permits for a valuation of \$1.4 Million and fees collected of \$47,479.53.

Director of Human Services: Dr. Paciorek thanked Council for authorizing the purchase of the combined Sound Equipment for Human Services and the Community Center.

Director of Service: No Report.

Director of Purchasing: No Report.

2:03:25

Chief of Police Department: Chief Korinek reported on the use of FLOCK Cameras to assist Brecksville Detectives in the apprehension of a suspect in a road rage incident in which a firearm was used.

Chief of Fire Department: Fire Chief Zamiska thanked Council for authorizing the payout of his sick time benefit. Fire Chief Zamiska congratulated Mark Bender on his promotion to Fire Chief and thanked Council for the procedure and also including third party Fire Chiefs in the interview process.

2:05:44

Report of the Mayor

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Mayor Kingston congratulated Mark Bender on his promotion to Fire Chief. Mayor Kingston reminded drivers school is out and to look out for pedestrians and slow down when driving. Brecksville Home Days will be held June 23-25th.

Council member Stucky congratulated Mark Bender on the promotion to Fire Chief. The Brecksville 5K will be held on June 23rd.

Adjournment

8:38 PM

Motion made by Savage, Seconded by Ganim.

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

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

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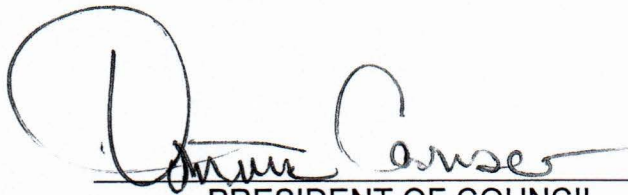
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Adjournment

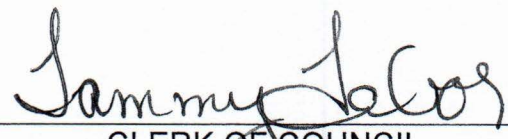
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Motion made by Savage, Seconded by Ganim.

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



PRESIDENT OF COUNCIL



CLERK OF COUNCIL