

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

**HELD** \_\_\_\_\_ July 16, 2024 \_\_\_\_\_

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**Call to Order**

**1:28:50**

**Pledge of Allegiance**

Appoint Kristen Kouri as Acting Council Clerk

Motion made by Caruso, Seconded by Ganim.

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

**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, Economic and Community Dev. Director, M. Bartkiewicz, Fire Chief M. Bender, Police Chief S. Korinek, Service Director J. Kickel, IT Technician P. Packard, Acting Council Clerk K. Kouri.

**Approval of Minutes**

**1:29:53**

**1. Approval of July 2, 2024 Council Minutes**

Motion made by Ganim, Seconded by Koepke.

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

Voting Abstaining: Savage, Stucky.

**MOTION CARRIED: 5- Ayes, 0-Nays, 2- Abstaining.**

**Unfinished Business**

- 2. ORDINANCE 5717** - 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; and declaring an emergency, was read by title only.

**1:30:22**

Motion for approval made by Ganim, Seconded by Koepke.

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

Nays: None.

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

**1:31:34**

- 3. ORDINANCE 5718** - 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; and declaring an emergency, was read by title only.

**1:31:41**

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Motion for approval made by Ganim, Seconded by Koepke.  
Voting Yea: Bender, Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.  
Nays: None.  
**MOTION CARRIED 7-AYES, 0-NAYS.**

**1:32:57**

4. **RESOLUTION 5572** - 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, was read by title only.

Motion for suspension made by Ganim, Seconded by Koepke.  
Voting Yea: Bender, Caruso, Ganim, Jantzen, Savage, Stucky  
Nays: None.  
Abstain: Koepke.  
**MOTION CARRIED: 6- Ayes, 0-Nays, 1- Abstain.**  
Motion by Stucky, seconded by Bender, to pass Resolution 5572.  
Voting Yea: Bender, Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.  
Nays: None.  
Abstain: Koepke  
**MOTION CARRIED: 6- Ayes, 0-Nays, 1-Abstain.**

**New Business**

**1:34:18**

5. **RESOLUTION 5573** - a Resolution accepting the proposal of Trane US Inc. to remove and replace the Building Automation System (BAS) in the Service Department Vehicle Storage Building; and declaring an emergency, was read by title only.

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 Savage, to pass Resolution 5573.  
Voting Yea: Bender, Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.  
Nays: None.  
**MOTION CARRIED: 7- Ayes, 0-Nays.**

6. **RESOLUTION 5574** - a Resolution authorizing the Mayor to enter into a a Subdivision Agreement and Escrow Agreement with DiGeronimo Development LLC for the Canvas at Valor Acres Phase II Subdivision; and declaring an emergency, was read by title only.

**1:35:09**

Motion for suspension made by Ganim, Seconded by Koepke.  
Voting Yea: Caruso, Ganim, Jantzen, Koepke, Savage, Stucky  
Nays: None.  
Abstain: Bender  
**MOTION CARRIED: 6- Ayes, 0-Nays, 1-Abstain.**  
Motion by Stucky, seconded by Savage, to pass Resolution 5574.  
Voting Yea: Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.  
Nays: None.  
Abstain: Bender  
**MOTION CARRIED: 6- Ayes, 0-Nays, 1- Abstain.**

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7. **RESOLUTION 5575** - a Resolution accepting the proposal of Daniels & Rhodes LLC to provide legal services to the City of Brecksville for the Valor Acres Project and other development projects as requested by the City; and declaring an emergency, was read by title only.

**1:36:18**

Motion for suspension made by Ganim, Seconded by Koepke.  
Voting Yea: Caruso, Ganim, Jantzen, Koepke, Savage, Stucky  
Nays: None.

Abstain: Bender

**MOTION CARRIED: 6- Ayes, 0-Nays, 1-Abstain.**

Motion by Stucky, seconded by Savage, to pass Resolution 5575.

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

Nays: None.

Abstain: Bender

**MOTION CARRIED: 6- Ayes, 0-Nays, 1- Abstain.**

8. **ORDINANCE 5725** - 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 appropriations and revenue adjustments; and declaring an emergency, was read by title only.

**1:37:20**

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 Savage, to pass Ordinance 5725.

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

Nays: None.

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

9. **ORDINANCE 5726** - an Ordinance amending Part Three-Traffic Code of the Codified Ordinances of the City of Brecksville; and declaring an emergency, was read by title only.

**1:38:16**

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 Savage, to pass Ordinance 5726.

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

Nays: None.

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

10. **ORDINANCE 5727** - an Ordinance amending Part Five-General Offenses Code of the Codified Ordinances of the City of Brecksville; and declaring an emergency, was read by title only.

**1:39:06**

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 Savage, to pass Ordinance 5727.

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

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Nays: None.

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

**1:39:54 Appoint James Budzik as Special Counsel to the City of Brecksville.**

Motion by Stucky, seconded by Savage, to pass Ordinance 5727.

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

Nays: None.

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

**Report of Council Representatives:**

**Board of Zoning Appeals,**

**Appeal 2024-22 Wayne Jatsek for 6864 Chaffee LLC:** 6864 Chaffee Court, LLC for a variance from Section 1119.09(d) that public sidewalks be installed to not install public sidewalks until such time as the City deems appropriate and from the Section 1117.09 that lots be generally rectangular in form to allow an irregular form for Parcel 2, as shown on the application dated June 6, 2025, located at 6864 Chaffee Court, PPN 601-33-024.

Motion for passage by Stucky, seconded by Bender.

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

Nays: Koepke.

**MOTION CARRIED: 6- Ayes, 1-Nays.**

**Appeal 2024-24 Cynthia Habig for Richard Habig:** Richard and Cynthia Habig for a variance from Section 1185.03(a) that the maximum permitted fence height be 4' to allow 6' as shown on the application dated June 19, 2024, located at 6867 Oakes Road, PPN 603-08-072.

Motion for passage by Stucky, seconded by Bender.

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

Nays: None.

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

**Appeal 2024-25 E. Edgerton, Larry & Hailey Nance:** Larry & Hailey Nance for a variance 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; and from Section 1151.21 that each lot shall abut a dedicated street for a distance not less than 60% of the lot width set forth in 1151.22 to allow 39% for Lot A, as shown on the application dated June 12, 2024, located at E. Edgerton Road, PPN 604-02-001.

Motion for passage by Stucky, seconded by Bender.

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

Nays: Koepke.

**MOTION CARRIED: 6- Ayes, 1-Nays.**

**Appeal 2024-26 :** Alex Denigris for a variance from Section 1151.25(d) that a detached private garage be a maximum of 660 sq ft to allow 3,500 sq ft, and a variance from Section 1181.11 that the maximum accessory building height be 15' to allow 20'8", as shown on the application dated June 19, 2024, located at 13209 Station Road, PPN 602-31-010.

Motion for passage by Stucky, seconded by Bender.

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

Nays: None.

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

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**Planning Commission,**

**CVCC Classroom & Lab Addition 8001 Brecksville Rd;** provide preliminary approval to construct a 2-story, 21,495 sq ft construction lab and classroom at the Cuyahoga Valley Career Center, 8001 Brecksville Road, Brecksville, Ohio, PPN 601-10-034, as described in the application dated June 7, 2024, and attached drawings by GPD Group contingent on approval by the City Engineer and City Council.

Motion for passage by Caruso, seconded by Stucky.

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

Nays: None.

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

**Revised Preliminary Plan and Planned Development Area (PDA) Conditional Use – VA Phase 2 Residential T6 – T8 Lavender Lane;** approval of 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, as described in the application dated May 20, 2024, and submitted plans listed herein by DiGeronimo Companies, subject to approval by the City Engineer, City Law Director, and City Council, and approval of the following deviations:

1. From Section 1117.04 (a) that the right-of-way width be 60 ft. to allow 50 ft.
2. From Section 1117.04 (e) that cul-de-sacs be a maximum of 800 ft in length to allow 1,700 ft.
3. From Section 1117.09(d) that side lot lines be radial from a curved street to allow non-radial lot lines for sublots 40-43.
4. From Section 1151.22 that the minimum lot area, be 8,000 sq ft to allow lot sizes of 5,435 sq ft to 6,167 sq ft.
5. From Section 1151.22 that the minimum lot width, be 50 ft to allow 49.64 ft for subplot 45
6. From Section 1151.22 that the minimum lot depth, be 120 ft to allow a minimum of 107 ft
7. From Section 1151.24 that the minimum front yard setback, be 50 ft to allow a minimum of 25 ft.
8. From Section 1151.24 that the minimum side yard, be 5 ft to allow a minimum of 0 ft
9. From Section 1151.24 that combined side yards be a minimum of 20 ft to allow a minimum of 0 ft
10. From Section 1151.24 that the minimum rear yard setback be 50 ft to allow a minimum of 28 ft.
11. From Section 1179.05 (c)(2) that the minimum building spacing requirement for building with no primary living space windows be 30 ft to allow 18 ft.
12. From Section 1179.05 (c) (3) that the minimum building spacing requirement for buildings with primary living space windows be 50 ft to allow 18 ft.
13. From Section 1179.05 (e) (1) that the horizontal length of sequences of attached units shall not exceed 50 ft in an unbroken plane without an offset of 10 ft to allow offsets of less than 10 ft.
14. From Section 1179.05 (f) that the minimum building setback from a local street be a minimum of 50 ft to allow 25 ft.
15. From Section 1179.05 (f) that the minimum setback from non-residential districts be 40 ft to allow a minimum of 28 ft.

Incorporating by reference the following documents:

- Valor Acres – Phase II Public Roadway PDA Revision & Final FDP, dated 5/20/24
- Phase II Civil & Landscape Set, dated 11-20-23
- Plat, undated
- Loft Floor Plans & Elevations, dated 6/22/2022
- Declaration of Covenants, Conditions, Easements and Restrictions, recorded 12-27-21.
- Development & Escrow Agreements, undated
- Deviation List, dated 5-20-24
- Final Soils Report, dated 9-1-21
- Department of the Army permit, dated 5-16-24
- Traffic Study, dated December 2022
- Stormwater Management Report, dated August 2023

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Motion for passage by Caruso, seconded by Stucky.  
Voting Yea: Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.  
Nays: None.  
Abstain: Bender  
**MOTION CARRIED: 6- Ayes, 0-Nays, 1-Abstain.**

**1:49:04**

**VA at Canvas Phase 2 Final Approval Lavender Lane:** provide final approval for Valor Acres Phase 2 Residential PDA, as described in the application dated May 20, 2024, and submitted plans listed herein by DiGeronimo Companies, subject to approval by the City Engineer, City Law Director, and City Council, incorporating by reference the following documents:

- Valor Acres – Phase II Public Roadway PDA Revision & Final FDP, dated 5-20-24
- Phase II Civil & Landscape Set, dated 11-20-23
- Plat, undated
- Loft Floor Plans & Elevations, dated 6-22-22
- Declaration of Covenants, Conditions, Easements and Restrictions, recorded 121-27-21
- Development & Escrow Agreements, undated
- Deviation List, dated 5-11-20-24
- Final Soils Report, dated 9-1-21
- Department of the Army permit, dated 5-16-24
- Traffic Study, dated December 2022
- Stormwater Management Report, dated August 2023

AND contingent upon landscape & lighting plan approvals.

Motion for passage by Caruso, seconded by Stucky.  
Voting Yea: Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.  
Nays: None.  
Abstain: Bender  
**MOTION CARRIED: 6- Ayes, 0-Nays, 1-Abstain.**

**1:50:27**

**VA Mixed Use Phase 1 – BPDA Amendment for Subdivision of Land and Street Names Miller Rd/Brecksville Rd.** Amendment for subdivision of land and street names Valor Acres mixed use phase one Miller Road/Brecksville Road. An amended business plan Development Area for phase one of the mixed use development at Valor Acres including PDPA Phases 3, 4, 5, 6, 7 and 8 for the subdivision of land for building C, D, E, F,G and H an amendment to BPDA Phase 1 for the approval of street names as described in the submission package by DiGeronimo companies dated June 10, 2024 and subject to approval by City Engineer, Law Director and City Council.

Motion for passage by Caruso, seconded by Stucky.  
Voting Yea: Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.  
Nays: None.  
Abstain: Bender  
**MOTION CARRIED: 6- Ayes, 0-Nays, 1-Abstain.**

**1:51:21**

Planning Commission public hearing on Thursday August 8th the Brecksville Planning Commission will hold a public hearing on August 8th here at City Hall to consider the request for a private Pavilion in an R40 Plan Development Area at 5500 Summit Circle Brecksville Ohio,44141.  
The next meeting will be Thursday August 8, 2024 at 7:00 PM and that concludes my report for planning.

**1:51:50**

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**Recreation Commission,**

Council member Ganim reported the next meeting of the Recreation Commission will be Monday July 22 at 7:30 PM.

**Human Services Advisory Board.**  
Council member Koepke reported the next meeting of the Human Services Advisory Board will be August 12, 2024 at 3:00 PM.

**Report of Council Committees:**

**Safety-Service,**

**Fire Department Apparel** Authorizing an increase in the amount of \$3,750.00 to Purchase Order #20242401 for the purchase of fire fighter protective clothing. *Account #20242401*

Motion for passage by Koepke, seconded by Ganim.  
Voting Yea: Bender, Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.  
Nays: None.

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

**Fire Department Equipment I Pads & Mounts** Authorizing a blanket vendor purchase requisition in the amount of \$20,851.24 for replacement I-Pads and mounting equipment for use by the Fire Department. *Account #C450260 3300*

Motion for passage by Koepke, seconded by Ganim.  
Voting Yea: Bender, Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.  
Nays: None.

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

**Streets & Sidewalks: No Report.**

**Utilities: No Report.**

**Buildings & Grounds: No Report.**

**Legislation: No Report.**

**Finance:**

**HVAC Filters & Belts** approval of an increase to Purchase Order #20249002 for the purchases of HVAC filters and belts for use by the Service Department.

Motion for passage by Savage, seconded by Ganim.  
Voting Yea: Bender, Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.  
Nays: None.

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

**Report of the Department Directors**

**Director of Law,** Law Director Matty asked Council to amend the motion to provide the correct amount for Blanket Purchase Requisition for Fire Department iPads and Mounting Equipment.

**1:56:12**

Amend blanket vendor purchase requisition for the iPads mounting equipment and accessories for the fire department for the amount of \$3,257 24

Motion for passage by Koepke, seconded by Ganim.  
Voting Yea: Bender, Caruso, Ganim, Jantzen, Koepke, Savage, Stucky.  
Nays: None.

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

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Law Director Matty asked for a reconsideration on the motion to appoint James Budzik to include the reason for appointment.

Motion by Stucky, seconded by Stucky to reconsider the vote to appoint James Budzik.

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

Nays: None.

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

**1:57:40**

Motion to Appoint James Budzik for fire department collective bargaining negotiations and authorizing the Mayor to sign an engagement letter at the rate of \$175 an hour.

Motion by Stucky, seconded by Ganim.

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

Nays: None.

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

**Engineer:** No Report

**Director of Finance:** No Report

**1:58:50**

**Director of Community and Economic Development:** No Report

**Director of Human Services:** Dr. Paciorek reported Thursday July 18th from 1:00 to 3:00 Digital Navigators is an organization with the Cuyahoga County Library will be in the Human Services building to help older adults with their phones and laptops and other electronic devices. The first cookout of the summer will be July 19th this Friday from 5:00 to 7:00 p.m. It's a luau theme so bring your favorite Don Ho CD and hang out with us for the night. Friday July 26th at 11:00 am. University Hospitals will talk about the warning signs of heart attack and stroke and when to call 911. Monday August 5th at 11:00 a.m. we will have a representative to talk about understanding your medications and Friday August 9th at 11:00 a.m. Cuyahoga County Solid Waste district will be here and tell our residents how to dispose of hazardous waste.

**Director of Service:** No Report

**Chief of Police Department:** No Report

**Chief of Fire Department:** No Report

**Director of Recreation:** No Report

**Report of the Mayor**

**2:00:07**

Mayor Kingston reported Cuyahoga County released their annual recycling report for 2023 and once again Brecksville is around in the top 10% of communities with 46% of our Residential Waste being diverted from landfill. Over the next couple years Mayor Kingston said, with the help of Service Director Kickel he expects to get to 50% recycling of residential waste.

It is with great sadness that I report that Carol Harwood passed away last Thursday. Carol and her husband Tom were together since high school and raised three children, Tim, Patty and of course Mike. Carol dedicated 25 years to service of the City of Brecksville here at City Hall where she was a cherished member of the Clerk of Court's office and an integral part of our city family. Beyond her professional duties Carol actively participated in numerous civic activities most notably portraying Rudolph in our annual Christmas play for nearly three decades. Carol's presence brought joy to cast members and audiences alike and she was a comedic icon during rehearsals and her warm interactions with the children after each performance were fun to watch. Carol instilled a sense of community involvement in her



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children and in many ways contributed mostly through sports programs. In city government Carol was an active member of our Community Center walking the track every day, always followed by goodies and discussions with the Breakfast Bunch at the tables and chairs up front in the lobby. Carol's absence will be keenly felt at future city gatherings and the community center mourns the loss of one of its most dedicated members she truly was one of a kind please join us in honoring Carol at her celebration of life hosted by her family this Saturday July 20th at 300 p.m. at our Human Services Center.

**2:02:30**

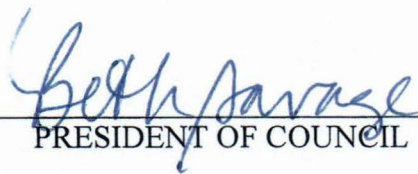
Motion by Caruso. Seconded by Savage to adjourn at 8:33 PM

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

Nays: None.

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

**Adjournment**

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

**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