

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

**HELD** \_\_\_\_\_ May 21, 2024 \_\_\_\_\_

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**Virtual Meeting Notice**

For the safety of our staff and residents, to listen to the live stream of the meeting please go to: <https://www.facebook.com/233577357056186/live/> or the City's website: [www.brecksville.oh.us](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.

58:00

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Present:** Dominic Caruso, AJ Ganim, Ann Koepke, Beth Savage, Brian Stucky, Dan Bender

**Members Absent:** Mark Jantzen

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

**Approval of Minutes**

**1. Approval of May 7, 2024 Council Minutes**

Motion made by Ganim, Seconded by Koepke.

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

**Old Business**

**2. Proposed Planning & Zoning Code Amendment Adult Use Cannabis Activity Prohibition in All Use Districts - Second 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.**

Move to third reading.

Motion made by Ganim, Seconded by Koepke.

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

**New Business**

**3. Commendation - a Resolution commending Mayor Jerry N. Hruby for his dedication to the City of Brecksville**

Motion by Ganim, seconded by Koepke, to suspend the rules and place Resolution 5556 on third and final reading.

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

Nays: None.

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

Motion by Stucky, seconded by Savage, to pass Resolution 5556.

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

Nays: None.

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

**4. Public Safety Center Naming - a Resolution renaming the Brecksville Police Station "The Jerry N. Hruby Public Safety Center" in honor of Jerry N. Hruby's years of commitment to Public safety and Public Service to the City of Brecksville and its citizens.**

Motion by Ganim, seconded by Koepke, to suspend the rules and place Resolution 5557 on third and final reading.

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

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Nays: None.

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

Motion by Stucky, seconded by Savage, to pass Resolution 5557.

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

Nays: None.

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

1:18:11

Mayor Hruby said he appreciate this I honor. It is very difficult to accept and he is also very proud to be honored with this. Mayor Hruby said it was all of the people that he worked with, outstanding Police, Fire and Service Workers that have done excellent work in the community. Mayor Hruby said it has been through the work of all of the city employees. Mayor Hruby thanked everyone for the work they have done in the past and said the City has been wonderful to honor him. Mayor Hruby said it has been the support of the Department Heads, current and past. Mayor Hruby said Paul Grau was a great Law Director and Friend. Mayor Hruby said it has been an honor to work with Law Director Matty, who has taught him so much over the years. Mayor Hruby said Law Director Matty has a high degree of integrity. Mayor Hruby thanked Sgt. Lode, Lou Carouse, Bonnie Longo, Becki Riser, and everyone he he worked with and did not mention. Mayor Hruby thanked his family, his wife Patty, daughter Anna, son-in-law Joe and his granddaughter Violet.

1:26:12

- 5. NEORSR Riverview/Weise/Greenhaven Project & Cost Share Agreement** - a Resolution authorizing the Mayor to enter into an amendment to the Community Cost-Share Agreement between the Northeast Ohio Regional Sewer District and the City of Brecksville for the Flood Reduction at Riverview Road Project.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Resolution 5558 on third and final reading.

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

Nays: None.

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

Motion by Stucky, seconded by Savage, to pass Resolution 5558.

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

Nays: None.

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

1:27:13

- 6. Workers Compensation Pool Rating** - a Resolution authorizing participation in the Ohio Association of Public Treasurers Workers Compensation Group Rating Program and an agreement with Sedgwick Claims Management Services, Inc. as part of such program.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Resolution 5559 on third and final reading.

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

Nays: None.

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

Motion by Stucky, seconded by Savage, to pass Resolution 5559.

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

Nays: None.

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

1:28:17

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7. **SR 21 Paving Project** - a Resolution authorizing the Mayor to enter into Professional Services Agreement with Greenman-Pedersen, Inc. for Construction Inspection and Administration Services for the Brecksville Road Resurfacing Project.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Resolution 5560 on third and final reading.

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

Nays: None.

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

Motion by Stucky, seconded by Savage, to pass Resolution 5560.

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

Nays: None.

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

**1:29:14**

8. **Support West Creek Conservancy** - a Resolution supporting West Creek Conservancy's Clean Ohio Greenspace FY24 Grant application for the Watershed Divide Conservation Initiative by the City of Brecksville.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Resolution 5561 on third and final reading.

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

Nays: None.

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

Motion by Stucky, seconded by Savage, to pass Resolution 5561.

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

Nays: None.

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

**1:30:08**

9. **Renewal of City's Property and Liability Insurance Policies** - a Resolution accepting the renewal of the City's Law Enforcement Liability insurance policy with Custis Insurance Service, Inc. for the period May 25, 2023 through May 25, 2024.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Resolution 5562 on third and final reading.

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

Nays: None.

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

Motion by Stucky, seconded by Savage, to pass Resolution 5562.

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

Nays: None.

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

**1:31:46**

10. **Kids Quarters Improvement Project Phs. 1** - an Ordinance accepting the bid of F. Buddie Contracting, LTD. for the Kids Quarters Improvement Project.

Motion by Ganim, seconded by Koepke, to suspend the rules and place Ordinance 5707 on third and final reading.

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

Nays: None.

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

Motion by Stucky, seconded by Savage, to pass Ordinance 5707.

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

Nays: None.

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

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~~1:32:30~~

- 11. Authorize Project Agreement-NEORSR Riverview Easement Acquisition** - an Ordinance authorizing the Mayor to enter into a Project Agreement with the Northeast Ohio Regional Sewer District for easement acquisition for the Riverview Road Flood Reduction Project

Motion by Ganim, seconded by Koepke, to suspend the rules and place Ordinance 5708 on third and final reading.

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

Nays: None.

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

Motion by Stucky, seconded by Savage, to pass Ordinance 5708.

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

Nays: None.

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

1:33:30

- 12. 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 by Ganim, seconded by Koepke, to suspend the rules and place Ordinance 5709 on third and final reading.

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

Nays: None.

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

Motion by Stucky, seconded by Savage, to pass Ordinance 5709.

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

Nays: None.

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

**Board of Zoning Appeals:**

1:34:37

**APPEAL 2024-10**

Approval of a variance from Section 1185.03(a) that the maximum permitted fence height be 4 ft. to allow 5 ft., as shown on the application dated March 20, 2024, located at 9515 Greystone Parkway, PPN 603-21-067.

Motion made by Stucky, Seconded by Bender.

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

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

1:35:20

**APPEAL 2024-11**

Approval of a variance from Section 1151.25(d) that a detached private garage be a maximum of 660 sq. ft. to allow 720 sq. ft.; a variance from Section 1151.26(1) that a detached private garage be located in the rear yard to allow one in the side yard; and a variance from Section 1151.24 that the front yard setback be 60' to allow 52' for the detached private garage, as shown on the application dated April 12, 2024, located at 9229 Province Lane, PPN 602-10-014.

Motion made by Stucky, Seconded by Bender.

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

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

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**1:36:18**

**APPEAL 2024-12**

Approval of a variance from Section 1151.26(2) that hot tubs be located in the rear yard only to permit a hot tub in the side yard, as shown on the application dated April 12, 2024, located at 6811 E. Wallings Road, PPN 601-01-010.

Motion made by Stucky, Seconded by Bender.

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

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

**1:37:01**

**APPEAL 2024-15**

Approval of a variance from Section 1151.24 that the front yard setback be 125' for R-30 residential districts to allow 67.39' for a house addition, as shown on the application dated April 24, 2024, located at 9303 Snowville Road, PPN 605-15-6

Motion made by Stucky, Seconded by Bender.

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

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

**1:37:46**

**APPEAL 2024-16**

Approval of a variance from Section 1153.32 that requires a minimum side yard setback of 200' to allow 176.13' for the construction of a lab and classroom, located at 8001 Brecksville Road, PPN 601-08-025 & 601-10-034.

Motion made by Stucky, Seconded by Bender.

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

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

**1:38:31**

**APPEAL 2024-17**

recommend to City Council approval of a variance from Section 1151.25(d) that a detached private garage be a maximum of 660 sq. ft. to allow 1,920 sq. ft.; a variance from Section 1151.26(1) that a detached private garage be located in the rear yard to allow one in the side yard; and a variance from Section 1181.11 that the maximum height of an accessory building be 15' to allow 17.5', as shown on the application dated April 24, 2024, located at 2616 Hidden Canyon Drive, PPN 605-17-008.

Motion made by Stucky, Seconded by Bender.

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

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

**Planning Commission:**

**1:39:46**

Approval and Building Department issuance of a permit for a 5.8 sq. ft. and 2.85 sq. ft. permanent externally-illuminated identification wall sign for 1811 Children's Shop at 7690 Chippewa Road,

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~~Brecksville, Ohio as described in the application dated April 23, 2024, contingent on City Council's~~  
approval of the following deviation:

- A deviation from Section 1187.09(c) that one (1) wall identification sign be permitted to allow two (2).

Motion made by Caruso, Seconded by Savage.

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

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

Planning Commission will hold a Public Hearing at 7:00 P.M. on Thursday, June 6, 2024, at Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to establish a Front Yard Setback of 106' for Permanent Parcel Number 605-05-003, 11114 Parkview Drive, Brecksville, Ohio 44141.

Planning Commission will hold a Public Hearing at 7:05 P.M. on Thursday, June 6, 2024, at Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio 44141 to hear the proposal of a 5-lot subdivision on E. Edgerton Road, Brecksville, Ohio, PP# 604-02-001.

**1:42:42**

**Recreation Commission:** Council member Ganim reported the next meeting of the Recreation Commission will be June 24th at 7:30 PM following the Kids Quarters public input session up at the community center from 5: to 7:00.

**Human Services Advisory Board:** Council member Koepke reported the next meeting of the Human Services Advisory Board will be May 14<sup>th</sup>.

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

**Safety-Service:** Council member Koepke reported the committee met earlier today and has no items for Council consideration.

**Streets & Sidewalks:** Council member Stucky reported the committee met earlier today and has no items for Council consideration.

**Utilities:** Council member Ganim reported the committee met earlier today and has no items for Council consideration.

**Buildings & Grounds:** Council member Stucky reported the committee met earlier today and has one item for Council consideration.

**Service Garage Design Services -** Authorize a Purchase Requisition in the amount of \$32,700.00 to DSC Architects for development plans for the reconstruction of the fire damaged section of the Service garage. Account # C1100150-32020 Project # B1240003.

Motion for passage by Stucky, seconded by Bender.

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

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

**Legislation:** Councilmember Bender reported the committee met earlier this evening and has no items for Council consideration.

**Finance:** Councilmember Savage reported the committee met earlier this evening and has no items for Council consideration.

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**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:** Law Director Matty said the name of Custis Insurance was based on preliminary information from previous contracts, new information was received from Wichert Insurance today. Law Director Matty said there are several new employees and Directors in the City. Law Director Matty asked Mayor Kingston to remind Department Directors all items are due to the Council Clerk's office by Wednesday at 12:00 noon prior to a Council meeting. Legislation requests that are received by Law Director Matty's office on or before the Thursday morning before a meeting are prepared for placement on the Council agenda. Council packets are released on Friday at noon, for review by Councilmembers.

**Engineer:** No Report

**Chief Building Official:** No Report

**Report of Planning and Community Development:** Director Barkiewicz said Shoptique opened last weekend at 8914 Brecksville Road, between Plan Love Botanicals and Apricot Lane.

**Director of Human Services:** Director Paciorek said the Volunteer Luncheon will take place on Wednesday May 22<sup>nd</sup> at the Human Services Gathering Room.

**Director of Service:** No Report

**Director of Purchasing:** No Report.

**Chief of Police Department:** No Report

**Chief of Fire Department:** No Report

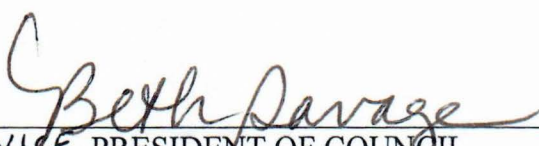
**Report of the Mayor:** Mayor Kingston thanked Council for the approval of legislation commending Jerry N. Hruby for his years of service to the City of Brecksville. The Valor Acres Memorial Dedication will take place at 11:00 on Wednesday May 22<sup>nd</sup> and the Volunteer Luncheon will take place following the Valor Acres dedication. The Memorial Day Parade will begin at 9:00 AM followed by a ceremony at the Highland Drive Cemetery.


**Adjournment**

**8:52 PM**

Motion made by Caruso. Seconded by Savage.

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

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

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