COUNCIL OF THE CITY OF BRECKSVILLE

October 3, 2023 HELD _____

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ROLL CALL

Council was CALLED TO ORDER in Regular Session by Council Vice President CALL TO Caruso at 8:00 P.M. in Ralph W. Biggs Council Chambers.

1:29:58

Following the PLEDGE OF ALLEGIANCE, members of Council answered to PLEDGE OF ALLEGIANCE

ROLL CALL as follows:

Members Present: D. Caruso, AJ Ganim, D. Kingston, A. Koepke,

B. Savage, B. Stucky.

Members Absent:

L. Redinger.

Others Present:

Mayor Jerry N. Hruby, Law Director D. Matty, Engineer G. Wise, Finance Director L. Starosta,

CBO S. Packard, Economic and

Community Dev. Director, M. Bartkiewicz,

Purchasing Director R. Riser, Fire Chief N. Zamiska, Police Chief S. Korinek, Service Director J. Kickel, IT Technician P. Packard, Council Clerk T. Tabor.

1:30:38

RECOGNITION OF CHARTER REVIEW COMMISSION MEMBERS:

Mayor Hruby said the Brecksville Charter requires updates to the Charter and the appointment of a Charter Review Commission. The Charter Review Commission is a group of volunteer citizens who will review the Charter and make recommendations to the voter if there should be changes to the Charter.

Mayor Hruby said he has worked with three Charter Review Commissions. The appointment CLOUGH, of commission members is the responsibility of the Mayor. Mayor Hruby said he has JILL requested Council members recommend one person to serve on the Charter Review MANSFIELD, Commission and Mayor Hruby will appoint the remaining members. Mayor Hruby said he TERESA LESH, found that to be a good way of dealing with the appointments. Mayor Hruby said this group DENISE began on September 27, 2023. The commission meet 13 times throughout the year and GAWLIK, concluded on September 13, 2024. Mayor Hruby said the group was very thorough and MIKE BERLIN, interviewed every department director, Board and Commission

And held meetings for public input. The group proposed six (6) Charter Amendments to the BARTOS, electorate of the City of Brecksville and prepared a booklet to be mailed to all registered DAN BENDER, voters in the City.

Mayor Hruby thanked all of the Commission members for their dedication. Council member Savage served as the Council Representative to the Commission. Council member Savage said she attended the meetings and this was her first Charter Review and was impressed by the members work. Council member Savage presented a plaque to each of the Commission members.

Mayor Hruby said Rob Holub served as the alternate member of the Commission. Rob he went to all of these meetings and he spoke out just like a regular member would do but in the end he really couldn't vote it's like an alternate juror that has to sit through the trial but unless a member is unable to vote, cannot participate in the final votes.

Jessica Vid-Clough and Jill Mansfield, Teresa Lesh, Denise Gawlik, and Mike Berlin were also valuable members providing input during the discussions did an outstanding job on the

Stephanie Bartos and Dan Bender, who served as Vice Chairperson, enjoyed working on this commission, they are both running in the election for City Council this year.

Eric Church he was the Commission Secretary and provided much input throughout the

Mayor Hruby said he knew Greg Skaljac would probably turn down his request to serve on the Commission. Mr. Skaljac served several years on Boards & Commissions and on City Council. Mayor Hruby said Mr. Skaljac agreed to be the Chairman of the Charter Review Commission and was very involved and did a remarkable job leading the Commission.

Mayor Hruby said he hopes all of the members will continue to be available when we need citizens to come forth.

1:43:44

CHARTER REVIEW . **COMMISSION MEMBERS** ROB HOLUB, JESSICA VIDA-**STEPHANIE SKALJAC**

RECOGNIZE

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MINUTES OF THE SEPTEMBER 19, 2023 REGULAR MEETING: Motion REGULAR by Kingston, seconded by Koepke, to dispense with the reading of the September 19, 2023 MEETING regular meeting minutes and to accept same as presented.

MINUTES OF 9-19-2023 **APPROVED**

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

1:44:15

LIQUOR PERMITS TO HESTA HOSPITALITY LLC Notify the Ohio Division LIQUOR of Liquor Control the City of Brecksville has no objection for the transfer of a TREX PERMITS TO (Economic Development Transfer) liquor permit from #16679280045 Compass Group USA, HESTA Inc. to permit #3805137 Hesta Hospitality LLC and waive the necessity for a public hearing LLC AT VALOR (D1 & D2).

ACRES-TREX

Motion for passage by Kingston, seconded by Stucky.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

1:45:21

LIQUOR PERMITS TO HESTA HOSPITALITY LLC Notify the Ohio LIQUOR Division of Liquor Control the City of Brecksville has no objection for the transfer of a liquor PERMITS TO permit from Permit #16679280045 Compass Group USA, Inc.to permit #3805137 Hesta HESTA Hospitality LLC and waive the necessity for a public hearing (D3).

HOSPITALITY LLC AT VALOR **ACRES-TFOL**

Motion for passage by Kingston, seconded by Stucky.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

1:46:16

ORDINANCE 5638 re: Third Reading an Ordinance accepting the bid of Eclipse ORD. 5638 Company, LLC for the Blossom Hill Multi-Purpose Trail Improvement Project; and BLOSSOM HILL declaring an emergency, was read by title.

Adam Diem, 8653 Hollis Lane. Mr. Diem said he is excited and believes the project is good IMPROVEfor the city. Mr. Diem said he is aware of close calls and near misses in being hit (by cars). MENT Mr. Diem said the plans do not show the access road from the school past the maintenance PROJECT buildings. The dismissal process of students has changed. Mr. Diem said he has seen many ECLIPSE vehicles ignore stop signs. Mr. Diem asked Council to delay the bid award.

Mayor Hruby said he was unaware of Mr. Diem's concern. Mayor Hruby asked Engineer Wise if there is anything that could address Mr. Diem's concerns. Engineer Wise said there is a chance people do not stop at the intersection. There will be a crosswalk painted on the ground. The intersections of the trail at Valley Parkway and Highland do not have a stop light. Engineer Wise said the plans show the driveway and the crossing are shown on the plans. It does not show the extension to the school property. Engineer Wise said the difference from the original plan was in the area of the concession stand due to the transformer equipment.

1:55:37

Mayor Hruby said Councilmember Stucky recommended flashing light on the curve. Mayor Hruby asked if a traffic bump at the intersection would be helpful.

Engineer Wise said additional signage and a speedbump on the driveway could be possible. Mayor Hruby said the trail was originally to go on the school property. The school refused that proposal due to school safety. The original discussion was the access road from the school to the Blossom property would be used if an evacuation was necessary from the school onto Blossom property. Mayor Hruby said there are some changes that could be made, but the project should not be stopped while that is being considered.

Council Vice President Caruso said he has a high level of confidence in the review that the plan is safe and some changes may be made to ensure it is safer for pedestrians.

Council member Stucky said he feels this is a good plan and Engineer Wise has done a good job and if there are concern Council will look into them.

MULTI-PURPOSE COMPANY LLC

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Council member Ganim asked if changes, as suggested, could be made after the project award. Engineer Wise said signage and other features, as discussed can be added. The sidewalk project along the front of Blossom Hill will cross the driveway at Oakes Road. Flashing lights are not possible at each location. Council Vice President Caruso said the area has not (previously) had a lot of pedestrian traffic and the crosswalk has not been painted yet. Drivers are not aware of the pedestrian traffic. Mayor Hruby said during the non-school sessions the access could be closed. Mayor Hruby said there will be issues at other locations, too.

2:08:00

Law Director Matty said he would like the record to reflect the City of Cleveland's efforts on behalf of the city of Brecksville. The City had this put aside this legislation until the city of Cleveland did its necessary legislation for the easement which Engineer Wise and Law Director Matty have been working to try to get for over a year and a half. City Council and the Mayor should know we actually faced a summer recess by City Council of the City of Cleveland. Utilities Committee approval is needed and then final approval by the entire Council. On September 21st Law Director Matty attended the committee meeting of the Utilities Committee in Cleveland, Brian Kazy is Chairperson.

At that meeting the Director of Public Safety and Cleveland Water Commissioner presented on behalf of the city our project and our request for the easement. The Chair understood Breecksville's project and understood the importance of the project and also understood that the city was waving its compensation for the easement. The committee passed the issue unanimously and then on the September 25th at the council meeting, the City of Cleveland has 17 council members. One council member was excused and the Brecksville request for easement passed 16 to 0. The City of Cleveland certainly showed they were a good community member.

Engineer Wise worked with the gentleman by the name of Dan Donley in the Real Estate Division of Cleveland and Law Director Matty worked with an Assistant Law Director by the name of Kevin Roberts. The officials were most accommodating, they understood the project and Law Director Matty said that doesn't always happen.

Motion by Savage, seconded by Stucky, to pass Ordinance 5638.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

ORDINANCE 5648 re: an Ordinance authorizing the purchase of fifty replacement ORD. 5648 desktop computers and four replacement laptop computers for city personnel from Dell COMPUTER Marketing L.P. through the State of Ohio Administrative Services Purchasing Program; and PURCHASE declaring an emergency, was read by title.

Motion by Kingston, seconded by Koepke, to suspend the rules and place Ordinance MARKETING 5648 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Savage, seconded by Stucky, to pass Ordinance 5638.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

2:12:50

DELL

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Page 4 ORDINANCE 5649 re: an Ordinance authorizing the Mayor to enter into an ORD. 5649 agreement for the Sale and Purchase of Real Estate with Morel Landscaping, LLC for AUTHORIZE PP#604-25-007 located on Noble Park Lane; and declaring an emergency, was read by title. AGREEMENT Motion by Kingston, seconded by Koepke, to suspend the rules and place Ordinance FOR SALE **PURCHASE OF** 5649 on third and final reading. REAL ESTATE Ayes: Caruso, Ganim, Kingston, Koepke, Savage, Stucky. MOREL Nays: None. LANDSCAPING **MOTION CARRIED 6-AYES, 0-NAYS.** Motion by Savage, seconded by Stucky, to pass Ordinance 5638. Ayes: Caruso, Ganim, Kingston, Koepke, Savage, Stucky. Navs: None. MOTION CARRIED 6-AYES, 0-NAYS. 2:13:42 RESOLUTION 5464 re: a Resolution repealing Resolution No. 5463 and RES. 5464 authorizing the Mayor to enter into an amended Memorandum of Understanding with the REPEAL RES. Cuyahoga Valley Career Center by and through its Superintendent and the City of NO. 5463 AND Brecksville by and through its Police Department to clarify Section XI.COMPENSATION.; AUTHORIZE **AMENDED** and declaring an emergency, was read by title. eclaring an emergency, was read by title.

Motion by Kingston, seconded by Koepke, to suspend the rules and place Resolution CVCC FOR 5464 on third and final reading. SRO OFFICER Ayes: Caruso, Ganim, Kingston, Koepke, Savage, Stucky. Nays: None. **MOTION CARRIED 6-AYES, 0-NAYS.** Motion by Savage, seconded by Stucky, to pass Ordinance 5638. Ayes: Caruso, Ganim, Kingston, Koepke, Savage, Stucky. Nays: None. **MOTION CARRIED 6-AYES, 0-NAYS.** 2:14:44 RESOLUTION 5465 re: a Resolution accepting the proposal of CTL Engineering, RES. 5465 Inc. for Geotechnical Services for the Riverview Road Slippage Project; and declaring an ACCEPT PROPOSAL CTL emergency, was read by title. Motion by Kingston, seconded by Koepke, to suspend the rules and place Resolution

GEOTECH

NICAL 5465 on third and final reading. SERVICES FOR Ayes: Caruso, Ganim, Kingston, Koepke, Savage, Stucky. **RIVERVIEW** RD. SLOPE **MOTION CARRIED 6-AYES, 0-NAYS. SLIPPAGE** Motion by Savage, seconded by Stucky, to pass Ordinance 5638. Ayes: Caruso, Ganim, Kingston, Koepke, Savage, Stucky. Nays: None. **MOTION CARRIED 6-AYES, 0-NAYS.** 2:15:40 BOARD OF ZONING APPEALS: Councilmember Caruso reported the next BD. OF meeting of the Board of Zoning Appeals will be Monday, October 9th at 7:30 P.M. **ZONING**

PLANNING COMMISSION: Councilmember Stucky reported the next meeting PLANNING of the Planning Commission will be October 5th at 7:00 P.M. Public Hearing for Valor Acres COMMISSION

Buildings has been scheduled for October 26th.

APPEALS

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THE LIGHT WISDOM & WELLNESS - 8185 BRECKSVILLE ROAD - THE LIGHT Approval for one (1) 10.69 sq. ft. per side externally illuminated, ground identification sign WISDOM & panel, one (1) 3.8 sq. ft. canopy identification sign, and one (1) 1.5 sq. ft. door identification sign for The Light Wisdom & Wellness, 8185 Brecksville Road, Brecksville, Ohio, as described in the application dated August 21, 2023 and attached drawing conditional on City Council's approval of the following deviations:

WELLNESS SIGN 8185

BRECKSVILLE ROAD Council's approval of the following deviations:

- A deviation from Section 1187.09(c) that a canopy identification sign only include the business name to permit the logo to be included.
- A deviation from Section 1187.09(d)(7)(C)(2) that lettering styles be the same on ground signs for multi-business unit buildings to allow a different style lettering than that which is presently on the existing ground sign.

A deviation from Section 1187.09(d)(7)(C)(4) that the letters for a replacement business name be the same as those previously approved to allow different colors, styles, and heights to be used.

Motion by Stucky, seconded by Savage.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

2:17:35

APPLIED MEDICAL TECHNOLOGY PROPOSED EXPANSION & APPLIED PARKING LOT ADDITION - 8006 KATHERINE BLVD. PRELIMINARY and MEDICAL FINAL Approval for the construction of a building and parking lot addition at Applied TECHNOLOGY Medical Technology, 8006 Katherine Boulevard, as described in the application dated PROPOSED August 29, 2023 by Mann Parsons Gray Architects, Inc and attached plans and EXPANSION & documentation, contingent on Engineering approval and City Council approval of the PARKING LOT following deviations:

ADDITION 8006 KATHERINE BLVD.

- A deviation from Section 1183.05(b) which requires the proposed use to have at least 420 parking spaces to allow a minimum of 204 spaces to be constructed and 216 land bank spaces to be reserved.
- A deviation from Section 1187.10(c) which permits a maximum wall face sign size of 225.5 sq. ft. to permit a sign area of 340 sq. ft.

And contingent upon Board of Zoning Appeals approval of the following variances:

- A variance from Section 1157.29(d) that the minimum distance between any building and the rear lot line shall not be less than 75' to allow 55.09'
- A variance from Section 1183.04(c) from the required 10' x 20' parking spaces to allow 9' x 18' parking spaces

Motion by Stucky, seconded by Savage.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

2:19:30

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SCG FIELDS PROPOSED EXPANSION, LOT CONSOLIDATION & SCG FIELDS PARKING LOT ADDITION - 10283 & 10303 BRECKSVILLE ROAD PROPOSED PRELIMINARY Approval for construction of a building addition, parking lot addition, and EXPANSION, lot consolidation at SCG Fields, 10303 Brecksville Road, Brecksville, Ohio, as described in LOT the application dated September 11, 2023 by WXZ Development Inc. and attached plans, TION & contingent on Engineering approval and City Council approval of the following deviation:

CONSOLIDA PARKING LOT ADDITION 10283 & 10303 BRECKSVILLE

ROAD

- A deviation from Section 1183.05(b) which requires the proposed uses to have at least 127 parking spaces to allow a minimum of 81 spaces and 62 land bank spaces.
- A variance from Section 1183.15(b)(3) parking spaces shall be designed so that no more than 20 cars are in an unobstructed line of sight without an intervening landscape island to allow 29 spaces.

Motion by Stucky, seconded by Savage.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

2:21:16

RECREATION COMMISSION: Councilmember Ganim reported the next **RECREATION** meeting of the Recreation Commission will be October 23^{rd.} Updates to the Recreation **COMMISSION** Department Fees will be considered.

2:21:34

DEPARTMENT OF HUMAN SERVICES: Councilmember Koepke reported the **DEPT. OF** next meeting of the Human Services Advisory Board will be October 10th at 3:00 P.M. HUMAN Digital Navigators, Artificial Intelligence and Rehab Professionals will provide information SERVICES throughout the month of October.

2:22:43

SAFETY-SERVICE COMMITTEE: Councilmember Ganim reported the SAFETYcommittee met earlier today and has three items for Council consideration. Council member SERVICE Ganim said the 311 My Civic App is available for download. The app has access to the City calendar, government directory, resident requests, and explore Brecksville, which offers information and connection to local businesses.

VOGELE PAVER REPLACEMENT TRACK - Approval of a purchase VOGELE requisition to Ziegler Tire in the amount of \$12,650.30 for Replacement Tracks for the PAVER REPLACE Vogele paver. Account# 1100420 26010. MENT TRACK

Motion for approval by Ganim, seconded by Kingston.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

2:23:17

SNOW PLOW BLADES - Approval of a purchase requisition to Ironhawk SNOW PLOW Industrial Distribution in the amount of \$13,055.75 for Replacement Snow Plow Blades for BLADES the upcoming winter season. Account #1100430 22010

Motion for approval by Ganim, seconded by Kingston.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

2:23:43

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POLICY & PROCEDURE - Approval of a purchase requisition to Lexipol in the POLICE amount of \$12,468.65 for the Subscription Renewal for Lexipol Annual Law Enforcement DEPARTMENT Policy Manual & Daily Training Bulletins with Supplemental Publication Services with PROCEDURE Procedures. Account #1100210 21010

Motion for approval by Ganim, seconded by Kingston.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

2:24:55

STREETS & SIDEWALKS COMMITTEE: Councilmember Kingston reported STREETS & SIDEWALKS the committee met earlier today and has one item for Council consideration.

BLOSSOM HILL MULTI PURPOSE TRAIL PROJECT - Approval of a BLOSSOM HILL purchase requisition authorizing Donald G. Bohning & Associates to provide Construction MULTI Management Services, including Construction Staking, Construction Management, Review & Approval of Pay-Apps, As-builts, and Complete Project Close paperwork in the amount PROJECT of \$17,790.00 for the Blossom Hill Multi-Purpose Trail Project.

DG BOHNING

Motion for approval by Kingston, seconded by Ganim.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

2:25:48

UTILITIES COMMITTEE: Councilmember Stucky reported the committee met UTILITIES COMMITTEE earlier today and has one item for Council consideration.

GLENWOOD TRAIL - Approval of an increase to PO# in the amount of GLENWOOD \$15,273.72 for change orders in the amount of \$5,716.70 for the pavement repair due to TRAIL CWD excavation within the pavement just prior to the surface course being installed and additional drainage, grading, and restoration work at 9235 Glenwood Trail in the amount \$9,557.02 to resolve an existing condition parallel to the City right-of-way.

Motion for approval by Kingston, seconded by Ganim.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

2:26:50

BUILDINGS & GROUNDS COMMITTEE: Councilmember Koepke reported the BUILDINGS & Buildings & Grounds Committee met earlier this evening and has one item for Council GROUNDS consideration.

HUMAN SERVICES ROOF REPAIR - Approval of a blanket vendor purchase HUMAN requisition in the aggregate amount of \$6,267.00 for Supplies and Materials for the Human SERVICES Services Flat Roof Repair. Account #1100330 26030

ROOF REPAIR

Motion for passage by Koepke, seconded by Ganim.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

LEGISLATION COMMITTEE: Councilmember Savage reported the committee LEGISLATION **COMMITTEE** met earlier today and has no items for Council consideration. 2:28:01

FINANCE COMMITTEE: Councilmember Caruso said the committee met earlier FINANCE COMMITTEE and has one item for Council consideration.

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PROFESSIONAL BILLS: Approve the payment of bills for professional services, MONTHLY as follows: Matty, Henrikson and & Greve in the amount of \$13,068.83; Kulchystsky BILLS FOR Architects, LLC in the amount of \$1,430.00; William Logan in the amount of \$4,000.00; SIONAL SERVICES \$1,150.00; Total of all invoices \$36,568.01

Motion for passage by Caruso, seconded by Savage.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

2:28:51

REPORT OF LAW DIRECTOR: No Report.

LAW

REPORT OF ENGINEER: No Report.

ENGINEER

REPORT OF FINANCE DIRECTOR: No Report.

FINANCE

2:29:11

REPORT OF BUILDING DEPARTMENT: C.B.O. Packard reported in BUILDING December the Building Department issued 121 permits with a valuation of \$1.14 Million DEPT. and the total receipts collected of \$48,576.21.

REPORT OF PLANNING & COMMUNITY DEVELOPMENT: No Report. PLAN & DEV

REPORT OF SERVICE DIRECTOR: No Report.

SERVICE

REPORT OF PURCHASING DIRECTOR: No Report.

PURCHASING

REPORT OF POLICE DEPARTMENT: No Report. 2:29:55

POLICE

REPORT OF FIRE DEPARTMENT: Fire Chief Zamiska said there will be a FIRE nationwide test of the emergency alert system for cell phone, radios and other wireless devices on Wednesday October 4th at 2:18 PM. Chief Zamiska thanked everyone that helped to put the Safety Services event together. The estimated attendance was over 500 people.

REPORT OF RECREATION DEPARTMENT: No Report.

RECREATION

2:30:38

REPORT OF THE MAYOR: Mayor Hruby said he saw children walking back MAYOR from the event with their hats and vests. Mayor Hruby said Service Director Kickel, Planning & Development Director Bartkiewicz, Jinny Farr, Myles Rapkin and Kristen Kouri worked to load the information into the My Civic 311 App. The app has the City calendar, city directory, community news and notifications can be made through the app. Booville will be on October 22nd, Ken Ganley Companies and the Kiwanis are having a trick or Trot event on October 28th and trick or treat is October 31st.

2:36:00

Motion by Caruso, seconded by Stucky, to adjourn the regular meeting at 9:05 PM ADJOURN P.M.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

CLERK OF C