

MINUTES OF A MEETING OF THE

COUNCIL OF THE CITY OF BRECKSVILLE

HELD July 19, 2022

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

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

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, L. Redinger, B. Savage, B. Stucky.
Members Absent: None.
Others Present: Mayor Jerry N. Hruby, Law Director D. Matty, Engineer G. Wise, Finance Director L. Starosta, CBO S. Packard, Purchasing Director R. Riser, Fire Chief N. Zamiska, Police Chief S. Korinek, Service Director R. Weidig, Recreation Director R. Engle Myles Rapkin, Council Clerk T. Tabor.

MINUTES OF THE JULY 5, 2022 REGULAR MEETING: Motion by Caruso, seconded by Koepke, to dispense with the reading of the July 5, 2022 regular meeting minutes and to accept same as presented.
Ayes: Caruso, Koepke, Redinger, Savage, Stucky.
Nays: None.
Abstain: Ganim, Kingston.
MOTION CARRIED 5-AYES, 0-NAYS, 2-ABSTAIN.

REGULAR MEETING MINUTES OF 7-5-2022 APPROVED

ORDINANCE 5522 re: an Ordinance providing for the submission to the electors of the City of Brecksville the question of amending the zoning map by changing the classification of Permanent Parcel Number 603-15-009 located at 9457 Highland Drive from C-F Community Facilities District to R-20 Single Family Residential With Conditional Use of C-F Community Facilities Class C and Class D only; was read.

ORD. 5522 REZONING - 9457 HIGHLAND DR

Tina Mihalek, 9519 Highland Drive. Ms. Mihalek said her property is one of (5) houses in front of the school. Ms. Mihalek said she would like the city to consider purchasing the property. Ms. Mihalek said she, and some residents she has spoken to, do not want a housing development to be built on the Highland School property. Ms. Mihalek said she has concerns regarding the cutting of trees and (storm) water runoff onto her property and possibly (5) developments being built in Brecksville. Ms. Mihalek said she surveyed some residents and Of the 245 responses, most of them would like greenspace. Ms. Mihalek asked for clarification on the R-20 and Class C&D uses. CBO Packard said the class C and D or specific community facility uses. Class C is for parks, parkways, wildlife, natural preserves, etcetera. Class D is for the athletic fields, recreation, etcetera. Approval would be needed from the Planning Commission for all of those uses. Ms. Mihalek said she heard Mayor Hruby say construction could begin in December of 2022. Mayor Hruby explained that The Board of Election would certify the election in December 2022. Mayor Hruby said there are many things will not be known until after the election or the property is sold.

COMMENTS

Council President Redinger said residents may contact her or any member of Council with questions or concerns. Councilmembers may be contacted by phone or e-mail. Councilmembers will meet with residents and answer any questions.

Motion by Caruso, seconded by Koepke, to approve Ordinance 5522.
Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage.
Nays: None.
Abstain: Stucky.
MOTION CARRIED 6-AYES, 0-NAYS, 1- ABSTAIN.

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ORDINANCE 5523 re: an Ordinance providing for the submission to the electors of the City of Brecksville the question of amending the zoning map by changing the classification of Permanent Parcel number 604-07-002, 0000 S. Edgerton from L-B Local Business to include a Planned Development Overlay District; was read.

Motion by Caruso, seconded by Savage, to approve Ordinance 5523.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**ORD. 5523
REZONING -
0000 S.
EDGERTON
ROAD
(OVERLAY)**

RESOLUTION 5305 re: a Resolution authorizing the Mayor to execute an extinguishment of a Sanitary Sewer Easement previously recorded in vol. 88-5013, page 47 of the Cuyahoga County Records and declaring that such easement is no longer needed for municipal purposes; and declaring an emergency, was read by title.

Motion by Kingston, seconded by Koepke, to suspend the rules and place Resolution 5305 on third and final reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Caruso, seconded by Savage, to pass Resolution 5305.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**RES. 5305
AUTHORIZE
EXTINGUISH
MENT OF
SANITARY
SEWER
EASEMENT**

RESOLUTION 5306 re: a Resolution authorizing the Mayor to accept a warranty deed from 6850 Miller Road Holding Company, LLC for property known as parcel 9-WD1, WD2 and also known as PPN 604-17-003;; and declaring an emergency, was read by title.

Motion by Kingston, seconded by Koepke, to suspend the rules and place Resolution 5306 on third and final reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Caruso, seconded by Savage, to pass Resolution 5306.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**RES. 5306
AUTHORIZE
ACCEPT
WARRANTY
DEED-6850
MILLER RD.
HOLDING CO**

RESOLUTION 5307 re: a Resolution authorizing The Mayor to accept a Warranty Deed From Grand Bay Plaza Limited Partnership For Property Known As Parcel 1-W1 and also known As PPN 604-07-002; and declaring an emergency, was read by title.

Motion by Kingston, seconded by Koepke, to suspend the rules and place Resolution 5307 on third and final reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Caruso, seconded by Savage, to pass Resolution 5307.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**RES. 5307
AUTHORIZE
ACCEPT
WARRANTY
DEED-GRAND
BAY PLAZA
LIMITED
PARTNERSHIP**

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RESOLUTION 5308 re: a Resolution authorizing the Mayor to enter into a Memorandum Of Understanding With The Brecksville-Broadview Heights City School District by its Superintendent And the City Of Broadview Heights by and through its Police Department To establish And delineate the mission of the School Resource Officer Program; and declaring an emergency, was read by title. **RES. 5308 AUTHORIZE MOU WITH BBHCSD FOR SRO OFFICER IN MIDDLE SCHOOL**

Motion by Kingston, seconded by Koepke, to suspend the rules and place Resolution 5308 on third and final reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Caruso, seconded by Savage, to pass Resolution 5308.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

RESOLUTION 5309 re: a Resolution authorizing the Mayor to apply for an FY2023 Cemetery Grant through the Ohio Department of Commerce Division of Real Estate & Professional Licensing; and declaring an emergency, was read by title. **RES. 5309 AUTHORIZE FY2023 CEMETERY GRANT APPLICATION**

Motion by Kingston, seconded by Koepke, to suspend the rules and place Resolution 5309 on third and final reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Caruso, seconded by Savage, to pass Resolution 5309.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

RESOLUTION 5310 re: a Resolution authorizing the Mayor to enter into a Software as a Service Agreement between the City of Brecksville and Tyler Technologies through SourceWell Contract #090320-TTI ; and declaring an emergency, was read by title. **R 5310 AUTHORIZE SOFTWARE AS A SERVICE AGREEMENT-SOURCEWELL (TYLER TECHNOLOGIES**

Motion by Kingston, seconded by Koepke, to suspend the rules and place Resolution 5310 on third and final reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Caruso, seconded by Savage, to pass Resolution 5310.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5529 re: an Ordinance to amend Ordinance No. 5457, making appropriations for current expenses of the City of Brecksville during the fiscal year ending December 31, 2022, making necessary appropriation and revenue adjustments; and declaring an emergency, was read by title. **ORD. 5529 APPROPRIATION ADJUSTMENTS #9**

Motion by Kingston, seconded by Koepke, to suspend the rules and place Ordinance 5529 on third and final reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Caruso, seconded by Savage, to pass Ordinance 5529.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

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ORDINANCE 5530 re: an Ordinance authorizing the purchase of a Sports Lighting System through SourceWell for Tennis Courts and non-State related supplies and services; and declaring an emergency, was read by title. **ORD. 5530**
AUTHORIZE
STATE-NON
STATE
PURCHASE-
LIGHTING
SYSTEM FOR
TENNIS
COURTS

Motion by Kingston, seconded by Koepke, to suspend the rules and place Ordinance 5530 on third and final reading.

Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Caruso, seconded by Savage, to pass Ordinance 5530.

Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS

ORDINANCE 5531 re: an Ordinance authorizing the purchase of replacement tires from the Goodyear Tire & Rubber Company for use by the Brecksville Fire Department through the State of Ohio Department of Administrative Services; and declaring an emergency, was read by title. **ORD. 5531**
STATE
PURCHASE-
GOODYEAR
TIRE &
RUBBER CO

Motion by Kingston, seconded by Koepke, to suspend the rules and place Ordinance 5531 on third and final reading.

Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Caruso, seconded by Savage, to pass Ordinance 5531.

Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS

ORDINANCE 5532 re: an Ordinance authorizing the Mayor to enter into a Maintenance Agreement No. 37810 with the Ohio Department of Transportation for construction and maintenance of attached branding on the fence of the bridge carrying Miller Road over Interstate 77; and declaring an emergency, was read by title. **ORD. 5532**
AUTHORIZE
ODOT
MAINTEN-
ANCE
AGREEMENT
37810

Motion by Kingston, seconded by Koepke, to suspend the rules and place Ordinance 5532 on third and final reading.

Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Caruso, seconded by Savage, to pass Ordinance 5532.

Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

BOARD OF ZONING APPEALS: Councilmember Caruso reported the next meeting of the Board of Zoning Appeals will be Monday, August 8th at 7:30 P.M. **BD. OF**
ZONING
APPEALS

APPEAL 2022-31 Board of Zoning Appeals recommend to City Council approval for a variance from Section 1151.24 minimum required 60 ft. to allow a 37.5 ft. rear yard setback for a deck located at 12915 Chippewa Road, PP# 602-17-010.13. **APP. 2022-31**
12915
CHIPPEWA
DECK
SETBACK

Motion by Caruso, seconded by Savage.

Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

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APPEAL 2022-33 Board of Zoning Appeals recommend to City Council approval for a **APP. 2022-33**
variance from Section 1151.24, minimum required 125 ft. front yard setback to allow 10 ft. for a **7601**
front porch addition and dormers, on a non-conforming house located at 7601 Fitzwater Road, PP# **FITZWATER**
601-09-002. **ROAD FRONT**
YARD
SETBACK

Motion by Caruso, seconded by Savage.
Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

APPEAL 2022-04 Board of Zoning Appeals recommend to City Council approval for (1) **APP. 2022-04**
a variance from Section 1117.04(e) from the maximum of 800 ft. for a cul-de-sac street, to allow **WOODLANDS**
River Birch Run to extend 869 ft. and to allow Street "A" to extend 1045 ft., and (2) a variance from **OF**
Section 1117.09 from the requirement of lots shall generally be rectangular in form to allow Sublot 13 **SNOWVILLE**
a non-rectangular shape, and (3) a variance from Section 1117.09(d) requirement of side yard lot **PHASE 2 &**
lines be radial to street lines to allow non-radial lot lines between Sublots 6 & 26, and 26 & 27, and **PHASE 3**
(4) a variance from 1119.09(d) from the requirement of sidewalks to be provided on both sides of the
street to allow no sidewalks on the proposed Sublots 38 & 39 fronting Snowville Rd., for Phase 2
and 3 of The Woodlands of Snowville, PP# 605-23-002, 605-23-007, and 605-24-045.

Motion by Caruso, seconded by Savage.
Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

APPEAL 2022-35 Board of Zoning Appeals recommend to City Council approval for a **APP. 2022-35**
variance from Section 1151.26(2) that a shed be located in the rear, to allow the placement of a shed **9333**
in the front yard, as indicated on the drawing dated 6-22-22, located at 9333 Highland Drive, PP# **HIGHLAND**
603-07-013. **DRIVE SHED**
LOCATION

Motion by Caruso, seconded by Savage.
Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

APPEAL 2022-36 Board of Zoning Appeals recommend to City Council approval **APP. 2022-36**
for a variance from Section 1151.26(8)(e) minimum 5 ft. side yard setback to allow 7 in. for **6906 DAISY**
a patio and seat wall located at 6906 Daisy Avenue, PP# 601-34-029. **AVE. PATIO**
SETBACK

Motion by Caruso, seconded by Savage.
Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

APPEAL 2022-37 Board of Zoning Appeals recommend to City Council approval **APP. 2022-37**
for a variance from Section 1151.25(d)(2)(C) from the maximum 240 sq. ft. to allow 307 **6578 SUMMER**
sq. ft. for the construction of a pool house located at 6578 Summer Wind Drive, PP# 604- **WIND DR.**
19-018. **POOL HOUSE**

Motion by Caruso, seconded by Savage.
Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

PLANNING COMMISSION: Councilmember Stucky reported the next meeting **PLANNING**
of the Planning Commission will be August 4th at 7:00 P.M. **COMMISSION**

RECREATION COMMISSION: Councilmember Ganim reported the next **RECREATION**
meeting of the Recreation Commission will be July 25th at 7:30 PM. **COMMISSION**

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DEPARTMENT OF HUMAN SERVICES: Councilmember Koepke reported the next meeting of the Human Services Advisory Board will be August 9th at 3:00 P.M.

**DEPT. OF
HUMAN
SERVICES**

TELECOMMUNICATIONS COMMISSION: No Report.

TELEC. COM.

SAFETY-SERVICE COMMITTEE: Councilmember Ganim reported the committee met earlier today and has (3) items for Council consideration.

**SAFETY-
SERVICE**

Approval of a blanket vendor Purchase Requisition in the amount of \$9,996.12 for the purchase and installation of a new Brine Tank for the Service Department. The Brine Tank would be purchased from Advanced Tank Technologies for the amount of \$8,513.00, and miscellaneous supplies and materials totaling \$1,483.12 would be purchased from Wolff Bros. Supply and Maverick Industries. Account #C110430 3300

**BRINE TANK
FOR THE
SERVICE
DEPARTMENT**

Motion by Ganim, seconded by Kingston.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Approval of a Purchase Requisition to Chagrin Valley Dispatch in the amount of \$3,300.71 for a Station Alerting System for the Fire Department. Account #290260 2506

**STATION
ALERTING
SYSTEM FOR
THE FIRE
DEPARTMENT**

Motion by Ganim, seconded by Kingston.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Approve an Increase to P.O. #P190943 for Replacement Decorative Pole Bases in the amount of \$1,316.00 due to an adjustment in the final estimate for the order. Account #110171 2606

**REPLACEMEN
T
DECORATIVE
POLE BASES**

Motion by Ganim, seconded by Kingston.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

STREETS & SIDEWALKS COMMITTEE: No Report.

**STREETS &
SIDEWALKS**

UTILITIES COMMITTEE: No Report.

**UTILITIES
COMMITTEE**

BUILDINGS & GROUNDS COMMITTEE: No Report.

**BUILDINGS &
GROUNDS
COMMITTEE**

LEGISLATION COMMITTEE: No Report.

**LEGISLATION
COMMITTEE**

FINANCE COMMITTEE: Councilmember Caruso reported the Finance Committee met earlier today and has (2) items for consideration.

**FINANCE
COMMITTEE**

Approval of an increase to P.O. #BL225011 for Recreation Department Staff Uniforms in the amount of \$2,200.00 to accommodate the purchase of Lifeguard Uniform Shorts. Account #240720 2208.

**RECREATION
DEPARTMENT
STAFF
UNIFORMS**

Motion by Caruso, seconded by Savage.

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Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Approval of rental rates, as recommended by the recreation Department and **BLOSSOM
HILL FIELD
HOUSE**
Recreation Commission for the Blossom Hill Field House.

Motion by Caruso, seconded by Savage.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

REPORT OF LAW DIRECTOR: Law Director Matty reminded Council to notify **LAW** him of any conflicts or abstentions on Council votes. Law Director Matty asked that Councilmembers also advise Council President Redinger.

REPORT OF ENGINEER: No Report. **ENGINEER**

REPORT OF FINANCE DIRECTOR: No Report. **FINANCE**

REPORT OF BUILDING DEPARTMENT: No Report. **BUILDING**

REPORT OF PLANNING DIRECTOR: No Report. **PLANNING**

REPORT OF SERVICE DIRECTOR: No Report. **SERVICE**

REPORT OF PURCHASING DIRECTOR: No Report. **PURCHASING**

REPORT OF POLICE DEPARTMENT: No Report. **POLICE**

REPORT OF FIRE DEPARTMENT: No Report. **FIRE**

REPORT OF RECREATION DEPARTMENT: No Report. **RECREATION**

REPORT OF THE MAYOR: No Report. **MAYOR**

COMMENTS: Councilmember Kingston said on Saturday August 13th from 9am-1pm at the Blossom Hill Complex we are excited to be hosting our inaugural Trike and Bike event here in Brecksville! Trike and Bike, benefitting Velosano, a series of community organized bike rides for children ages 3-12. These rides provide children with an opportunity to experience what it feels like to give back to others by challenging them to fundraise for pediatric cancer research at Cleveland Clinic. 100% of the proceeds will support the cause. In addition to the critical support that is raised for research Trike & Bike teaches valuable lessons centered on fun, fitness and philanthropy. Councilmember Kingston said this year's ride is dedicated to Raegan Papp whose journey was cut far too short. She never got to learn how to ride a bike, to go to preschool or to do many of the things that kids should get to do. We will ride in her memory and work to support cancer research so that other kids like Raegan will have a fighting chance. In addition to the ride there will be bike safety check stations and safety demonstrations courtesy of Bike Cleveland volunteers. There will be bike decorating, DJ with dancing, face painting, ice cream truck (with free ice cream for the riders), food trucks and other treats. Safety Town will be opened with bicycle safety instruction going on throughout the entirety of the event. Councilmember Kingston thanked all of the local business sponsors who have stepped up to help so far. **COMMENTS**

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Motion by Redinger, seconded by Caruso, to adjourn the regular meeting at 9:22 **ADJOURN**
P.M.
Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL