

MINUTES OF THE MEETING OF THE
CITY OF BRECKSVILLE CITY COUNCIL REGULAR MEETING

HELD: May 7, 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. Questions and comments may be e-mailed to ttabor@brecksville.oh.us or by phone to (440) 526-2609 and will be forwarded to the appropriate personnel for a response.

1:29:44

Call to Order

8:00 PM

Pledge of Allegiance

Roll Call

Members Present: D. Bender D. Caruso, AJ Ganim, M. Jantzen; A. Koepke, B. Stucky.

Members Absent: Savage.

Others Present: Mayor Daryl Kingston, Law Director D. Matty, Asst. Law Director/Prosecutor Sabol, Engineer G. Wise, Finance Director L. Starosta, CBO S. Packard, Economic and Community Dev. Director, M. Bartkiewicz, Fire Chief N. Zamiska, Police Chief S. Korinek, Service Director J. Kickel, IT Technician Myles Rapkin. Council Clerk T. Tabor. Approximately 85 Guests.

1:30:19

Approval of Minutes

1. Approval of April 16, 2024 Council Minutes

Motion made by Ganim, Seconded by Koepke.

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

Voting Abstaining: Caruso

New Business

1:30:57

2. Earth Day Contest Winners Announcement

Mayor Kingston congratulated the winners of the Earth Day, Planet vs. Plastic theme and announced the winners.

Lucas – 4 years old, 3rd place – water bottle and stickers

Aishani – 9 years old, 2nd place – gardening kit

Dasha – 8 years old, 1st place - \$50 Cleveland Zoo

1:32:57

3. Proclamation - Recognize Sergeant Frank Faulhaber for exceptional work in the Brecksville Police Department. Proclamation was read by Mayor Kingston.

1:38:17

4. Proclamation - Recognize the Brecksville-Broadview Heights Students Gymnastics State Championship. Proclamation read by Council member Ganim.

“According to the Gregorian calendar we live in the 21st century. And that number, 21, is now the total of consecutive championships salted away over the years by the women and coaches of the Brecksville-Broadview Heights High School Gymnastics teams. This year's team can stand proud as the latest to make history; and

WHEREAS: At the outset, the Bees fans who were present at the 52nd Ohio High School State Gymnastics Tournament at Hilliard Bradley High School could say, “We know how this movie ends and they were right!” And when the credits rolled there were tears of joy glistening in our team's eyes. Here's a thought for you, those girls on that first of 21 consecutive championship teams are now

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approaching 40 years of age!! And let's not forget that there are now 24 total championship trophies on the shelves at Gym World, the heralded training facility of the champions; and

WHEREAS: A news writer said that the Bees "took the high road," referring to some "fans" who tried to rattle our team with heckling and jeering. Those classless miscreants screamed in vain because the Bees finished with a score of 147.875, but a microscope is necessary to see the difference between them and runner up Magnificat at 147.825!! How many times over the years has Magnificat finished second to the Bees?! and

WHEREAS: State qualifiers on the vault were Gianna Ravagnani who took a 4th, Abby Pignatiello and Olivia Vasile. On the bars, Jeanne Winzen, Lea Haverdill and Olivia Vasile. On the beam, Olivia Vasile and Rachel Kirin and on the floor ex, Gianna Ravagnani, Rachel Kelly and Rachel Kirin; and

WHEREAS: Coach Maria Ganim Schneider, daughter of the legendary Joan and Ron Ganim, was assisted by Leah Miko, an alum of the dynasty. The Brecksville-Broadview Heights Bees women still reside in "BEE-lieve-ville!!" So, what about next year for the program that does not cut a girl? Why not 22?! Let's just think back to the words of Ron Ganim, "We don't rebuild, we reload!"

NOW THEREFORE: I, Daryl J. Kingston, Mayor of the City of Brecksville, do hereby call upon the citizens of this fine community to pay tribute with great admiration the reigning 2024 Ohio State Champion Brecksville-Broadview Heights Bees Gymnastics team, and extend enthusiastic congratulations to these extraordinary young women and their coaches, on behalf of the Administration and City Council of the City of Brecksville.

1:43:34

5. **Proclamation** - Recognize Lucas Culotta on Ohio School States Champion in Swimming. Proclamation read by Council member Stucky.

"16 year old Lucas Culotta is a remarkable young man and athlete, to say the very least. He has defied all the barriers he has encountered in his life and is a pinnacle of determination. He has excelled against all odds; and

WHEREAS: He was born three months premature, which by itself is a major concern, but add to that, he has had to deal with spastic paraplegia, cerebral palsy, congenital scoliosis and a leg length discrepancy; and

WHEREAS: His passion is definitely dedicated to the art of swimming. In many ways it is an art. Lucas has rewritten record books in adaptive sports. His commitment, since a young age, to training, perseverance and sheer willpower has left his peers with no physical challenges in awe of him; and

WHEREAS: Lucas has set many national youth records that still stand. He competed at the Citi Para Swimming World Series USA at Indianapolis in April and he placed first at the Ohio School States in the 100 free and 50 back events; and

WHEREAS: He is now a member of the U.S. Para Swimming National Team and looking forward to competing at the 2024 U.S. Paralympic Time Trials. He has accomplished all this at such a young age but still finds time to be a lifeguard and teach lessons at the Brecksville Community Center. It's a very safe assumption that his parents, Tricia and Gus Culotta are extremely proud of their son.

NOW THEREFORE: I, Daryl J. Kingston, Mayor of the City of Brecksville, do hereby call upon the residents of Brecksville to honor our home town para swimmer, Lucas Culotta. On behalf of the Administration and City Council of the City of Brecksville we salute him as a beacon of inspiration for all young people.

1:47:03

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6. **Proclamation** - Recognize the Brecksville-Broadview Heights State Champion Robotics team. Proclamation read by Council member Koepke.

“ It is with great pride and admiration that the residents of Brecksville applaud the 2023-2024 Brecksville-Broadview Heights High School Robotics Teams. The imagination of these students has now produced three State of Ohio titles in a row! and

WHEREAS: Team **2011D**, whose members were Alex Fu, Charlie Pausche, Grace Filmer, Will Wendland, Cassidy Klodnick and Doris Chen took home the state championship at Marion. They bested 86 teams in the tournament! and

WHEREAS: Runners-Up were Teams **2011A and 2011B** with Brady McCreery, Cameron Molina, Mallory Zukauckas, Lillie Marsh and Brinley McCreery comprising the **2011A Team** and Cadence Guo, Abanoub Hana, Ben Brobst and Nathan Sutton constituting the **2011B Team**; and

WHEREAS: Not only did they capture the whole tournament but **2011D** also won the **Skills Challenge**, plus they thought very hard and defeated all comers for the **Think Award**. That’s a lot of hardware to carry home; and

WHEREAS: Team **2011A** copped the **Build Award** and Team **2011B** was so confident in their abilities that they were not amazed to win the **Amaze Award** for consistently high performance; and

WHEREAS: Robotics has become so popular that 19 more students were on additional qualifying teams. Not only that, 76 high school teams from 16 states and Canada, including 6 teams from BBHHS, competed in “Launch,” a Vex Signature event held at the Great Lakes Science Center February 16th and 17th hosted by our high school with Team **2011A** taking home the **Excellence Award** which is the highest judged award based on performance, note booking and team interviews; and

WHEREAS: Then it was on to Dallas for the World’s Competition; 820 teams! The members of Team **2011K** punched their tickets with their skills performance and **2011F** with a semifinalist finish at the State Competition. Also going to Dallas were teams, **A, B, D and J**.

NOW THEREFORE: I, Daryl J. Kingston, Mayor of the City of Brecksville, do hereby call upon the residents of this fine community to acknowledge and honor the 2023-2024 Ohio State Champion Brecksville-Broadview Heights Bees Robotics teams and send our sincere congratulations to these young women and men and their coaches on behalf of the Administration and City Council of the City of Brecksville.

1:53:10

7. **Liquor Permit Transfer** - A request to transfer Liquor Permit #1925995 from Dantes County Line Saloon LLC at 13007 Chippewa Road & Patio to F & A Enterprises LLC, DBA County Line Saloon at 13007 Chippewa Road & Patio, Brecksville, Ohio 44141

Motion to waive the need for a hearing by the Ohio Department of Liquor Control.

Motion by Caruso, Seconded by Ganim.

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

1:53:53

8. **Independent Contractor** - a Resolution authorizing an Independent Contractor Agreement with John Farrell for work as the Community Youth Soccer Director for the year 2024. Suspend the rules and place Resolution 5548 on third and final reading.

Motion to suspend the rules and place Resolution 5548 on third and final reading made by Ganim, Seconded by Koepke.

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

Voting Abstaining: Stucky

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

Motion to approve Resolution 5548.

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Motion made by Bender, Seconded by Ganim.

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

Voting Abstaining: Stucky

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

1:55:00

- 9. BTBA President & Liason** - a Resolution authorizing the Mayor to enter into an Independent Contractor Agreement with Margaret English for work as the BTBA Brecksville Travel Baseball Association President and Liaison to the City of Brecksville Recreation Department for the year 2024.

Motion to suspend the rules and place Resolution 5549 on third and final reading made by Ganim, Seconded by Koepke.

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

Voting Abstaining: Stucky

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

Motion to approve Resolution 5549.

Motion made by Bender, Seconded by Ganim.

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

Voting Abstaining: Stucky

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

1:56:14

- 10. Server Room Cooling Unit** - a Resolution accepting the proposal of Trane U.S. Inc. to provide and install one (1) ductless split evaporator for the Chagrin Valley Dispatch Server Room.

Motion to suspend the rules and place Resolution 5550 on third and final reading made by Ganim, Seconded by Koepke.

Motion made by Ganim, Seconded by Koepke.

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion to approve made by Stucky, Seconded by Bender.

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

MOTION CARRIED 6-AYES, 0-NAYS.

1:57:10

- 11. Amend Res. No. 5547 to Revise the Unused Sick Leave Amount** - a Resolution amending Resolution No. 5547 to amend the amount of unused sick leave by amending the first whereas clause and Section 1.

Motion to suspend the rules and place Resolution 5551 on third and final reading made by Ganim, Seconded by Koepke.

Motion made by Ganim, Seconded by Koepke.

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion to approve Resolution 5551 made by Stucky, Seconded by Bender.

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

MOTION CARRIED 6-AYES, 0-NAYS.

1:57:55

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12. Cuyahoga County 911 Plan - a Resolution approving the Cuyahoga County 911 Plan.

Motion to suspend the rules and place Resolution 5552 on third and final reading made by Ganim, Seconded by Koepke.

Motion made by Ganim, Seconded by Koepke.

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion to approve Resolution 5552 made by Stucky, Seconded by Bender.

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

MOTION CARRIED 6-AYES, 0-NAYS.

1:58:43

13. Selecting Mayor Holzheimer-Gail to the Cuyahoga County 9-1-1 - a Resolution selecting Mayor Kirsten Holzheimer-Gail, the Mayor of the City of Euclid in Cuyahoga County, to serve on the Cuyahoga County 9-1-1 Program Review Committee as the representative of all chief executive officers of all municipal corporations within Cuyahoga County.

Motion to suspend the rules and place Resolution 5553 on third and final reading made by Ganim, Seconded by Koepke.

Motion made by Ganim, Seconded by Koepke.

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion to approve Resolution 5553 made by Stucky, Seconded by Bender.

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

MOTION CARRIED 6-AYES, 0-NAYS.

1:59:43

14. NEORSD Riverview/Weise/Greenhaven Roadway Project – Easement Appraisals - a Resolution accepting the proposal of C.P. Braman & Co., Inc. for appraisal reports.

Motion to suspend the rules and place Resolution 5554 on third and final reading made by Ganim, Seconded by Koepke.

Motion made by Ganim, Seconded by Koepke.

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion to approve Resolution 5554 made by Stucky, Seconded by Bender.

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

MOTION CARRIED 6-AYES, 0-NAYS.

2:00:27

15. Highland Drive Culvert (C-10) Replacement – Subsurface Exploration - a Resolution accepting the proposal of CTL Engineering, Inc. for Geotechnical Investigative services for the Highland Drive Culvert Replacement Project.

Motion to suspend the rules and place Resolution 5555 on third and final reading made by Ganim, Seconded by Koepke.

Motion made by Ganim, Seconded by Koepke.

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

MOTION CARRIED 6-AYES, 0-NAYS.

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Motion to approve Resolution 5555 made by Stucky, Seconded by Bender.

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

MOTION CARRIED 6-AYES, 0-NAYS.

2:01:21

- 16. Authorize Valley Parkway Access and Maintenance Agreement** - an Ordinance authorizing the Mayor to enter into a Valley Parkway access and Maintenance Agreement with the Board of Park Commissioners of the Cleveland Metropolitan Park District and the Brecksville-Broadview Heights City School District.

Motion to suspend the rules and place Ordinance 5703 on third and final reading

Motion made by Ganim, Seconded by Koepke.

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion to approve Ordinance 5703 made by Stucky, Seconded by Bender.

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

MOTION CARRIED 6-AYES, 0-NAYS.

2:02:17

Fiscal Officer Certificate: To the Council of the City of Brecksville, Ohio:

As fiscal officer of the City of Brecksville, I certify in connection with your proposed issue of not to exceed \$249,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying, in anticipation of the levy and collection of special assessments, the property owners' portion and the City portion of 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 (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years.
3. The maximum maturity of the Notes is December 31, 2027, which would be the last day of the fifth year following the year of issuance of the Notes, in accordance with Section 133.17(B) of the Revised Code.

2:03:42

- 17. Chippewa Calvin Notes** - an Ordinance providing for the issuance and sale of not to exceed \$249,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying, in anticipation of the levy and collection of special assessments, the property owners' portion and the City portion of 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.

Finance Director Starosta read the Fiscal Officer's Certificate.

Motion to suspend the rules and place Ordinance 5704 on third and final reading

Motion made by Ganim, Seconded by Koepke.

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion to approve Ordinance 5704 made by Stucky, Seconded by Bender.

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

MOTION CARRIED 6-AYES, 0-NAYS.

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2:05:21

- 18. Proposed Planning & Zoning Code Amendment Adult Use Cannabis Activity Prohibition in All Use Districts - First 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 to move Ordinance 5703 to second reading made by Stucky, Seconded by Bender.

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

MOTION CARRIED 6-AYES, 0-NAYS.

2:06:30

- 19. Brecksville Road (S.R. 21) Resurfacing CUY SR 021 0.00-0.82** – an Ordinance accepting the bid of CATT's Construction, Inc. for the Brecksville Road Resurfacing Improvement Project.

Motion to suspend the rules and place Ordinance 5705 on third and final reading

Motion made by Ganim, Seconded by Koepke.

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion to approve Ordinance 5705 made by Stucky, Seconded by Bender.

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

MOTION CARRIED 6-AYES, 0-NAYS.

Report of Council Representatives:

Board of Zoning Appeals: Councilmember Stucky reported the next meeting will be May 13, 2024 at 7:30 PM

Planning Commission: Council member Caruso reported the next meeting will be May 9, 2024 Public Hearing on May 23,2024 for 6864 Chaffee Court – lot split & front yard setback (PPN 601-33-024)

Recreation Commission: Council member Ganim reported the next Meeting will be May 20, 2024.

Human Services Advisory Board: Council member Koepke reported the next meeting will be May 14, 2024. The Great estates Program was informational and well attended, approximately 150 guests.

Report of Council Committees:

Safety-Service: Council member Koepke

Radar Speed Signs - Approve a Purchase Requisition in the amount of \$8,350.00 for (2) Evolis Vision RADAR Speed Signs and (1) EVOLIOS Mobility RADAR Speed Sign. *Account #1100210-25010.*

Motion made by Koepke, Seconded by Ganim.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Streets & Sidewalks: Council member Stucky

Sidewalk Program - Approval of a blanket vendor purchase requisition in the amount of \$76,890.00 for the 2024 Annual Sidewalk Program. *Account # 2020410 26130.*

Motion by Stucky, seconded by Bender.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

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Sodium Chloride Third Year renewal - Acceptance of the third year renewal of Cargill, Inc. for supplying Sodium Chloride for the term of November 1, 2024 - October 31, 2025 in the amount of \$54.30 per ton for use by the City of Brecksville Service Department for the 2024/2025 season.

Motion by Stucky, seconded by Bender.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Utilities: Councilmember Ganim said Dave Conley of the Illuminating Company will be present at the May 21st meeting as the Regional External Affairs Representative for Brecksville.

Buildings & Grounds: Council member Jantzen

Backflow Inspections - Approval of a Purchase Requisition in the amount of \$6,603.40 to Gillespie Backflow, Inc. for the annual services for Backflow Preventer Inspections for (52) City locations.

Motion by Jantzen, seconded by Stucky.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

City Hall Building Renovation - Approval of a blanket vendor purchase requisition in the amount of \$50,000 for the build out of the former Police Station into new office space at City Hall. *Account #C4900166-32020 Project BL190006.*

Motion by Jantzen, seconded by Stucky.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Legislation: Councilmember Bender had no report.

Committee of the Whole: Council President Caruso

Donation: Approval of a purchase requisition in the amount of \$500.00 to the Brecksville-Broadview Heights High School PSO, for after prom sponsorship.

Motion by Caruso, seconded by Ganim.

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

Nays: None.

Abstain: Koepke

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

Professional Bills- Recommend approval of monthly bills for professional services, as follows:

Matty, Henrikson and & Greve in the amount of \$18,994.83; Kulchystsky Architects, LLC in the amount of \$701.25, William Logan in the amount of \$4,000.00 and Donald G. Bohning & Associates in the amount of \$21,058.89 and SIXMO in the amount of \$1,725.00. Total of all invoices \$46,479.97.

Motion by Caruso, seconded by Ganim.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

REPORTS

Director of Law: No Report

Engineer: No Report

Chief Building Official: In April the Building Department issued 97 permits with a valuation of over \$1 million. Total receipt collected are \$26,195.23.

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Report of Planning and Community Development: No Report

Director of Human Services: The City will host a “Shred Day” event on May 11th between 9:00 AM and 12:00 Noon at the Service Garage. Donations of unexpired food will be collected to benefit the food pantry. The Volunteer Lunch will take place on May 22nd

Director of Service: No Report

Chief of Police Department: No Report

Chief of Fire Department: No Report

Report of the Mayor: Mayor Kingston congratulated the audience members recognized this evening for their accomplishments. The Drug Take Back event collected 315 lbs. of unused medications. The Memorial Day Parade will begin at 9:00 AM on May 27th. The Historical Walkway ribbon cutting honoring Mayor Jerry N Hruby will take place on May 21st at 6:30 PM. The Memorial Park dedication will take place on Wednesday May 22nd at Valor Acres. Mayor Kingston reminded drivers there is no right turn on red northbound on SR 21 from SR 82.

Motion by Caruso, seconded by Stucky, to adjourn the regular meeting at 8:52 P.M.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

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