

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

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. 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.

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.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

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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.

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.

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.

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.

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.

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MOTION CARRIED 6-AYES, 0-NAYS.

- 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.

- 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.

- 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.

- 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:

APPEAL 2024-10

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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.

APPEAL 2024-11

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 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.

APPEAL 2024-12

recommend to City Council 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.

APPEAL 2024-15

recommend to City Council 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

Motion made by Stucky, Seconded by Bender.

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

MOTION CARRIED 6-AYES, 0-NAYS.

APPEAL 2024-16

recommend to City Council 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.

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

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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:

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.

Recreation Commission: Council member Ganim reported the next meeting of the Recreation Commission will be June 24th at 7:30 PM

Human Services Advisory Board: Council member Koepke

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 XXX.

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: No Report

Engineer: No Report

Chief Building Official: No Report

Report of Planning and Community Development: No Report

Director of Human Services: No Report

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

Adjournment

Motion made by Caruso. Seconded by XXX

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

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

PRESIDENT OF COUNCIL

CLERK OF COUNCIL