

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

HELD: June 18, 2024

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1:31

Call to Order

8:00 PM

Pledge of Allegiance

Roll Call

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

Members Absent: None.

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

Approval of Minutes

1. Approval of June 4, 2024 Council Minutes

Motion made by Ganim, Seconded by Koepke.

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

Voting Abstaining: Caruso

New Business

1:33:02

2. 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 for suspension made by Ganim, Seconded by Koepke.

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

Nays: None.

MOTION CARRIED: 7- Ayes, 0-Nays.

Motion by Stucky, seconded by Bender, to pass Ordinance 5716.

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

Nays: None.

MOTION CARRIED: 7- Ayes, 0-Nays.

1:34:02

3. Assessing Ordinance Chippewa Calvin Sanitary Sewer Project - an Ordinance levying special assessment for 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

Motion to move to second reading made by Ganim, Seconded by Koepke.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

1:35:04

4. Fiscal Officer Certificate

Finance Director Starosta read the Fiscal Officer's Certificate.

1:36:24

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5. **Chippewa Road Calvin Drive Sanitary Sewer Project Bond** - an Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$249,000 to pay the property owners' portion, in anticipation of the collection of special assessments heretofore levied, of the cost 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.

Motion to move to second reading made by Ganim, Seconded by Koepke.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

1:37:40

6. **Ammunition Purchase** - an Ordinance authorizing the purchase of ammunition for use by the Police Department from Vance's Law Enforcement and Kiesler Police Supply through the State of Ohio Administrative Services Purchasing Program.

Motion for suspension made by Ganim, Seconded by Koepke.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Stucky, seconded by Bender, to pass Ordinance 5719.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

1:38:40

7. **Lease** - an Ordinance authorizing the Mayor to execute a Restatement of Lease Agreement on behalf of the City of Brecksville with South Suburban Montessori Association, Inc. for the lease of premises known as Building 6 located at 4448 Oakes Road in the Blossom Hill Property Complex consisting of approximately 5,882 square feet, including the use of access roads.

1:38:39

Motion for suspension made by Ganim, seconded by Koepke.

Discussion : Council member Jantzen said he is not comfortable with this the term of the lease. The contents of the lease are a matter of commercial issue and he has no issues with those. Council member Jantzen said he feels the six year term, with no ability for the city to exit, is in his opinion excessive. Councilmember Jantzen said a shorter term or the option for either party to exit the lease with a prior notice.

Councilmember Jantzen said the lessees have been with the city for many years. This is a very unique situation and that they are a 501c3 and there are not a lot of those types of customers around to lease property from the city. The school is a very valuable member for those reasons I respectfully moved to table this legislation for 30 days to allow further review of the term of this lease with a focus on providing the city time to more fully explore the issue.

1:40:42

Motion made by Jantzen, Seconded by Bender.

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

Voting Nay: Caruso, Savage.

1:41:22

8. **Lease** an Ordinance authorizing the Mayor to execute a Restatement of Lease Agreement With Amendments on behalf of the City of Brecksville with South Suburban Montessori Association, Inc. for the lease of premises known as Building 7 located at 4450 Oakes Road in the Blossom

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Hill Property Complex consisting of approximately 31,000 square feet, including the use of access road.

Motion to table Ordinance 5721 for 30 days made by Jantzen, Seconded by Bender.

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

Nays: Caruso, Savage.

MOTION CARRIED 5-AYES, 2-NAYS.

1:42:51

- 9. Lease** -an Ordinance authorizing the Mayor to enter into a Restatement of Lease Agreement between the City of Brecksville as Lessor and the Brecksville Cooperative Pre-School, Inc. as Lessee for premises located at 4430 Oakes Road in the Blossom Road Property Complex.

Motion to table Ordinance 5722 for 30 days made by Jantzen, Seconded by Bender.

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

Nays: Caruso, Savage.

MOTION CARRIED 5-AYES, 2-NAYS.

1:43:38

- 10. Transfers** - a Resolution making necessary transfers between certain funds for the fiscal year ending 12-31-2024.

Motion for suspension made by Ganim, Seconded by Koepke.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Stucky, seconded by Bender, to pass Resolution 5568.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

1:44:37

- 11. Fire Alarm Systems** - a Resolution accepting the proposal of Silco Fire & Security for the Vehicle Storage Building, the Vehicle Maintenance Building and the Service Garage

Motion for suspension made by Ganim, Seconded by Koepke.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Stucky, seconded by Bender, to pass Resolution 5569.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Report of Council Representatives: Board of Zoning Appeals, Planning Commission, Recreation Commission, Human Services Advisory Board.

1:45:35

Appeal 2024-18 A variance from Section 1185.02(d) that solid board fences not be permitted to permit a solid board fence and from Section 1185.03(a) that the maximum permitted fence height be 4 ft to allow 6 ft. as shown on the application dated May 3, 2024, located at 7489 Oakhurst Circle, PPN 602-01-059.

Motion made by Stucky, Seconded by Bender.

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

MOTION CARRIED 7-AYES, 0-NAYS.

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1:46:31

Appeal 2024-19 A variance from Section 1151.24 that the rear yard setback by 60 feet in an R-20 district to allow 50 feet for a house addition as shown on the application dated May 14, 2024, located at 9560 Chapel Hill Oval, PPN 603-16-044.

Motion made by Stucky, Seconded by Bender.

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

MOTION CARRIED 7-AYES, 0-NAYS.

1:47:21

Appeal 2024-20 A Variance from Section 1151.24 that the side yard setback be a minimum of 10 feet for R-20 residential districts to allow 5 feet for a house addition, as shown on the application dated May 10, 2024, located at 6924 Lawnpark Drive, PPN 603-08-030.

Motion made by Stucky, Seconded by Bender.

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

MOTION CARRIED 7-AYES, 0-NAYS.

1:48:15

Appeal 2024-21 A Variance from Section 1151.25(d) that sheds be a maximum of 192 sq. ft. in an R-30 district to allow 280 sq. ft as shown on the application dated May 20, 2024, located at 9416 Brecksville Road, PPN 603-16-015.

Motion made by Stucky, Seconded by Savage.

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

Voting Abstaining: Bender.

MOTION CARRIED 6-AYES, 0-NAYS, 1- ABSTAIN.

Planning Commission: Council member Caruso reported the next meeting of the Planning Commission will be June 27, 2024

1:49:04

Front Yard Set Back – 11114 Parkview Drive, Brecksville, Ohio

Move to approve the Planning Commission recommendation for a front yard setback of 106' for 11114 Parkview Drive, Brecksville, Ohio, Permanent Parcel Number 605-05-003, as described in the application dated April 24, 2024, contingent upon approval by City Council and the Board of Zoning Appeals of the following variance:

- A variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate.

Motion made by Caruso, Seconded by Stucky.

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

MOTION CARRIED 7-AYES, 0-NAYS.

1:50:05

E. Edgerton Rd. Major Subdivision & Front Yard Setbacks Edgerton Rd, Brecksville.

Preliminary approval for a Major Subdivision and establishment a 490' front yard setback for Lot A, a 100' front yard setback for Lot B, a 100' front yard setback for Lot C, a 100' front yard setback for Lot D, and a 315' front yard setback for Lot E on E. Edgerton Road, Brecksville, Ohio, Permanent Parcel Number 604-02-001, as described in the application dated April 19, 2024, and shown on the Preliminary Plan dated April 18, 2024, by Lewis Land Professionals Inc., contingent upon receipt of Army Corp of

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Engineer permit, approval of the City Engineer, City Council and Board of Zoning Appeals of the following variances:

- From Section 1117.09 that lots be generally rectangular in form to allow irregular form for Lots A, B and E.
- From Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate,
- From Section 1151.21 that each lot shall abut a dedicated street for a distance not less than 6;0% of the lot width set forth in 1151.22 to allow 39% for Lot A

Motion for approval made by Caruso, Seconded by Stucky.

Discussion

Councilmember Koepke made a motion to separate the request and vote on the three variance items separately.

Seconded by Jantzen.

Voting Yea: Bender, Jantzen, Koepke

Voting Nay: Caruso, Ganim, Savage, Stucky.

MOTION DENIED 3-AYES, 4-NAYS.

Voting Yea: on the motion to approve the Caruso, Ganim, Savage, Stucky, Bender, Jantzen.

Voting Nay: Koepke

MOTION CARRIED 6-AYES, 1-NAYS.

1:53:55

Revised Preliminary Plan and Planned Development Area (PDA) Conditional Use – VA Phase 2 Residential Lavender Lane, Brecksville, Ohio

- The Brecksville Planning Commission will hold a Public Hearing on Thursday, June 27, 2024, at 7:00 pm at Brecksville City Hall, 9069 Brecksville Road, Brecksville, OH to review a revised Preliminary Plan and Planned Development Area (PDA) Conditional Use for Valor Acres Phase 2 Residential, for T6, T7, and T8, sublots 37 to 46, Lavender Lane, Brecksville, Ohio 44141 (PPN 603-21-106)

1:54:57

Recreation Commission: Council member Ganim reported the next meeting is scheduled for June 24, 2024. Prior to the meeting of the Commission residents will have an opportunity to provide input on the Kids Quarters renovations from 5:00 PM to 7:00 PM.

1:55:15

Human Services Advisory Board: Council member Koepke reported the next meeting of the Human Services Advisory Board is scheduled for July 15th. Baldwin Wallace Institute for learning in retirement presents the history of Cleveland on July 15th. Digital navigators offers one on one help with phones and laptops. Please register if you would like to schedule an appointment on July 18th. The first cookout of the year will take place on July 19th at the Human Services Center. The University Heights Symphonic Band will host a concert at Brecksville Human Services Center.

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

1:56:20

Safety Service Committee - Council member Koepke reported the committee met earlier and has two items for Council consideration.

Audible Pedestrian Signal Change Order - Approval of a deduct change order for the Audible Pedestrian Signals Project in the amount of (\$680.00).

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Motion made by Koepke, Seconded by Ganim.

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

MOTION CARRIED 7-AYES, 0-NAYS.

1:56:49

Document Shredding Events - Approval of a blanket purchase order in the total amount of \$7,297.00 for the document shredding events and the pull-up educational banner.

Motion made by Koepke, Seconded by Ganim.

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

MOTION CARRIED 7-AYES, 0-NAYS.

Streets & Sidewalks Committee: Council member Stucky reported the committee met earlier this evening and has two item for Council consideration.

1:58

SR 21 Repaving Project - Approval of a motion authorizing Donald G. Bohning and Associates Inc. to provide construction services on an hourly as needed basis throughout the duration of the project.

Motion made by Stucky, Seconded by Bender.

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

MOTION CARRIED 7-AYES, 0-NAYS.

1:58:30

Road Program Concrete Repairs - Approval of a deduct Change Order in the amount of (\$113,294.57) for the 2024 Road Program concrete repairs.

Motion made by Stucky, Seconded by Bender.

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

MOTION CARRIED 7-AYES, 0-NAYS.

1:59:06

Buildings & Grounds Committee - Council member Jantzen reported the committee met earlier and has one item for Council consideration.

Pickleball Courts at Kids Quarters - Approval of a purchase requisition in the amount of \$65,000 authorizing the construction of pickleball courts at Kids Quarters.

Motion made by Jantzen, Seconded by Stucky.

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

MOTION CARRIED 7-AYES, 0-NAYS.

2:00:05

Utilities Committee: Council member Ganim thanked Dave Conley with First Energy for himself as the Regional External Affairs representative for Brecksville and reminded people to report outages directly to First Energy.

Vehicle Maintenance Building - Approval of a purchase requisition in the amount of \$10,665.96 for the installation of a 277/480V 3 Phase Power Service for the Vehicle Maintenance Building. Account: C4900170-32020; Project: BI240002.

Motion made by Ganim, Seconded by Stucky.

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

MOTION CARRIED 7-AYES, 0-NAYS.

2:00:42

Legislation Committee: Council member Bender reported the committee met earlier and has no items for Council consideration.

Finance Committee: Council member Savage reported the committee met earlier and has no items for Council consideration.

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2:01:01

Bid Authorization - Authorize the Purchasing Director to advertise for bids for the installation of electrical service from the existing power pole to the Vehicle Maintenance Building.

Motion made by Caruso, Seconded by Jantzen.

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

MOTION CARRIED 7-AYES, 0-NAYS.

Report of the Director of Law, Engineer, Director of Finance, Chief Building Official, Director of Service, Director of Purchasing, Chief of Police Department, Chief of Fire Department.

2:01:34

Director of Law: No Report.

Engineer: No Report.

Director of Finance: No Report.

Chief Building Official: No Report.

Planning & Community Development Director: No Report.

Director of Service: No Report.

Chief of Police Department: No Report.

2:02:19

Chief of Fire Department: Fire Chief Zamiska thanked present and former Council members and Department Directors for all of their help making his job easier. Chief Zamiska said this is his final council meeting before Fire Chief Trainee Bender takes over as Fire Chief. Fire Chief Zamiska wished Fire Chief Trainee well in the new position as Chief.

Fire Chief Zamiska thanked Mayor Jerry Hruby for taking a chance on him as an 18 year old to work in the City of Brecksville.

2:03:58

Report of the Mayor

Mayor Kingston reported Home Days begins this weekend. The City Offices and Human Services Department will be closed on July 4th in observance of Independence Day.

Council member Stucky said the Home Days Run will take place on Sunday morning, registration begins at 7:00 AM with the race beginning at 8:00 AM. Council member Koepke said there will be roads closed in the area related to the run.

Adjournment

8:34 PM

Motion to adjourn made by Caruso, Seconded by Savage.

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

2:06

PRESIDENT OF COUNCIL

CLERK OF COUNCIL