

MINUTES OF A MEETING OF THE
COUNCIL OF THE CITY OF BRECKSVILLE

HELD _____ April 17, 2018 _____

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Council was **CALLED TO ORDER** in Regular Session by Council President Mike Harwood at 8:26 P.M. in Ralph W. Biggs Council Chambers.

CALL TO ORDER

Following the **PLEDGE OF ALLEGIANCE**, members of Council answered to **PLEDGE OF ALLEGIANCE**
ROLL CALL as follows:

Members Present: G. Broski, L. Carouse, Jr., M. Harwood, J. Petsche,
L. Redinger, D. Rose, K. Veras.

ROLL CALL

Members Absent: None.

Others Present: Mayor Jerry N. Hruby, Law Director D. Matty,
Assistant Law Director DiGeronimo,
Engineer G. Wise, Finance Director L. Starosta,
CBO S. Packard, Purchasing Director R. Riser,
Fire Lt. V. Lenarth, Police Chief W. Goodrich,
Recreation Director T. Tupa, Council Clerk T. Tabor.

Police Chief Goodrich introduced the Safety Town Citizens Committee. In January the Committee began planning a fundraiser. The Funky Town for Safety Town event raised \$ 17,175.97 in donations in the amount of \$1, 000.00 from the Police Association and \$1,000 from the Fire Association. Council President Harwood presented each of the committee members a Proclamation, commending their effort in fundraising for the Safety Town Project. A grant was also received for \$2,000.00 from the Fire Association for Safety Town.

SAFETY TOWN COMMITTEE

MINUTES OF THE APRIL 3, 2018 REGULAR MEETING: Motion by Rose, seconded by Redinger to dispense with the reading of the April 3, 2018, regular meeting minutes and to accept same as presented.

Ayes: Carouse, Harwood, Petsche, Rose, Veras,

Nays: None.

Abstain: Broski, Redinger.

MOTION CARRIED 5-AYES, 0-NAYS, 2 ABSTAIN.

REGULAR MEETING MINUTES OF 4-3-2018 APPROVED

RESOLUTION 4855 (SECOND READING) re: a Resolution authorizing the Mayor to make payment to Gateway Title Agency Inc. for an Owner's Policy of Title Insurance for the Brecksville Division of the Louis Stokes VA Medical Center Property located at 10000 Brecksville Road; and declaring an emergency, was read.

SECOND READING OF RES. 4855 AUTH.

Motion by Broski, seconded by Redinger, to suspend the rules and place Resolution 4855 on third and final reading.

PAYMENT TO GATEWAY TITLE AGENCY FOR TITLE INSURANCE

Ayes: Broski, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

Abstain: Carouse.

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

Motion by Redinger, seconded by Carouse, to pass Resolution 4855.

Ayes: Broski, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

Abstain: Carouse

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

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RESOLUTION 4858 (SECOND READING) re: a Resolution authorizing the Mayor to enter into a second amendment to the option and site lease agreement with New Cingular Wireless PCS, LLC; and declaring an emergency, was read by title. Motion by Broski, seconded by Carouse, to suspend the rules and place Resolution 4858 on third and final reading. Ayes: Carouse, Broski, Harwood, Petsche, Redinger, Veras. Nays: None. Abstain: Rose. MOTION CARRIED 6-AYES, 0-NAYS, 1-ABSTAIN. Motion by Broski, seconded by Carouse, to pass Resolution 4858. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. Abstain: Rose. MOTION CARRIED 6-AYES, 0-NAYS, 1-ABSTAIN.	SECOND READING OF RES. 4858 AMENDMENT TO LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC
RESOLUTION 4859 re: a Resolution authorizing the Mayor to apply for a grant through the Ohio Department of Natural Resources for funding assistance for NatureWorks projects in the City of Brecksville; and declaring an emergency, was read by title. Motion by Veras, seconded by Broski, to suspend the rules and place Resolution 4859 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Resolution 4859. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	RES. 4859 AUTH. AN ODNR GRANT APPLICATION FOR NATURE- WORKS PROJECTS
RESOLUTION 4860 re: a Resolution authorizing the Mayor to execute a Quitclaim Deed for Permanent Parcel Numbers 603-21-006, 603-21-007, 603-21-013, 603-21-014, 603-21-015, 603-21-016, 603-21-017, 603-21-018, 603-21-019, 604-09-001, 604-09-002, 604-09-003, 604-09-004, 604-09-005, 604-09-006, 604-09-007, 604-09-008, 604-09-009, 604-09-010, 604-09-011, 604-09-012, 604-09-013, 604-09-015, 604-08-005, 604-08-006 located at 10000 Brecksville Road, Brecksville, Ohio to Brecksville Community Improvement Corporation; and declaring an emergency, was read by title. Motion by Rose, seconded by Broski, to suspend the rules and place Resolution 4860 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Broski, to pass Resolution 4860. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	RES. 4860 AUTH. A QUITCLAIM DEED FOR PERMANENT PARCELS AT 10000 BRECKS- VILLE ROAD TO BRECKS- VILLE COMMUNITY IMPROVE- MENT CORP.
RESOLUTION 4861 re: a Resolution appointing Monica B. Johnson Assistant Director of Finance; and declaring an emergency, was read by title. Motion by Redinger, seconded by Carouse, to suspend the rules and place Resolution 4861 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Veras, seconded by Broski, to pass Resolution 4861. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	RES. 4861 APPOINT. MONICA JOHNSON ASSIST. DIRECTOR OF FINANCE

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ORDINANCE 5170 re: an Ordinance accepting the bid of Akron Fireproofing Co. for the Service Garage Foamed-In Place Insulation Project; and declaring an emergency, was read by title. **ORD. 5170
ACCEPT. BID
OF AKRON
FIREPROOF-
ING CO. FOR
SERVICE
GARAGE
INSULATION**

Motion by Broski, seconded by Redinger, to suspend the rules and place Ordinance 5170 on third and final reading.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5170.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5171 re: an Ordinance authorizing the sole source purchase of dispatch equipment and services to assure compatibility with existing equipment, software and programming from Motorola Solutions, Inc. for the Cuyahoga Valley Emergency Dispatch Center; and declaring an emergency, was read by title. **ORD. 5171
AUTH.
PURCHASE
OF DISPATCH
EQUIPMENT,
SOFTWARE
AND
PROGRAMM-
ING FOR THE
CVEDC**

Motion by Veras, seconded by Broski, to suspend the rules and place Ordinance 5171 on third and final reading.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5171.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5172 re: an Ordinance authorizing the purchase of a pick-up truck and non-state related equipment from Middletown Ford for the Service Department through the State of Ohio, Administrative Services Purchasing Program; and declaring an emergency, was read by title. **ORD. 5172
AUTH. THE
PURCH. OF A
TRUCK FOR
THE SERV.
DEPT
THROUGH
STATE
PURCHASING
PROGRAM**

Motion by Broski, seconded by Veras, to suspend the rules and place Ordinance 5172 on third and final reading.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5172.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5173 re: an Ordinance providing for the issuance and sale of not to exceed \$500,000 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of constructing, furnishing, and equipping a new building to house the Police Department, and otherwise improving the site therefore, together with the necessary appurtenances thereto; and declaring an emergency, was introduced. **RES. 5173
AUTH. SALE
OF NOTES
FOR THE
POLICE
DEPARTMENT**

Finance Director L. Starosta read the Fiscal Officer's Certificate.

Council Clerk T. Tabor read Ordinance 5173 by title.

Motion by Veras, seconded by Broski, to suspend the rules and place Ordinance 5173 on third and final reading.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.

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MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5173.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**CONTINUED,
RES. 5173
AUTH. SALE
OF NOTES
FOR THE
POLICE
DEPARTMENT**

ORDINANCE 5174 re: an Ordinance providing for the issuance and sale of not to exceed \$2,000,000 of Notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving State Route 82 by reconstructing, paving, grading, draining, curbing, replacing ADA ramps, and constructing storm sewers and related drainage facilities, together with all necessary related improvements and appurtenances thereto; and declaring an emergency, was introduced. **ORD. 5174
AUTH. SALE
OF NOTES
FOR SR 82
PAVEMENT
IMPROVE-
MENT**

Finance Director L. Starosta read the Fiscal Officer's Certificate.

Council Clerk T. Tabor read Ordinance 5174 by title.

Motion by Broski, seconded by Veras, to suspend the rules and place Ordinance 5174 on third and final reading.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5174.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

BOARD OF ZONING APPEALS: Councilmember Rose reported the next meeting of the Board of Zoning Appeals will be May 7th at 7:30 P.M. **BD. OF
ZONING
APPEALS**

Motion by Rose, seconded by Councilmember Broski, that City Council accept the recommendation of the Board of Appeals and approve Appeal 2018-16 for (1) a variance from Section 1151.25(d) of 140 sq. ft. from the maximum 660 sq. ft. to allow 800 sq. ft. for the construction of a detached garage and (2) a variance from Section 1151.26(10) requirement that a detached garage be located in the rear yard to allow in the side yard for a replacement garage, and (3) a variance from Section 1151.26(2) requirement that sheds be located in the rear yard to allow the side yard. **VAR. 2018-16
9519
HIGHLAND
OVERSIZED
DETACHED
GARAGE**

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Rose, seconded by Veras, that City Council accept the recommendation of the Board of Appeals and approve a variance from Section 1151.25(d) of 940 Sq. ft. from the maximum 660 sq. ft. to allow 1600 sq. ft. for the construction of a detached garage located at 5409 Oakes Rd. **VAR. 2018-17
5409 OAKS RD.
OVERSIZED
GARAGE**

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Rose, seconded by Broski, that City Council accept the recommendation of the Board of Appeals and approve a variance from Section 1151.25 of 20 feet from the minimum required 70 ft. rear yard setback to allow 50 ft. for the construction of an addition located at 9455 Glen Drive. **VAR. 2018-18
9455 GLEN DR.
REAR YARD
SETBACK**

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

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PLANNING COMMISSION: Councilmember Harwood reported the next meeting of the Planning Commission will be April 19th at 7:00 P.M. **PLANNING COMMISSION**

Motion by Council President Harwood Seconded by Carouse, to accept the Planning Commission recommendation of approval to permit two 17.8 sq. ft. permanent window signs for Trusted Edge, 8921 Brecksville Rd., as described in the application dated March 19, 2018 and contingent upon approval of the following deviations: **TRUSTED EDGE SIGNAGE 8921 BRECKSVILLE RD.**

- A deviation from the requirement of Section 1187.09(c) of window signs are permitted in lieu of a wall sign to allow window signs in addition to a wall sign.
- A deviation from Section 1187.09(c) of the maximum of 5 sq. ft. window sign to allow 17.8 sq. ft. for each window sign
- A deviation from Section 1187.09(c) that the total of all window signs to not exceed 25% of the total window area to allow 33.8%.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Council President Harwood, seconded by Carouse to accept the Planning Commission recommendation to approve the establishment of a Front Yard Setback of 75 feet at 8067 Pershing Road, Brecksville, Ohio, as described in the application dated February 20, 2018 and shown on the Site Improvement Plan by R.M. Kole Exhibit 1, dated February 19, 2018 and GIS Mapping Exhibit II A, B & C. **KOSEK FRONT YARD SETBACK 8067 PERSHING ROAD**

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Council President Harwood, seconded by Councilmember Broski, to accept the Planning Commission recommendation to approve the exterior façade alterations to the front of the buildings located at 8918-8926 Brecksville Road, as described in the application dated March 6, 2018 and drawing by Brecksville Masonic Temple Company contingent upon the windows being Kawneer Permandie Anodized Medium Bronze No. 28, the doors being ASSA Abloy Cabernet, the stone being limestone buff, and the blade sign brackets also being medium bronze to match the windows. **MASONIC TEMPLE FAÇADE RENOVATION 8918-8926 BRECKSVILLE ROAD**

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

RECREATION COMMISSION: Council Representative Redinger said the Recreation Commission will meet April 23rd. **RECREATION COMMISSION**

DEPARTMENT OF HUMAN SERVICES: Council Representative Veras reported the next meeting of the Human Services Advisory Board will be May 9th at 3:00 P.M. **DEPT. OF HUMAN SERVICES**

TELECOMMUNICATIONS COMMISSION: Council Representative Broski reported the telecommunications Board held an organizational meeting on April 16th and are responding to 5 concerns from residents regarding utility service. **TELEC. COM.**

SAFETY-SERVICE COMMITTEE: Councilmember Carouse reported the committee met earlier today and thanked Council for the passage of legislation for the CVEDC Equipment and the F-350 truck for the Service Department. Two additional items have been recommended for Council consideration. **SAFETY-SERVICE**

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Motion by Carouse, seconded by Redinger to approve the second year renewal of a 3 year agreement with Rumpke of Northern Ohio for the disposal of leaves, recycle, street sweepings and vactor debris at the same price for the 4-22-2018 thru 4-21-2019.

-Rubbish Disposal @ \$18.00/cubic yard + applicable gov't fees

-Leaf Disposal @ \$6.00/cubic yard

-Recycle Disposal @ \$5.00/ton

-Street Sweepings/Vactor Debris @ \$42.00/ton

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**AUTH. 2ND
YEAR
RENEWAL OF
RUMPKE
TRASH
REMOVAL
AGREEMENT**

Motion by Carouse, seconded by Redinger to authorize a Purchase Requisition to North American Rescue in the amount of \$9,138.52 for (8) rescue task force vest kits for the Fire Department. Account #C450260 3300

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS

**PURCH.
RESCUE TASK
FORCE VEST
KITS FOR THE
FIRE DEPT.**

STREETS & SIDEWALKS COMMITTEE: Councilmember Broski reported the Committee will be meeting April 24, 2018 at 11:00 to review road conditions after the winter damage and propose any updates to the 2018 Road Program.

**STREETS &
SIDEWALKS**

UTILITIES COMMITTEE: Councilmember Petsche reported the committee met earlier and thanked Council for passage of a Resolution authorizing an amendment to the Cell Tower lease with New Cingular Wireless.

**UTILITIES
COMMITTEE**

Motion by Petsche, seconded by Broski to approve a Purchase Requisition authorizing Donald G. Bohning & Assoc., Inc. to proceed with the development of the detailed construction plans, specification, contract documents, & easements documents in the amount of \$14,500.00 for the 10229 Hickory Ridge Slope Slippage Project.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS

**10229
HICKORY
RIDGE SLOPE
SLIPPAGE
PROJECT**

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

**BUILDINGS &
GROUNDS
COMMITTEE**

Motion by Veras, seconded by Broski, to approve a Purchase Requisition to D&R Carpet Service, Inc. in the amount of \$4,255.00 for the installation of replacement vinyl floor tile in the kitchen/receiving area at 4450 Oakes Road following the abatement. Account #C490161 3202 Project #BI180001.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS

**4450 OAKES
RD. CARPET
REPLACE-
MENT**

LEGISLATION COMMITTEE: Councilmember Rose reported the committee met earlier today and recommended approval of the legislation appointing Monica Johnson as the Assistant Finance Director and thanked Council for that approval.

**LEGISLATION
COMMITTEE**

FINANCE COMMITTEE: Councilmember Redinger thanked Council for the passage of the legislation presented this evening regarding the financial notes and quit claim deed for the Community Improvement Corporation.

**FINANCE
COMMITTEE**

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REPORT OF LAW DIRECTOR: Law Director Matty reported the Court has ruled **LAW** against SB 331 regarding the placement of small cell facilities in public right of ways. House **DIRECTOR** Bill 478 allows municipalities to adopt legislation regarding the small cell facilities. Law Director Matty will be preparing a new chapter for the codified ordinances and will present a draft proposal to the Mayor and City Administration before presenting to the legislation committee. The current ROW ordinance does not address this type of facility. Law Director Matty said this type of facility may be viewed in University Heights, and does not believe they are very aesthetic. Councilmembers may wish to view actual small cell facilities in that community.

REPORT OF ENGINEER: No Report **ENGINEER**

REPORT OF FINANCE DIRECTOR: Finance Director Starosta thanked Council **FINANCE** for the appointment of Monica Johnson to the position of Assistant Finance Director.

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

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 AND SERVICE DIRECTOR: Mayor Hruby **MAYOR** reported the Master Plan Steering Committee will meet April 24th, all members of Council are welcome to attend.

The proclamations given this evening to the Safety Town Citizens Committee also recognized Chief Goodrich for his leadership. The Committee has done an impressive job and the goal is not that far away.

COMMENTS: Councilmember Broski recognized the passing of Chet Kaye, a long **COMMENTS** time resident and business owner in the City of Brecksville, and offered condolences to his family.

Councilmember Carouse attended the Citizens Academy held by the Fire Department last week. The event was very well received by the attendees and Councilmember Carouse imagines it will continue to be a successful program.

BRECKSVILLE BROADVIEW HEIGHTS STUDENTS: The following Brecksville Broadview Heights students were in attendance: Cory Kassouf.

Motion by Carouse, seconded by Broski., to adjourn the regular meeting at 9:04 P.M.

Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL