

MINUTES OF THE MEETING OF THE  
**CITY OF BRECKSVILLE COUNCIL COMMITTEE MEETING**

HELD: September 07, 2021

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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](http://www.brecksville.oh.us). Questions and comments may be e-mailed to [ttabor@brecksville.oh.us](mailto:ttabor@brecksville.oh.us) or by phone to (440) 526-2609 and will be forwarded to the appropriate personnel for a response.

**BUILDINGS & GROUNDS COMMITTEE**

**Call to Order**

6:30 PM

Chairperson: K. Veras

Committee members – D. Caruso, L. Redinger.

**Roll Call**

Present: Veras, Caruso. Absent: Redinger.

**Items for Consideration:**

**B&G 1. Approval of Buildings & Grounds Committee Minutes 8-17-2021**

Motion made by Veras, Seconded by Caruso.

Voting Yea: Caruso, Veras.

**B&G 2. Public Square Bandstand Repair** - Approval of a Blanket Vendor Purchase Requisition in the aggregate amount of \$24,913.46 for materials required to complete the repairs to the Bandstand on Public Square. Account #C110164 3202 Project #BI200018.

Motion made by Veras, Seconded by Caruso.

Voting Yea: Caruso, Veras.

**B&G 3. Rescind Resolution 5160** - Approval of a Resolution repealing Resolution 5106, authorizing a First Amendment to Lease Agreement between the City of Brecksville and The Brecksville-Broadview Heights City School District for the lease of Building #6 on Blossom Properties.

Motion made by Veras, Seconded by Caruso.

Voting Yea: Caruso, Veras.

**Other Matters deemed appropriate**

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**Motion to Adjourn**

6:34 PM

Motion made by Veras, Seconded by Caruso.

Voting Yea: Caruso, Veras

**FINANCE COMMITTEE**

**Call to Order**

6:34 PM

Chairperson: L. Redinger

Committee members – A. Koepke, L. Carouse, L. Redinger.

**Roll Call**

Present: Carouse, Koepke. Absent - Redinger.

**Items for Consideration:**

**FIN 1. Approval of Finance Committee Minutes 8-17-2021**

Motion made by Carouse, Seconded by Koepke.

Voting Yea: Carouse, Koepke.

**FIN 2. Request Tax Advances** - Approval of a Resolution requesting the County Fiscal officer advance the sums allowed by law from the proceeds of tax levies in the account of the City of Brecksville, pursuant to Section 321.34 of the Ohio Revised Code.

Motion made by Carouse, Seconded by Koepke.

Voting Yea: Carouse, Koepke.

**FIN 3. Budget Commission 2022 Tax Rates** -Approval of a Resolution accepting the amounts & rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer.

Motion made by Carouse, Seconded by Koepke.

Voting Yea: Carouse, Koepke.

**FIN 4. Center Court Tennis Club** - Approval of an increase to Finance Purchase Order #FN210012 for Independent Contractor, Center Court Tennis Club, in the amount of \$276.73 due to

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additional participants signing up for the youth and adult tennis programs following the last increase request on July 20th. Account #240744 2102.

Motion made by Carouse, Seconded by Koepke.  
Voting Yea: Carouse, Koepke.

**FIN 5. Day Camp Transportation** - Approval of an increase to Blanket Purchase Order #BL215502 for Day Camp-Transportation in the amount of \$798.29. This increase request is due to unexpected growth in participants. Account #240714 2402.

Motion made by Carouse.  
Voting Yea: Carouse, Koepke.

**FIN 6. Professional Bills** - Authorize the payment of monthly Professional Bills.

Approve the payment of bills for professional services, as follows: Matty, Henrikson and & Greve in the amount of \$9,921.83; Sergio I. DiGeronimo in the amount of \$4,840.00; Roger Wadsworth in the amount of \$350.00; Kulchytsky Architects, LLC in the amount of \$375.00; J Neusser, LLC in the amount of \$2,000.00; and Donald J. Bohning & Associates in the amount of \$23,915.50; Sixmo in the amount of \$300.00. Total of all invoices \$41,702.23.

Motion made by Carouse, Seconded by Koepke.  
Voting Yea: Carouse, Koepke

**Other Matters deemed appropriate**

**Motion to Adjourn**

6:39 PM

Motion made by Carouse, Seconded by Koepke.  
Voting Yea: Carouse, Koepke.

**LEGISLATION COMMITTEE**

**Call to Order**

6:40 PM

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Chairperson- Ann Koepke

Committee members – D. Caruso, L. Redinger.

**Roll Call**

Present: Caruso, Koepke. Absent: Redinger.

**Items for Consideration:**

**LEG 1. Approval of Legislation Committee Minutes 8-17-2021**

Motion made by Koepke, Seconded by Caruso.

Voting Yea: Caruso, Koepke.

**LEG 2. Tree Warden** - Approval of a Resolution confirming the appointment by the Mayor of Joseph Dwyer as Tree Warden for the City of Brecksville. Mayor Hruby said our previous Tree Warden retired. Mr. Dwyer was hired as a horticulturist in January of 2020 and has been a wonderful asset to the City. Mr. Dwyer has multiple certifications and licenses that qualifies him as the Tree Warden for the City.

Motion made by Koepke, Seconded by Caruso.

Voting Yea: Caruso, Koepke.

**LEG 3. Repeated Violations of the Code Discussion** – Councilmember Koepke said the topic of repeated violations of the Code has been discussed previously. Asst. Law Director DiGeronimo said the focus is on accessory uses for §1151.06 of the code. Sergio presented some language for discussion for changes to address the need as perceived. It is the policy of the City, instead of filing a complaint immediately upon confirmation of a violation, the Building Department contacts the resident and seeks compliance voluntarily. The resident may remedy the situation without necessitating a formal complaint. Building Department personnel have confirmed the procedure works in the 98% of the cases. In the other 2% of the time, residents will remedy the violation only to re-violate the same code. It has been the policy to re-start the violation procedure. Asst. Law Director DiGeronimo is recommending language to be added to the code authorizing the “Building Official may issue a written notice to the homeowner, occupant or person in control of the premises and unless the violation is corrected and/or abated within 10 days of the notice a formal complaint will be filed for violation”. Asst. Law Director DiGeronimo said possible language in the next section: If within (a number of days or a period of time to be decided by Council ), of the notice for which a violation was given, a violation of substantially the same subject matter is confirmed by the Building Official, the Building Office shall file a formal complaint, and shall not be required to issue a written notice. This language eliminates the possibility for residents to

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remedy a violation only to cause the same violation repeatedly. Such as removing a boat from a driveway, only to return it again after the violation has been deemed corrected.

Councilmember Koepke asked what the notice would be for the second violation. Asst. Law Director DiGeronimo replied it would be a formal complaint, summons to court. Councilmember Koepke said currently the violator has (10) days to remedy the violation and if re-creates the same or substantially similar violation again, the notification process begins. Asst. Law Director DiGeronimo said currently the code allows (30) days to correct a violation. CBO Packard said the tall grass violation, (7) days, is the only code that requires less than (30) day corrective time. Councilmember Koepke said she is in favor of shortening the number of days required for compliance. Councilmember Caruso said he is in favor of (10) day compliance requirement. Councilmember Caruso asked how long the procedure would take if the Building Department deemed the violation correction disingenuous. Asst. Law Director DiGeronimo said this would start in the Mayor's Court, about (2) weeks from the notice. Councilmember Caruso asked what the proposed penalty is. Asst. Law Director DiGeronimo said it would be determined by the violation. The penalty is per diem, each day is a separate offense. You could be fined \$150.00 per day while the condition persists. Councilmember Koepke asked what is done if the court has rendered a decision and the violation still exists. Law Director Matty said the City would immediately file a civil action seeking a temporary restraining order and an injunction. Councilmember Caruso asked if the City could place a lien on the property for collection purposes. Law Director Matty said no. You could ask the court for attorney fees. That is how you would remedy the lost monies for this action. Councilmember Caruso asked if these changes would allow better enforcement. Law Director Matty said yes, the Building Official could cite the property daily if it was disrupting a neighborhood.

Law Director Matty asked Asst. Law Director DiGeronimo where the additional language would be added. Asst. Law Director DiGeronimo said it would be appropriate in §1191.13 *Enforcement*; Penalty, after (a) section (a) Inspection and order for removal of violation, add the following two paragraphs. Or Council may just wish to include it specifically to accessory uses, placed in §1151.06. Law Director Matty recommended §1191.13 as it may be applied to all repeated violations. CBO Packard said there are differing amounts of time (30) days for minor items and (90) days to correct major items. CBO Packard would like this incorporated for Property Maintenance issues as well. Law Director Matty said the (10) days could remain as well as a longer time period to be determined by the Building Official for major items. CBO Packard said currently residents receive a (30) day notice followed by a (10) day final notice to object and the notice and then to be heard by the Board of Zoning Appeals. (BZA) The new language omits the (30) day notice. Councilmember Koepke asked about the BZA. CBO Packard said the City must offer the opportunity to object to the violation. Asst. Law Director DiGeronimo said the new language addresses repeat violations and will continue to evolve. Councilmember Caruso said he feel 180 days for repeat violations should be enough time. Asst. Law Director DiGeronimo said the smaller the number, may be confusing. If a violation occurs more than once during the noted time frame, it is considered a reoccurrence. The larger number covers more seasons during the year. Councilmember Caruso said (365) days seems to be a more reasonable amount of time.

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Councilmember Koepke asked if there were additional comments from Council. Mayor Hruby asked BZA member Tom Collin if he wanted to speak on the topic. Mr. Collin had sent an e-mail regarding this subject. Mr. Collin said some violators of the code have realized how to manipulate the system, run out the violation time and undermine the Building Department. Law Director Matty said that type of resident is the type that should have a temporary restraining order and injunction filed upon. The City may only have to do this once, and may never have to do it again. Law Director Matty said this is the difference between a neighbor that complies and a neighbor that does not. Mayor Hruby said he brought this to the forefront. The issue of recurring violation has become very blatant recently. Recreational Vehicles's, boats, construction vehicles, and parking of vehicles. If a vehicle that is being stored is moved slightly after 24 hours, the owner cannot be cited.

Councilmember Koepke asked if Council had an objection to the number of occurrences to be limited to once in (365) days. No objection from Councilmembers.

Councilmember Koepke said Section 1151.06 Accessory Uses should include trailers in the definition section.

- (1) Upon the Building Commissioner's confirmation of a violation of this section, the building official may issue a written notice to the homeowner, occupant, or person in control of the premises, that unless the violation is corrected and/or abated within ten (10) days or longer period of time as determined by the Building Commissioner, of the notice, a formal complaint will be filed for the violation.*
- (2) If within **365** days of the notice described in paragraph (1) of this section, another violation of substantially the same subject matter for which the notice was given is confirmed by the Building Commissioner, then the building official shall proceed with the filing of a formal complaint, and shall not be required to issue a written notice described in paragraph (a)(1).*
- (3) Include Trailers in the definition of Accessory Uses.*

Motion to authorize the Law Director and Assistant Law Director to amend (3) sections of the code as discussed: Section 1151.06, Section 1191.013, Section 1113.23.

Motion made by Koepke, Seconded by Caruso.

Voting Yea: Caruso, Koepke.

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**LEG 4. Speeding Penalty Code Updates** – Asst. Law Director DiGeronimo said Council previously discussed increasing penalties for speeding in the City. The number of speeding citations have increased as well as the increased speeds.

2020 – 270 violations of speeding of 20-30 MPH over the posted limit.

2021 – Jan-August – 287 violations of speeding 20-30 MPH over the posted limit.

31 miles per hour or greater over the speed limit

2020 -11 Citations issued.

2021 – January to August - 20 Citations issued. Asst. Law Director DiGeronimo acknowledged there were speeding vehicles which pursuits were called off due to dangerously high rates of speed. Asst. Law Director DiGeronimo is suggesting penalties as follows

1. Over 20-29 miles per hour over the speed limit would increase from \$150.00 penalty to \$250.00 maximum.
2. Over 30 miles or greater per hour over the speed limit would increase from \$150.00 penalty to \$500.00.

Also officers do have the ability to cite for a first degree misdemeanor for acting in a willful wanton disregard for public safety, for which a \$1,000.00 penalty is possible. This is reserved for vehicles truly operating vehicles recklessly.

Councilmember Koepke asked if the penalty will still exist for violations by persons over (3) times in one year. Asst. Law Director DiGeronimo said yes, that will not change.

Mayor Hruby said he is in favor of these changes.

Motion to authorize the Law Director draft legislation to amend the speeding penalties for (20) and (30) MPH violations as discussed and recommended by the Safety Director and Assistant Law Director.

Motion made by Koepke, Seconded by Caruso.

Voting Yea: Caruso, Koepke.

**Motion to Adjourn**

7:23 PM

Motion made by Koepke, Seconded by Caruso.

Voting Yea: Caruso, Koepke.

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**SAFETY-SERVICE COMMITTEE**

**Call to Order**

7:23 PM

Chairperson- Dominic Caruso

Committee members- D. Kingston, K. Veras.

**Roll Call**

Present: Kingston, Veras, Caruso. Absent: None.

**Items for Consideration:**

**SAF 1. Approval of Safety Service Committee Minutes 8-17-2021**

Motion made by Caruso, Seconded by Veras.

Voting Yea: Caruso, Kingston, Veras.

**Other Matters deemed appropriate**

**Motion to Adjourn**

7:23 PM

Motion made by Caruso, Seconded by Veras.

Voting Yea: Caruso, Kingston, Veras.

**STREETS & SIDEWALKS COMMITTEE**

**Call to Order**

7:23 PM

Chairperson- Louis Carouse

Committee members- D. Kingston, K. Veras.

**Roll Call**

Roll Call: Present: Kingston, Veras, Carouse. Absent: None.

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**Items for Consideration:**

**S&S 1. Approval of Streets & Sidewalks Committee Minutes 8-17-2021**

Motion made by Carouse, Seconded by Veras.

Voting Yea: Carouse, Kingston, Veras.

**S&S 2. Traffic Cameras** - Motion recommending to Council approval of a Purchase Requisition to Lampion Companies in the amount of \$11,750.00 to purchase and install two traffic cameras on the light pole masts at the intersection of Brecksville Road at Windward Hills and the entrance of City Hall. Account #C480171 3504 Project #TS210001.

Motion made by Carouse, Seconded by Kingston.

Voting Yea: Carouse, Kingston, Veras.

**S&S 3. Miller Road OPWC Fund Application** - Motion recommending to Council approval of a Resolution authorizing an application seeking financial assistance from the Ohio Public Works Commission.

Motion made by Carouse, Seconded by Veras.

Voting Yea: Carouse, Kingston, Veras.

**S&S 4. Miller Road Interchange** - Appraisal Review Services - Motion recommending to Council approval of a Resolution accepting the proposal of Charles P. Braman & Co. Inc. for services related to appraisal verification on the Miller Road Interchange Project. Project # RD1600001 Account #C480171 3501.

Motion made by Carouse, Seconded by Veras.

Voting Yea: Carouse, Kingston, Veras.

**Other Matters deemed appropriate**

Mayor Hruby said the Engineer submitted for, and the City has received a grant from Jobs and Commerce Economic Development Agreement (JCED) with the State of Ohio for the Miller Road Widening Project. The JCED award is for 150,000.00 in addition to the Ohio 629 Funds in the amount of \$600,000.00. The project is estimated at \$2,034,000.00.

Mayor Hruby said a resident of Brecksville has been communicating with the School Board and our safety forces regarding an unsafe condition taking place on Weise Road at Chippewa Elementary. His child would like to ride her bike to school, along with other students. The resident is concerned about the traffic pattern of parents and busses in the driveway. Lt. Johnson, the School Resource officer and the Superintendent met today to discuss the issue. Proposals were discussed and may be implemented. Installation of a crosswalk may be considered at the location. Mayor Hruby said another item discussed was a (10) foot bike

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path on each side of Weise Road to Riverview Road. That would also be something the City may consider in the future as the City looks to accommodate bicycles. Mayor Hruby said the topography in the area may make it very difficult to install paths. The school district also realizes the safety concerns on their property and has received direction from the Brecksville Police for possible traffic flow solutions.

Councilmember Koepke said she received calls regarding the concerns at Chippewa School. Councilmember Koepke said she is happy to know plans are in place. There is a sign for pedestrians, but not a sign for bikes. Councilmember Koepke asked if signs will be investigated, such as “share the road”. Mayor Hruby said that is being worked on. Councilmember Koepke said the roadway shoulder is very narrow and will be a very involved project. Mayor Hruby said it will not be an easy issue to resolve city-wide.

**Motion to Adjourn**

7:39 PM

Motion made by Carouse, Seconded by Veras.

Voting Yea: Carouse, Kingston, Veras.

**UTILITIES COMMITTEE**

**Call to Order**

7:39 PM

Chairperson Daryl Kingston.

Committee members L. Carouse, A. Koepke.

**Roll Call**

Present: Kingston, Carouse, Koepke.

**Items for Consideration:**

**UTL 1. Approval of Utilities Committee Minutes 8-17-2021**

Motion made by Kingston, Seconded by Koepke.

Voting Yea: Carouse, Kingston, Koepke.

**UTL 2. Engineer Report** Engineer Wise said the Engineering, Service and Administration discussed the management of site visits. There have been some issues that Engineer Wise responds to

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that could be addressed by other city staff members. Engineer Wise would like to discuss how the Committee would like him to handle these cases. Councilmember Kingston said he would like to meet this week to discuss these issues and then bring it back to committee.

**Other Matters deemed appropriate**

**Motion to Adjourn**

7:43 PM

Motion made by Kingston, Seconded by Koepke.

Voting Yea: Carouse, Kingston, Koepke

**COMMITTEE OF THE WHOLE**

**Call to Order**

7:43 PM

**Roll Call**

Present: L.Carouse, D. Caruso, M. Harwood, D. Kingston, A. Koepke, K. Veras, Law Director Matty, Asst. Law Director DiGeronimo, Engineer Wise.

Absent: L. Redinger,

**Items for Consideration:**

**CoW 1. Approval of Committee of the Whole Minutes 8-17-2021**

Motion made by Harwood, Seconded by Carouse.

Voting Yea: Carouse, Caruso, Harwood, Kingston, Koepke, Veras

**CoW 2. Executive Session** - to present a matter of personnel for Engineering fees proposed by Donald G. Bohning and Associates to be included in the 2022-2023 budget.

Motion made by Harwood, Seconded by Carouse.

Voting Yea: Carouse, Caruso, Harwood, Kingston, Koepke, Veras

**Other Matters deemed appropriate**

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**Motion to Adjourn**

7:52 PM

Motion made by Harwood, Seconded by Carouse.

Voting Yea: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

**Mayor and Safety Director:** Jerry N. Hruby,

**City Council Members:** Michael T. Harwood, *President*; Laura C. Redinger, *Vice President*; Louis N. Carouse, Jr.; Dominic Caruso; Daryl Kingston; Ann Koepke; Kimberly A. Veras

**Clerk:** Tammy Tabor