

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

HELD: February 02, 2021

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Virtual Meeting Notice

For the safety of our staff and residents the live stream for the Committee and City Council meeting please go to <https://www.facebook.com/233577357056186/live/> The recording of the meeting will be available on the City's website www.brecksville.oh.us under the City Hall, Council section. 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.

BUILDINGS & GROUNDS COMMITTEE

Call to Order at 6:00 PM

Roll Call

Present: Caruso, Redinger, Veras. Absent - None.

Items for Consideration:

B&G 1. Buildings & Grounds Committee Minutes 1-19-2021

Motion made by Veras, Seconded by Redinger.

Voting Yea: Caruso, Redinger, Veras

B&G 2. Asbestos Abatement 8997 Highland - Recommend to Council approval of a Purchase Requisition to SafeAir Contractors, Inc. in the amount of \$8,989.00 for the Removal & Disposal of Asbestos Containing Material at 8997 Highland Drive, top floor of the former BCA building. Account #C490163 3202 Project #BI210002.

Service Director Weidig said the asbestos assessment revealed some asbestos in the ceiling, tile floors and mastic under the tile. HEPA Environmental uses a chemical to remove the asbestos, which the City has never approved to be used in our buildings due to a residual effect on the new glue and tile. The wet grinding method has been used previously. Safe Air Contractors provided the lowest price for the wet grinding. Once this project is complete, quotes will be obtained to have new flooring installed.

Motion made by Veras, Seconded by Redinger.

Voting Yea: Caruso, Redinger, Veras

B&G 3. Tree Canopy Grant Application - Recommend to Council a Resolution authorizing the Mayor to apply for a 2021 Healthy Urban Tree Canopy Grant coordinated by the Cuyahoga County Department of Sustainability, The Cuyahoga County Planning Commission and the Cuyahoga County Soil & Water Conservation District, with assistance from the Cuyahoga County Board of Health to provide funding for tree planting, planning and maintenance projects.

Service Director Weidig said the Horticulture Department has requested authorization to apply for a grant to replace some trees in the City. Several trees on Rockledge, Shenandoah, Potomac. The estimated cost is \$87,464 the City responsibility would be \$23,512. The City

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would remove 164 trees and replace 178 trees. The grant request would also include watering devices and deer protection tubes.

Motion made by Veras, Seconded by Redinger.

Voting Yea: Caruso, Redinger, Veras

B&G 4. NatureWorks 2021 Grant - Recommend to Council a Resolution authorizing the Mayor to apply for a grant through the Ohio Department of Natural Resources for funding assistance for a NatureWorks project in the City of Brecksville.

Service Director Weidig said this grant request is requesting up to \$150,000 for funding assistance, with a 25% city match, that would help fund several projects to enhance the Stadium Drive area. Projects expected for the area may include, expanding the community garden, walking track & fitness stations, pavilion and field house, ticketbooth and concessions, restrooms & locker rooms. Mayor Hruby said these items are in the overall master plan for the area and may not be done based on the funding available.

Motion made by Veras, Seconded by Redinger.

Voting Yea: Caruso, Redinger, Veras

B&G 5. Energized Community NOPEC Grant - Recommend to Council a Resolution authorizing the Mayor to complete the application process for the NOPEC Energized Community grant program through which the City of Brecksville has already been notified of their approved funding allocation of \$43,688.00. The administration is recommending these funds be used toward the completion of the Window Replacement Project at 4450 Oakes Road.

Service Director Weidig said this grant application, if awarded, would help to cover the cost of completing the window replacement project for 4450 Oakes Road at Blossom Hill.

Motion made by Veras, Seconded by Redinger.

Voting Yea: Caruso, Redinger, Veras

Motion to Adjourn at 6:42 PM

Motion made by Veras, Seconded by Redinger.

Voting Yea: Caruso, Redinger, Veras

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FINANCE COMMITTEE

Call to Order at 6:43 PM

Chairperson - K. Veras

Committee members – D. Caruso, L. Redinger.

Roll Call

Present: Carouse, Koepke, Redinger. Absent - None.

Items for Consideration:

FIN 1. Finance Committee Minutes 1-19-2021

Motion made by Redinger, Seconded by Carouse.

Voting Yea: Carouse, Koepke, Redinger

FIN 2. Professional Bills - Recommend to Council approval of professional bills for professional services, as follows: Matty, Henrikson and & Greve in the amount of \$10,536.83; Sergio I. DiGeronimo in the amount of \$5,747.50, Roger Wadsworth in the amount of \$350.00; Kulchytsky Architects, LLC in the amount of \$187.50; J Neusser, LLC in the amount of \$2,000.00; and Donald G. Bohning & Associates in the amount of \$18,211.05 and Sixmo in the amount of \$175.00. Total of all invoices \$37,207.88.

Motion made by Redinger, Seconded by Carouse.

Voting Yea: Carouse, Koepke, Redinger

Motion to Adjourn at 6:44 PM

Motion made by Redinger, Seconded by Carouse.

Voting Yea: Carouse, Koepke, Redinger

LEGISLATION COMMITTEE

Call to Order at 6:44 PM

Chairperson- Ann Koepke

Committee members – D. Caruso, L. Redinger.

Roll Call

Present: Caruso, Redinger, Koepke. Absent: None.

Items for Consideration:

LEG 1. Legislation Committee Minutes 1-19-2021

Motion made by Koepke, Seconded by Redinger.

Voting Yea: Caruso, Koepke, Redinger

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Sign Ordinance Update: Asst. Law Director DiGeronimo said additional changes were discussed at the previous meeting and all of the impacted code sections require review and update. Asst. Law Director DiGeronimo said perhaps Council will receive the updated draft at the next committee meeting and then submit to the Planning Commission for review in March.

Motion to Adjourn at 6:47 PM

Motion made by Koepke, Seconded by Redinger.

Voting Yea: Caruso, Koepke, Redinger

SAFETY-SERVICE COMMITTEE

Call to Order at 6:47 PM

Chairperson- Dominic Caruso

Committee members- D. Kingston, K. Veras.

Roll Call

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

Items for Consideration:

SAF 1. Safety Service Committee Minutes 1-19-2021

Motion made by Caruso, Seconded by Kingston.

Voting Yea: Caruso, Kingston, Veras

SAF 2. Police Equipment - Recommend to Council approval of an Ordinance for the State Contract purchase in the aggregate amount of \$9,073.03 from Red Diamond Uniform for replacement body armor vests for (7) officers. Account #110210 2503.

Police Chief Goodrich said every five years the body armor vests are recommended for replacement by the industry standards. Seven Police Officers have vests that are in need of replacement.

Motion made by Caruso, Seconded by Kingston.

Voting Yea: Caruso, Kingston, Veras

Other Matters deemed appropriate

Motion to Adjourn at 6:49 PM

Motion made by Caruso, Seconded by Veras.

Voting Yea: Caruso, Kingston, Veras

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STREETS & SIDEWALKS COMMITTEE

Call to Order at 6:49 PM

Chairperson- Louis Carouse

Committee members- D. Kingston, K. Veras.

Roll Call: Present: Kingston, Veras, Carouse.

Absent: None.

Items for Consideration:

S&S 1. Safety Service Committee Minutes 1-19-2021

Motion made by Carouse, Seconded by Veras.

Voting Yea: Carouse, Kingston, Veras.

S&S 1. I-77 & Miller Road Interchange Modification No. 1 - Recommend to Council approval of an increase to P.O. #CT205092 in the amount of \$3,308.00 to complete an Air Quality Analysis per ODOT Section 3.1.P. Account #C480171 3501 Project# RD160001.

Engineer Wise said the accelerated schedule for the I-77 Miller Road Interchange Project requires additional funding for Phase 1 to execute the air quality analysis.

Motion made by Carouse, Seconded by Veras.

Voting Yea: Carouse, Kingston, Veras

S&S 2. Guardrail Repair 8172 Riverview- Recommend to Council an increase to P.O.# P201221 to Cuyahoga Fence for emergency Guardrail repair at 8172 Riverview Road. This purchase order was originally opened in the amount of \$2,950.00. Account #110150 2125

Service Director Weidig said on December 10th the guardrail at 8172 Riverview was struck by a car that left the scene. The operator of the vehicle was located and has insurance that will cover the cost. The cost of repairs will be reimbursed to the City.

Motion made by Carouse, Seconded by Veras.

Voting Yea: Carouse, Kingston, Veras

Service Director Weidig said the salt bins are being refilled in preparation for any winter weather events. Rumpke will now include clean plastic tubs in the recycling program. These items are typically used for butter, sour cream, fruit, yogurt, etc. In 2020, Service Director Weidig said there was an increase to the amount of trash and recyclables collected. Trash increased by 264 tons and an increase of 53 tons in recycling.

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Council President Harwood said he responded to Ms. Popielski and Ms. Stumpfl regarding the Brecksville bike and pedestrian plan they sent to Councilmembers. Ms. Popielski and Ms. Stumpfl would like to present their plan at the February 16th Streets & Sidewalks Committee meeting.

Motion to Adjourn at 6:55 PM

Motion made by Carouse, Seconded by Veras.

Voting Yea: Carouse, Kingston, Veras

UTILITIES COMMITTEE

Call to Order at 6:56 PM

Chairperson Daryl Kingston.

Committee members L. Carouse, A. Koepke.

Roll Call

Present: Kingston, Carouse, Koepke.

Items for Consideration:

UTL 1. Utility Committee Minutes 1-19-2021

Motion made by Kingston, Seconded by Koepke.

Voting Yea: Carouse, Kingston, Koepke

UTL 2. Storm Sewer Easement 8055 Robin Ln.- Recommend to Council approval of a Resolution granting an easement for construction, reconstruction, operating, maintaining, repairing and replacing storm facilities, and appurtenances thereto in, under, across and through PP# 602-05-010 owned by Robert and Katherine Holub Family Trust.

Engineer Wise said this is a project that has been discussed with Council previously. The property owner signed the easement allowing the City to temporarily fill the sink hole. Engineer Wise said he will notify the County to proceed with repairs to the pipe without excavating near the house.

Motion made by Kingston, Seconded by Koepke.

Voting Yea: Carouse, Kingston, Koepke

UTL 3. Storm Sewer Easement 4900 Edgerton – Engineer Wise said the property owner is preparing to build a house at 4900 Edgerton. The property owner would like to connect to the

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existing storm sewer. The storm sewer stops (10) feet before the 4900 Edgerton property. Engineer Wise said the contractor has complied with all requests for construction on the property. The storm sewer stops 10 feet from the property line. The sewer easement runs to the property line. The property owner was unable to obtain an easement to connect to the storm sewer. The underground tie-in is the best storm water control for the property. The homeowner would like to install a catch basin and create a swale along the common lines. All of the house collection would connect into the storm sewer as well. Residents in attendance would like to speak regarding the project. The developers agreement allows for a \$2500.00 deposit to the City and a \$1,000.00 charge to connect to the sewer.

Dan Bender: 7505 Bristol - I got a letter back in December, something like that, about the setback meeting which occurred on January 6th if I'm not mistaken. I came and asked about what the program is with the water, how are they going to handle this. We have a lot of wetlands over there. Our house, we take a lot of rainwater especially in the in the spring and early summer months. And at that meeting it was determined there will be a separate meeting for this, is just to determine the setback. And now we're here today talking about what we're doing and this is, unless my wife had talked to Aenea, I would have no idea this meeting was going on or that this was on the agenda. So I guess my first question is what are we determining today and why weren't the residents notified. So that's my first question. Then secondly, I just hope we can come to some sort of agreement that you know, again, protects the wetlands there and handles that rain and all that so that's all I have.

Engineer Wise - As far as not being notified, I mean, there is a building permit that's definitely posted. There is, the only issue is, there is a storm sewer the city is installing. Or hiring a contractor to install (10) feet of sewer between subplot 2 and sublots 3 to extend to the property line so that the contractor can then run it and do the work on his house. So as far as, I don't, I wasn't sure what public meeting that you thought had to happen but there was no other meeting that had happened. The meeting that you came to last time was for the Planning Commission. It established a front yard setback. The house topo was submitted to the City, was reviewed, the Building Department hung the building permit. That is the process for a new home.

Dan Bender- Where was the building permit?

Engineer Wise - You would have to ask the Building Department. But they have to post it and then observe that is posted.

Councilmember Carouse - I think your question was concerning the water that's in that area and I think your concern would be, Is this going to make it better or worse. Is that what your concern is? And I think what the engineer is saying is that I would think it makes it better because they're making sure that the water on that property gets to a proper storm sewer and doesn't go over ground to where it can go somewhere else. Gerry (Engineer Wise), did I say that correctly?

Engineer Wise – Yes, he's putting a basin on his property in the low point and then he is creating a swale that runs along the Bristol Lane rear yards, his side yard and it directs the water to this basin. So I do believe he is making every effort that he can to collect water and discharge it into the storm sewer.

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Council President Harwood - I think for Mr. Bender what he's asking is when he came to the Planning Commission meeting the only item that we had on the agenda that that night was the frontyard set back . So. I think maybe the other piece of the question is that entire group has to come back for the full-blown documents to build there. This is because it's underground that there's a structure they have to tie into. Just so you understand that the next step is when they come in front of Planning Commission and they submit the planning for their what they have to do with their next steps.

Engineer Wise - They're done they're submitting to the, they have a front yard setback they submitted a house to the Building Department.

Council President Harwood - You only applied for the setback.

Engineer Wise - That's all they had.

Councilmember Carouse - that's all they needed.

Engineer Wise - That's the only thing they had applied to the Planning Commission for is a setback

Council President Harwood - okay

Engineer Wise - Because they got a front yard setback now they're building a house that complies with, as far as I know complies with code.

Council President Harwood - Okay so they have no variances they have nothing.

Engineer Wise – No.

Council President Harwood - That's my fault, Dan. I thought that..

Engineer Wise - Yeah they wouldn't, I mean if they if the City didn't have to install the sewer they wouldn't this wouldn't even be discussed today with Council.

Councilmember Koepke - Just curious, the swale you said that runs along the back lines of the Bristol homes does that start close to Edgerton and run behind all three to drain that water towards the.

Engineer Wise - it runs as reasonably close to Edgerton as it can there is the due to the topography they took it up the sideline. Again, they tried to leave above her trees whether or not you can see through it or not I mean the plan is to leave stay away from the property line about 10 15 feet and then the swale runs up the property line and then tails up a little bit towards the front yard just because of the topography is kind of climbing. So again in the out of all the houses that we've reviewed they've made an effort to try and cut the water off and intercept it. So the water from that property though will go into the swale and not onto any of the properties in Bristol.

Engineer Wise - It will, the water will run into the swale and then go down the swale into the catch basin and collect it.

Councilmember Koepke - Thank you.

Mayor Hruby - so what's being approved then this evening is the Council agreeing to put in 10 feet of pipe to allow that utility to be connected.

Engineer Wise - It would allow the utility extended from the catch basin on the two properties on Bristol and get it to the property line of the 4900 (Edgerton) at that which point that he would connect and take from there on his property

Mayor Hruby -okay

Dan Bender - The contract is already established.

Council President Harwood – Yes. That's what we established in that Planning Commission

Engineer Wise - No, the easement was set by the original Bristol Lane plat.

Council President Harwood - I understand that. We set the setback.

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Engineer Wise- You set the set back at the Planning Commission meeting. Yes, and then it Came to Council and Council approved it.

Mayor Hruby - So based upon what you've just heard are there any other questions that you have or concerns that you have that we may be able to address for you or at least set up a meeting for you and the Engineer to discuss.

Dan Bender - Not at the time, Mr. Mayor. Thank you.

Aenea Connor - I get to piggyback on the Dan's thing. I think we were not aware that the 200 foot setback if it was either gonna be 200 feet or maybe further back but we weren't aware that it was tied to this meeting. Saying that if we would have known that, I believe we would have all opposed for the 200-foot setback. But we're saying no we're not establishing that right now I mean for his you know in addition to that. But Mr. Palguta, the gentleman that's buying the lot there he had asked myself and Mr. Kemna who I have his email permission to use the storm sewer as for use for his because it's our property and he had emailed us multiple times and both the Kemna's and ourselves refused because we didn't want to be held legally responsible for anything to happen because it is on our property. And like Dan has said that we get so much rain back there spring even in the summer, winter now I mean after the snow melts. It's a wetland and so I took it upon myself to do some research in the wetlands and because it pertained to my property and my neighbor's property. That I contacted the Federal Army Corps Engineers and the Ohio EPA and they said that anyone who wants to place fill material in a well, in whether it be construction or anything, must obtain proper permit prior to beginning any type of earth-moving activity. Okay and wetlands have many descriptions of wetlands. Whether it be marsh, which there's pictures, I have pictures here. There's forested which is what's directly behind our three homes. In addition to our plat wetland restrictions saying that sublots one and two, which are the

Bender's and mine, are federally land regulated wetlands. And there are certain restrictions into building anywhere near that. In addition to right behind it. Whereas the other neighbor on the east side of him has a wetland. Therefore that's why they had to build further back, and he's on a wetland and we're on a wetland. So where he proposed that 200 foot setback is on a wetland. I spoke with the Army Corps Engineers and they have no wetland delineation report. No jurisdictional determination report. And under the new nationwide permit the Federal Army Corps of Engineers requires pre-construction notification to the Corps for impacts to a mere one-tenth of an acre. So even a tenth of an acre. And I know that they had said that there's no plats that he's on wetlands whatever that may be because they looked on the inventory, the national wetland inventory. Because you can go on there and look. Put in your address and see if it's on wetland or whatnot. But it says the inventory does not have regulatory effect and it's not intended or designed for use in delineation. I spoke with the Army Corps Engineers in a matter of 30 minutes to an hour. He was able to go down google maps and see the three properties including our street are on wetlands and so I mean that alone he's potentially I mean having violating state and federal fines. I mean he has to be aware of buffers he I mean and then the storm pipe on Bristol Lane has it been rated to handle that large of an area and funnel drainage to that spot without there being a problem. Now we're in the future which we believe there will be because of the water issues we are having there now and you know do the post construction structure is it going to exceed the pre-construction hydrology of the flows of the wood in the water back there. You know the plants shrubs and trees are there to help absorb the water that's back there. So by him clearing it out for the construction the piping or whatever that may be. It's going to stop all of that water from getting absorbed and coming onto our properties. Now whether he says it's going to go into the basin, I don't know. And

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we don't know that because of the erosion that he's causing because he's building on a wetland. And so if anything we're trying to help this guy saying like hey maybe you should move your house further back because that's why maybe we thought the 200 setback was either 200 or further back. But just on research that I said it's like builders who tamper with even small wetlands have huge problems. They're almost terrible to build on. And if it doesn't go into his own basement it's going to go in our basement. You know and knock down our evergreens that are on the wetlands the proposed site where he wants to build I have pictures here they I mean here I mean here's pictures I can you are more than welcome to look at them. There's at least eight huge coniferous trees that he wants to take down which those trees need that water to sustain. And I have two of them right in my backyard so if my trees don't get access to that they're gonna fall on my house. You know. It's a like I said I mean the Army Corps do not have a wetland delineation report unless I'm wrong if you did turn one in nor do they have a jurisdictional determination report per the Army Corps EPA. And it is more than a tenth of an acre that they're disturbing. I mean, I don't if you or would you like to look at the pictures, would you like to?

Mayor Hruby - Gerry are you going to respond to this?

Engineer Wise - I mean as far as the area I did look at the area in question. I guess going back to the storm sewer it's a 15-inch storm sewer that was put in the low point to collect water coming from their subdivision and from the lot of 4900. So it does have capacity to convey the water. As far as the wetlands are concerned I looked at the area, again where the yard that they're questioning, are completely grassed and the area that he is going to would have to excavate through, there is a planted ground cover in the area. Am I concerned about the wetlands there? No. If we, again it doesn't affect the fact that the builder is still going to be able to build the house. The house is on the higher spot of the property.

Aenea Connors - We're not saying he can't build on his property. That's not what we're saying by any means. But if what we're trying to say is that if he's building anywhere near subplot here's a quick picture of my highlighting subplot one and two are on wetlands. This whole area and this whole area specifically is wetlands this is where 45 or 5000 or 5000 the Hudak's his neighbors are. They had to build back here because it was too close to the wetlands and the marsh up at the front. So why would it make any sense for him to build right here next to me and Mr. Bender's home which sit on a wetlands and buffer into my other neighbor's home. Considering the amount of water we get there you know. And take down all these evergreens which are part of the wetlands. Because wetlands doesn't mean it just has to be water. It's forested land where I have here here five percent of forested lands are wetlands. Or here, six through ten on the back side of there. There's no homes on the backside of there.

Mayor Hruby - Ma'am excuse me for interrupting you. But did the Army Corps or the EPA tell you that their disturbance or their building there would be a violation?

Aenea Connors: Yes.

Mayor Hruby - Are they going to take action to stop the building at the house?

Aenea Connors - Yes. Well they said that he is violating Federal and State Law by not having a wetland delineation report or jurisdictional determination report. Especially because it affects our homes, too. Which I'm not sure if Mr. Palguta was aware of that when he bought the land. I don't know if he asked the Del Rios "hey before I buy this property can you supply me a wetland delineation report so that I know it's worth my time to even buy this property" and he can see you know the property. I mean these are wetlands because I would buy a property I would ask.

Mayor Hruby - Surely, thank you. I'd like to see your pictures. But has the city been notified?

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Engineer Wise – No.

Mayor Hruby - By the Army Corps or the EPA that there is a violation?

Engineer Wise – No, and again there's it is not the one thing that is incorrect and what she's saying is. They are only in violation if they disturb a wetland. They do not have to have a jurisdictional determination (JD) if there are no wetlands on the site. It's only if they disturb wetland can the Army Corps take action.

Aenea Connors - Well they are disturbing wetlands. I just specified what wetlands were I they're right here it's an it's in bolder.

Mayor Hruby - ma'am they would be they would be established by the EPA or the Army Corps, I would say.

Aenea Connors – Yes, and I called him and he and within 30 minutes to an hour he drove down google maps and looked at the aerial topography and I emailed him my pictures and said yeah that's a no-brainer those are wetlands. He's a biologist for the Federal you know Army Corps Engineers. In our district

Councilmember Caruso – Do we know the capacity of the catch basin that he is adding to the property? Can we quantify what improvement that would potentially bring the property.

Engineer Wise – Yeah, of course. I mean again but it's a 15-inch sewer. The area is small it has capacity.

Councilmember Koepke –Some of what I understand is they don't want the water drained from their property. and that's the fear with the catch basin is it will take the water they want there away.

Engineer Wise - I didn't take that from the conversations. And yeah their yard is grass.

Aenea Connors - It's not grass. It's not it's not grass.

Engineer Wise - And here's your yard yes is grass pretty much right to your back property line.

Aenea Connors - But here's the thing. The Army Corps Engineers doesn't say that just because our yard is grass doesn't mean we're not on a wetland. Because of the amount of water that we have in between our homes the amount of water there is in the spring, summer, fall, winter still it is identified as a wetland because of the amount of water we get back there. So just because at the lawn doesn't mean it's not part of a wetland.

Aenea Connors - Exactly I mean our children can't even play back there I mean a lot of the time we have to play in the front yard. Because of the wetland and the erosion that this construction is going to cause whether it be not having enough of the evergreens. Where he's proposed to do it. If he moved further back there's not as many 100 foot evergreens back there for him to disturb. And to potentially have trees fall on our house or our basement's flood or even Mr. Palguta's house. You know having settlement issues and flooding himself spending probably a million dollars for this house I mean Otero is a very you know a very well-known constructor. So I mean...

Mayor Hruby- When did you talk to the EPA?

Aenea Connors - I spoke with the EPA yesterday

Mayor Hruby - And today has the City been given any phone calls?

Engineer Wise – No.

Mayor Hruby - That you know of.

Engineer Wise - Nothing came to my office.

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Aenea Connors - he emailed he told me to keep him updated to tell him how the meeting went today because they do not have one. Not unless Mr. Palguta had one and I said I don't think they have one otherwise we wouldn't be at this point in the Council meeting. With the setback and the and the pipes and everything else that you know.

Mayor Hruby – Well, the jurisdiction falls with the EPA and with the Army Corps and they were the ones that would take the action. Not the city. That's not the City's responsibility. So my question would be to Gerry (Engineer Wise) you of course would make contact with them. Do you have the name of the person you spoke with please?

Aenea Connors - Yes, Keith Zenziak is his name.

Mayor Hruby - Okay.

Aenea Connors - But I also think that I don't know I feel that Mr. Palguta has cajoled myself and the Kemnas into believing that this was the right thing to do. Into, coming into our property to join that storm water easement. When that storm water easement was there for the Bristol Lane development homes. Not for another home that was not what that was intended for in 1990. right here when I have it 1994 when it was built. That's not what that was intended for and it would make perfect sense of why his other neighbor on the east side was asked to move further back.

Mayor Hruby - But you you've refused to give that easement correct?

Aenea Connors – Yes, four times.

Mayor Hruby - So no easement has been granted by you.

Aenea Connors – No, or the Kemnas. I feel he is cajoling us and

Mayor Hruby – Ma'am you've declined that and you've told him no so that's really not an issue

Aenea Connors – Yes.

Mayor Hruby - He's not using your property in any way, correct?

Aenea Connors - He is. To tie in the storm sewer it's on our property. It's our on ours and the Kemna's. Mayor Hruby - Even though it's on your property it's within the city easement is it not.

Aenea Connors - Yes but he's disturbing our land that's on our property.

Mayor Hruby – (Engineer Wise) answer that question.

Engineer Wise - It's a City of Brecksville storm sewer it's a maintained sewer by the city in a city easement. So again he doesn't have the right himself and that's why the city went out to get pricing. And again Otero, being the builder, did give the lowest price. But it would be the city would be hiring a contractor to extend the sewer to the property line. And then he would take **Councilmember Koepke** - it from there. Now most likely it is going to be the same contractor. But that is the we did get the I mean we have a we have pricing we went to them (Otero), J&J, who recently did work in the city, and Fabrizi who's done work in the city. And we've gotten prices from three contractors.

Councilmember Koepke – Gerry, (Engineer Wise) if I may ask. In order for a house to go on there. Because it has access to a sewer the EPA will require it to somehow tap in or will they allow a leeching bed.

Engineer Wise - This is not us, no this is not sanitary.

Councilmember Koepke - I'm sorry.

Engineer Wise - Again if they don't, that is the low point. So if they don't, there will be a sewer on their property. they will still build a house, there will be a sewer that then discharges daylight at the property line and then discharges overland to the same exact catch basin.

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Aenea Connors - there's also he can move further back and tie into the sentinel road as well.
Engineer Wise - The low point is still between sublots two and three. The topography brings the land that way and that's why that catch basin was put there as part of the subdivision improvements. Again, I know you do not want a house built behind you.

Aenea Connors - It's not that.

Dan Bender - The catch basin has already established.

Engineer Wise - It is there.

Dan Bender - Already tied in.

Engineer Wise - Yes.

Council President Harwood - to receive that.

Dan Bender - any disruption

Engineer Wise - No, the way the way this is going, if Council moves on this. he would be accessing it from their side. And again since it's 10 feet, there's a good chance that the excavator, again we cannot dictate his means and methods or safety. But there is a good chance his excavator, the body of his excavator would not even have to come on the property. They would just reach on the property with the boom.

Aenea Connors - But there's clearance that you sent me of all the forests and the trees that he's going to have to clear to get to that to that point.

Engineer Wise - as part of his house construction that is what he's proposing to clear.

Aenea Connors - Exactly. Which is why I felt that I had to you know speak for our neighbors on both sides of us. Because there's other locations for him to build on his property without having to get a permit to do so.

Councilmember Koepke - If I may. What you're asking here is what? Is it to maintain the amount of water that you currently have? To move the house that this has been established already as far as I can understand that he is allowed to build here until we are notified of something else right now this is the line. So if this sewer were to go in, am I reading that you're worried about the water, too much of it being drained from your property.

Aenea Connors - No, we're worried about the wetlands and it disturbing our property creating flooding and in between my neighbors.

Councilmember Koepke - More flooding than you have.

Aenea Connors - More flooding than we have. Potential trees falling potential trees falling on our lots.

Councilmember Koepke - And I understand that. But this is to put the water that you're worried about underground. That was the intention of putting this here

Aenea Connors - But the wetlands provide the absorption so that trees would not dry up and fall on our homes. Because I have two of them directly behind my home. So if he disturbs that erosion back there my trees don't get enough water, okay.

Councilmember Koepke - I understand

Aenea Connors - And then they fall on my yard or they die and then there's

Councilmember Koepke - Well I believe sure a part of this is to capture the excess water that will be from the area that the house will not be in. Right so what collects up on the roof what collects because there is no absorption area at that point. They need a place for that extra water to go which is why they need it to go underground instead of in your yard.

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Aenea Connors - But it's still affecting the waterways of the Army Corps and EPA because it goes in the streams where his storm water goes into. It goes, it's wetlands. I mean he's wherever he's dredging and all of that stuff construction it's got to go somewhere.

Mayor Hruby - Well obviously then I, if I may Madame Chairman. Obviously the EPA and or the Army Corps whichever the two it sounds like the Army Corps.

Aenea Connors - Yeah they both need them.

Mayor Hruby - All right. Well then it sounds like they're going to be taking action on this. Because you've notified them and they'll probably stop, in your opinion, you think they're going to stop the construction of this house.

Aenea Connors - Yes and I have an email if you don't mind me reading it from my neighbor because he got tied up at work because of the snowstorm yesterday.

Mayor Hruby - So, Gerry (Engineer Wise you'll need to follow up on that in the morning.

Councilmember Redinger - May I ask a question? Have you spoken to the gentleman who's building the house about the EPA and the Army Corps.

Aenea Connors - he has not. I have his information I texted him and since I texted him that we weren't agreeing I haven't heard anything from him

Councilmember Redinger - But did you if you just talked to them yesterday, have you shared the new information. You just talked to the Army Corps yesterday did you share that new information with him

Aenea Connors - With Mr. Palguta, no we're not on, I mean we're not on that speaking terms. because he wasn't even

Councilmember Redinger - No, I was just curious if you since you had new information if you tried to reach out to him.

Aenea Connors - Me? No, I haven't because I knew, this meeting was coming in

Councilmember Redinger - Thank you. Sorry.

Aenea Connors - Like I said, I took it upon myself to contact them because it did pertain to our property and my neighbor's property. Which we highly value and I know Brecksville values, you know, everybody's home as well and in the trees that are here. And I'd like to show you the pictures if you if you don't mind.

Council President Harwood - You know so Dan (Mr. Bender) you were at the Planning Commission public meeting.

Dan Bender - Right.

Council President Harwood - And so when that was all discussed for the setback, where the footprint is going to be based on the 200 feet. You were okay with that?

Dan Bender - Well I don't think, we weren't aware that we were allowed to go back further. Not in my backyard. But that as it was addressed that's the high point in the lot and that's why 200 feet was established. And I came to that meeting thought we'd have more of a holistic conversation about setback at the time of water and the trees. I brought up having a city arborist come out because there are a number of trees that are partially uprooted along the property line. So there's some concern about that as we start, as they go to the construction phase. So, it's you know, it's all interconnected. I guess you know the setback and the water and the trees so we just want to make sure when this happens you know I understand this is his property. When we bought our house our realtor said no one will ever build there. It's an unbuildable lot.

Aenea Connors - Same here. That those are wetlands.

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Dan Bender – That lot has been on and off the market. It's a bowling alley.

Aenea Connors - And I can see why Mr. Palguta may have thought that. Oh, uh I looked on you know the National Wetland Inventory and it's not my plot is not on there or whatnot. But the inventory after I read more into it and spoke with them, you know, that inventory is not intended for use for delineation. He had to have hired somebody to come in from the Army Corps Engineers to say, to test the soil, to test the plants, to test the types of animals we get back there. Because we do have endangered animals back there. We have hawks that go back there. We have plenty of birds. A number of things. We've seen bats back there. I don't know if they're Indiana Bats. But those are all plants, trees, animals, that are specific to wetlands. Whether it be marsh, forested or any of that sort.

Council President Harwood - So, what I think we'll do Gerry (Engineer Wise) is if you we can table it, can we, is everybody in? So if you table it, if you contact the appropriate authorities and have them rule on their stand on this issue with writing you know normally how we would close this. And then your neighbor if he, I'm sure he can come back.

Aenea Connors – Yeah, I have his email here. I mean he's agreeing with everything we're saying you know especially with knowing the Army Corps Engineers and the EPA and all of that stuff.

Council President Harwood - He'll, Gerry (Engineer Wise), will get back.

Aenea Connors - Well I mean he will get Federal and State violations for building on there if he doesn't get this delineation report. I mean the fines I think are believed anywhere from five thousand dollars and up. They may fine him and say hey you have to move this. So that's why we're trying to have this meeting so that maybe you should move further back so that you avoid these fines and fees or whatnot. Obviously Dan and I don't want to have a house behind our back our backyard. But when it pertains to our property and the amount of damage that it can cause to our property. Whether it be sinkholes. Whether it be flooding in our basements. Whether it be flooding and sinkholes on Mr. Palguta's home itself. It's very, very important that that he's aware of that.

Councilmember Caruso - The Army Corps of the EPA comes back and says where he wants to put the house in the best place. Would that change your perspective?

Aenea Connors – Well, we just don't want to, I mean if they did, which I don't think they will,

Councilmember Caruso – Just say they did.

Aenea Connors – Sure, I still would not agree with that because I don't think he's had. Here's the question is where I wrote it on here. Has he had that storm sewer rated and is it rated and to able to take that pass through

Council President Harwood – That will go through the Building Department. So everything that goes that the City Engineer does will be reviewed under the building permit.

Engineer Wise – It is a City storm sewer it has capacity to take it and he doesn't have to have it rated.

Aenea Connors - I didn't know if the city had that because it is another home because we see standing water down in that sewer between our three homes. So if there's another home is it gonna be like you know that's good yeah.

Council President Harwood - So, again we'll table it and then we will look into that and we will provide in writing to the resident's next steps.

Aenea Connors - yeah and that one picture I did show directly behind our home those where he would be excavating the these are my evergreens but these here directly behind ours and the Benders.

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Council President Harwood - Let us just let us take the first couple of steps okay when (Engineer Wise) gets his findings back.

Aenea Connors - I appreciate your time. Thank you so much.

Council President Harwood – Thank you.

Other Matters deemed appropriate

Motion to Adjourn at 7:36 PM

Motion made by Kingston, Seconded by Koepke.

Voting Yea: Carouse, Kingston, Koepke

COMMITTEE OF THE WHOLE

Call to Order at 7:36 PM

Roll Call

Present: Carouse, Caruso, Harwood, Kingston, Koepke, Redinger, Veras

Items for Consideration:

CoW 1. Committee Minutes 1-19-2021

Motion made by Harwood, Seconded by Carouse.

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

CoW 2. Public Records Training - Consideration of a motion appointing Clerk Tammy Tabor as Council's designee to complete training on Ohio's Public Records Act at least once per elected term.

Motion made by Harwood, Seconded by Redinger.

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

CoW 3. Executive Session - Executive Session - Convene an executive session regarding matters of real estate, Economic Development and the potential acquisition of real property. 7:43 PM

Motion made by Harwood, Seconded by Carouse.

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

Other Matters deemed appropriate

Motion to Adjourn at 8:05 PM

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Motion made by Harwood, Seconded by Carouse.

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