

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

HELD _____ September 7, 2021 _____

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Council was **CALLED TO ORDER** in Regular Session by Council President Harwood at 8:00 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: L. Carouse, Jr., D. Caruso, M. Harwood,
D. Kingston, A. Koepke, K. Veras.

ROLL CALL

Members Absent: L. Redinger.

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 Chief N. Zamiska, Police Chief S. Korinek,
Service Director R. Weidig, Myles Rapkin,
Council Clerk T. Tabor.

MINUTES OF THE AUGUST 17, 2021 REGULAR MEETING: Motion by Carouse, seconded by Veras, to dispense with the reading of the August 17, 2021 regular meeting minutes and to accept same as presented.
Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

REGULAR MEETING MINUTES OF 8-17-2021 APPROVED

RESOLUTION 5170 re: a Resolution confirming the appointment of Joseph Dwyer as Tree Warden for the City of Brecksville; and declaring an emergency, was read by title.

RES. 5170 APPOINT

Motion by Veras, seconded by Caruso, to suspend the rules and place Resolution 5170 on third and final reading.

JOSEPH DWYER AS TREE WARDEN

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.
Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Caruso, seconded by Carouse, to pass Resolution 5170.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.
Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Mayor Hruby said Joe Dwyer has been working with the City since January 1, 2020 and has extensive education and certifications. Mr. Dwyer has Bachelor of Science in Business Administration – Horticultural Science – from Lake Erie College, Associates Degree, Ohio Pesticide Commercial Applicator License. Mr. Dwyer also has memberships in the Golf Course Superintendents Association of America (“GCSAA”) - Superintendent Membership, Northern Ohio Golf Course Superintendents Association (“NOGCSA”) - Superintendent Membership, International Society of Arboriculture – Certified Arborist. Mr. Dwyer is also a TCA Certified Chainsaw Specialist, Certified Chipper Specialist and has a Class A CDL with combination and tanker endorsements.

COMMENTS AND OATH

Mr. Joseph Dwyer thanked Mayor and City Council for the opportunity to serve the City of Brecksville. Joe said he enjoys working in the City. Joe’s wife Leah and son Michael were present as Mayor Hruby administered the oath of office.

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RESOLUTION 5171 re: a Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer; and declaring an emergency, was read by title.

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

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Caruso, to pass Resolution 5171.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**RES. 5171
CERTIFY
AMOUNTS &
RATES TO
CUYAHOGA
COUNTY
FISCAL
OFFICER**

RESOLUTION 5172 re: 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; and declaring an emergency, was read by title.

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

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Caruso, to pass Resolution 5172.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**RES. 5172
REQUEST
ADVANCE
SUMS FROM
PROCEEDS OF
TAX LEVIES**

RESOLUTION 5173 re: a Resolution authorizing the Mayor to seek financial assistance from The Ohio Public Works Commission for the Miller Road Pavement Replacement Project; and declaring an emergency, was read by title.

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

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Caruso, to pass Resolution 5173.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**RES. 5173
AUTH MAYOR
TO REQUEST
FINANCIAL
ASSISTANCE
FROM OPWC
FOR MILLER
ROAD PVMT
REPLACE-
MENT
PROJECT**

RESOLUTION 5174 re: a Resolution accepting the proposal of Charles P. Braman & Co. for appraisal review services; and declaring an emergency, was read by title.

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

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Caruso, to pass Resolution 5174.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**RES. 5174
APPRAISAL
REVIEW
MILLER
ROAD
PAVEMENT
IMPROVE-
MENT
PROJECT**

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ORDINANCE 5175 re: a Resolution repealing Resolution No. 5160, authorizing the First Amendment to Lease Agreement between the City of Brecksville and the Brecksville-Broadview Heights City School District for Building 6 on Blossom Properties; and declaring an emergency, was read by title.

Motion by Veras, seconded by Caruso, to suspend the rules and place Ordinance 5175 on third and final reading.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Caruso, seconded by Carouse, to pass Ordinance 5175.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**ORD. 5175
REPEAL RES.
5160 AUTH
THE FIRST
AMENDMENT
TO LEASE
AGREEMENT
WITH
BBHCSD FOR
BLD NO. 6**

BOARD OF ZONING APPEALS: Councilmember Caruso reported the next meeting of the Board of Zoning Appeals will be Monday, September 13th at 7:30 P.M.

**ZONING
APPEALS**

PLANNING COMMISSION: Councilmember Harwood reported the next meeting of the Planning Commission will be September 9th at 7:00 P.M. The Planning Commission has one item to recommend to Council.

**PLANNING
COMMISSION**

SHERWIN WILLIAMS CO. DEVELOPMENT PLAN – 6701 MILLER ROAD - **PRELIMINARY** Development Plan approval for site layout, mass grading and building pads, construction trailer location, temporary fencing, Conditional Use approval for M-D District Use and a cafeteria on PP #604-08-008, 6701 Miller Road, Brecksville, Ohio as described in the application dated July 19, 2021 by The Sherwin Williams Company and contingent on approval of the City Engineer, City Arborist and City Council.

**SHERWIN
WILLIAMS
CO.
DEVELOP-
MENT PLAN –
6701 MILLER
ROAD
PRELIMIN-
ARY
DEVELOP-
MENT PLAN**

G000, A010, A011, A400, A401, A402, A403, A404 7/19/2021

C100, C300 September X, 2021

PG 6 STREAM CHANEL ALIGNMENT PLAN 7/16/2021

PG 1 OF 1 CONSOLIDATION & LOT SPLIT PLAT 10/5/2020

PGS 1 TO 6 ALTA/NSPS LAND TITLE SURVEY 4/20/2021

TEMP FENCE & SITE LOGISTICS PLAN 7/19/2021

INCL.CONSTRUCTION TRAILER LOCATIONS REV 8/16/2021

GEOTECHNICAL ENGINEERING REPORT COPY SUBMITTED April 14, 2021

Motion for passage by Harwood, seconded by Carouse.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

DEPARTMENT OF HUMAN SERVICES: Councilmember Veras reported the next meeting of the Human Services Advisory Board will be September 14th at 3:00 P.M. Taste of Italy. The Annual Lobsterfest will be on October 8th, tickets are available at the Human Services building.

**DEPT. OF
HUMAN
SERVICES**

TELECOMMUNICATIONS COMMISSION: Councilmember Carouse reported the Commission has a meeting scheduled for September 15th.

TELEC. COM.

SAFETY-SERVICE COMMITTEE: Councilmember Caruso reported the committee met earlier today and remind residents the Fire Department is holding a clam bake on September 11th. Mayor Hruby said ticket holders have an option of indoor or outdoor seating or take their meals to go.

**SAFETY-
SERVICE**

STREETS & SIDEWALKS COMMITTEE: Councilmember Carouse reported the committee met earlier today and has one item for Council consideration.

**STREETS &
SIDEWALKS**

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TRAFFIC CAMERAS - 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. **TRAFFIC CAMERAS**

Motion for passage by Carouse, seconded by Caruso.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

UTILITIES COMMITTEE: Councilmember Kingston reported the committee met earlier and has no items for Council. **UTILITIES COMMITTEE**

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

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. **PUBLIC SQUARE BANDSTAND REPAIR**

Motion for passage by Veras, seconded by Caruso.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

LEGISLATION COMMITTEE: Councilmember Koepke reported the committee met earlier today and has no items for Council consideration. **LEGISLATION COMMITTEE**

FINANCE COMMITTEE: Councilmember Carouse thanked Council for the passage of the legislation presented this evening. The Finance Committee has three items for Council consideration. **FINANCE COMMITTEE**

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. Account #240744 2102. **CENTER COURT TENNIS CLUB**

Motion for passage by Carouse, seconded by Caruso.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

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. **DAY CAMP TRANSPORTATION**

Motion for passage by Carouse, seconded by Caruso.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

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

Motion for passage by Carouse, seconded by Veras.

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

REPORT OF LAW DIRECTOR: No Report.

LAW

REPORT OF ENGINEER: No Report.

ENGINEER

REPORT OF FINANCE DIRECTOR: No Report.

FINANCE

REPORT OF BUILDING DEPARTMENT: C.B.O. Packard reported in August **BUILDING** the Building Department issued 98 permits with a valuation of over \$750,000.00 and the **DEPT.** total receipts collected of \$27,971.77.

REPORT OF SERVICE DIRECTOR: No Report.

SERVICE

REPORT OF PURCHASING DIRECTOR: No Report.

PURCHASING

REPORT OF POLICE DEPARTMENT: No Report.

POLICE

REPORT OF FIRE DEPARTMENT: Chief Zamiska said the Department has **FIRE** received a grant of \$454,500 for a rehab unit to be used for major events. The City's share of this purchase is \$1,466.00. Additional funding has been requested from the Fire Chief's Regional Grant.

REPORT OF THE MAYOR & RECREATION DEPARTMENT: Mayor Hruby **MAYOR** reported the swimming pools have closed for the season. The indoor pools will reopen after cleaning and maintenance. The recreation department is in need of lifeguards and staff to operate the pools. Mayor Hruby said he provided information on (8) pieces of equipment for the fitness center. The Brecksville Women's Club has dissolved after 72 years of service. The women's club made donations to the Brecksville Human Services Department and the Brecksville-Broadview Heights Scholl District. Document shredding will be available in the Muni Lot on September 18th. Donations for the Food Pantry are welcome at the shredding event. The Ohio Department of Transportation (ODOT), Office of Jobs & Commerce, has informed the City that the Miller Road Widening Project has been awarded a Grant in the amount of \$150,000 for construction costs in addition to the previous \$600,000.00 from the ODOT 629 Fund. Brecksville's IR 77 / Miller Road Interchange Project is included in the ODOT's Draft 2022-2025 Major New Construction Program List. Brecksville's project is included in the TRAC Tier I - Construction Commitments. More than 50% of the funding will come from TRAC. Engineer Wise has requested and the City has been awarded \$1,11,175.00 in grant funding from NEORS MCIP Grant for the Glenwood Trail.

COMMENTS: Sandy McNair, 8028 Pershing Dr. Mr. McNair would like to provide information regarding public hearing notices and new homes. Mr. McNair said he would like to bring attention to construction and public hearing notices. Mr. McNair said his street has 14 houses. Most are older modest homes.

The notices to surrounding residents are sent 5 days before the meeting. Mr. McNair was out of town and did not receive the notice until after the meeting had taken place. Mr. McNair suggested 15 days would allow for the notice to be forwarded to his location. Mr. McNair

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said the notices are defective in that his wife is a co-owner of the property but was not sent a notification. Mr. McNair said he spoke with a County Representative and was advised the City's employee overlooked the correct page listing all of the property owners. Mr. McNair said he believes the City is substantially "Built Out". Mr. McNair said the City of Brecksville is a wonderful community. Some people are buying small homes and demolishing them to build larger homes or add on to existing homes. Mr. McNair said the large homes are out of proportion with the neighborhood. Mr. McNair said he believes the city should require smaller homes to provide affordable housing.

Mayor Hruby said he believes 15 day prior notice is reasonable. Mayor Hruby said he will talk with the Building Commissioner regarding the timing and addressing of mailed notices. Mayor Hruby said he agrees that most of the homes being built are very large, builders are building what the market is requesting. Mayor Hruby said the Design & Construction Review Board had not met for several years. However there have been (2) meetings that have requested review of properties, both on Pershing Dr. Mayor Hruby said he believes the issue should be referred to the Legislation Committee for discussion.

Adam Diem, 8653 Hollis Lane said he came to chastise the City because he is frustrated. He rides his bike 7,000 – 10,000 miles a year. Safe roads are a priority of his. Some of the deficits in the City he would like brought to Council's attention. Vehicles are supposed to allow (3) feet for vehicles passing bicycles on the roadway, cyclists must obey traffic laws, drivers and cyclists don't always obey the laws. Mr. Diem said he does not know and does not care why there is a lack of infrastructure. Mr. Diem appreciated talking with Councilmember Carouse regarding the lack of infrastructure and address possible changes. Mr. Diem want to work with the City to eliminate the deficits. Mr. Diem said on Riverview Road as you travel toward Boston Township. As soon as you exit Brecksville there is a white line with 2-3 feet of pavement. When travelling the opposite direction into Brecksville, the white line extends all the way to the grass with no place for bicycles to ride. After Vaughn Road there is a bike lane going up the very steep hill. In Summit County there are signs reminding drivers to "share the road", "Cyclists obey traffic laws". Mr. Diem only knows of (3) locations in Brecksville to alert drivers of cycles. On Snowville, SR 82 at Brecksville Metroparks, and near old station cycle. Mr. Diem advocated for these signs to be installed and Chief Goodrich was able to get those installed. The third location is on Riverview Road, where there is a dedicated bike lane up and down the steep descent. Mr. Diem said he wants to work for a change. The City could immediately use heat maps that show the most popular roads for cycling. A committee formed for cyclist and pedestrian safety. With distracted driving this is a very important issue. Mr. Diem would also like the City invest in a bike patrol within the Police Department

Mayor Hruby said he spoke earlier regarding a meeting with Office Krzynowek and the school to create traffic lanes and determine how the public reacts to the changes. Police Chief Korinek, Mayor Hruby and the School Superintendent continue to work on traffic issues at the school. Signage has been discussed and more will be added around the community. Mayor Hruby said "Bike Patrol" has been discussed before and will continue to be considered. Mayor Hruby said he was unaware of "Heat Maps" and would be interested in seeing that. Mayor Hruby said when the City is notified of an incident like this, the City looks into it, analyze it and not over react.

Councilmember Koepke said she has heard comments about bikes not being ridden on the edge of the road. Councilmember Koepke is working toward a certification for the Safe Routes to School. Councilmember Koepke asked if bikes are permitted to ride in the middle of the road. Mr. Diem said bikes are allowed to use the entire lane when it is not safe to ride at the right side of the road. Mr. Diem said there are parts of SR 82 that the surface of the road does not permit riding on the right side. Police Chief Korinek said the law states that "bicycles should be operated on roadway, shall ride as near to the right side of the roadway as practical obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction." Councilmember Koepke said operators of vehicles do not always understand those laws.

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P.M.

Motion by Harwood, seconded by Carouse, to adjourn the regular meeting at 8:57

Ayes: Carouse, Caruso, Harwood, Kingston, Koepke, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL