

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

May 21, 2019

HELD _____

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Council was **CALLED TO ORDER** in Regular Session by Council President Mike 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: G. Broski, L. Carouse, Jr., M. Harwood, J. Petsche,
D. Rose, 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 Lt. Lenarth, Police Chief W. Goodrich,
Recreation Director T. Tupa, Service Director
R. Weidig, Council Clerk T. Tabor.

MINUTES OF THE MAY 7, 2019 REGULAR MEETING: Motion by Carouse, seconded by Petsche to dispense with the reading of the May 7, 2019 regular meeting minutes and to accept same as presented.

REGULAR MEETING MINUTES OF 5-7-2019 APPROVED

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Mayor Hruby commended Hannah Bach, a senior on the Brecksville-Broadview Heights High School Women's Swim Team. Hannah broke the OHSA Division I record in the 100 yard breaststroke with a time of 59.29. The Division I record setting time was the third best in the country, less than a second off the national record. Mayor Hruby congratulated Hannah on receiving a scholarship to the Ohio State University and swimming for the Buckeyes swim team in the fall.

PROCLAMATION BBHHS STATE SWIM CHAMPION HANNAH BACH

Mayor Hruby introduced Robotics Club Advisor & Teacher Craig Kowatch. Mr. Kowatch introduced the members of the 2019 Brecksville-Broadview Heights High School Robotics Teams which came home from the VEX Robotics World Championships in Louisville, Kentucky with an "Excellence Award". In February, teams 2011C and 2011F were crowned the Ohio VEX State Robotics Champions in Columbus and then moved on to Louisville. The Bees have had teams qualify for the VEX World Robotics Championships for five straight years. They are only one of three organizations in the world to qualify five teams and there are more than 24,000 teams in the world.

PROCLAMATION BBHHS ROBOTICS CLUB CHAMPIONS

Members of the Brecksville Broadview Heights Wrestling Team were in attendance. Senior Mark Regalbuto spoke on behalf of the members of the wrestling team. Mayor Hruby congratulated the team for finishing the season in fourth place at the state finals at Ohio State.

PROCLAMATION BBHHS WRESTLING

RESOLUTION 4947 re: a Resolution accepting the proposal of Squire Patton Boggs LLP to provide professional services as Special Counsel to the City of Brecksville for the redevelopment of the Valor Acres property as set forth herein; and declaring an emergency, was read by title.

RES. 4947 ACCEPT PROPOSAL OF SQUIRE PATTON BOGGS LLP AS SPECIAL COUNSEL FOR VALOR ACRES DEVELOPMENT

Motion by Broski, seconded by Veras, to suspend the rules and place Resolution 4947 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Rose, seconded by Carouse, to pass Resolution 4947.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

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RESOLUTION 4948 re: a Resolution accepting the proposal of Professional Service Industries, Inc. for construction materials testing and special inspection services for the New Aquatics Center Project; and declaring an emergency, was read by title.

Motion by Veras, seconded by Broski, to suspend the rules and place Resolution 4948 on third and final reading.

Ayes: Broski, Carouse, Harwood, Petscher, Rose, Veras.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Rose, to pass Resolution 4948.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

RES. 4948

**ACCEPT
PROPOSAL OF
PROFESSION-
AL SERVICE
INDUSTRIES
FOR TESTING
AND INSPECT
FOR THE NEW
AQUATICS
FACILITY
PROJECT**

RESOLUTION 4949 re: a Resolution accepting the proposal of Euthenics, Inc. to complete and submit the Transportation Review Advisory Council (TRAC) application for the Miller Road/I-77 Interchange; and declaring an emergency, was read by title.

Motion by Broski, seconded by Veras, to suspend the rules and place Resolution 4881 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Broski, to pass Resolution 4949.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

RES. 4949

**ACCEPTING
PROPOSAL OF
EUTHENICS,
INC. TO
SUBMIT A
TRAC APP.
FOR THE
MILLER RD/I-
77 INTER-
CHANGE**

ORDINANCE 5244 re: an Ordinance accepting the bid of Seitz Builders, Inc. for the New Aquatics Center Project; and declaring an emergency, was read by title.

Motion by Veras, seconded by Broski, to suspend the rules and place Ordinance 5244 on third and final reading.

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

Abstain: Rose.

Nays: None.

MOTION CARRIED 5-AYES, 1-ABSTAIN, 0-NAYS.

Motion by Carouse, seconded by Rose, to pass Ordinance 5244.

Ayes: Broski, Carouse, Harwood, Veras.

Abstain: Petsche, Rose.

Nays: None.

MOTION CARRIED 4-AYES, 2-ABSTAIN, 0-NAYS.

ORD. 5244

**ACCEPT THE
BID OF SEITZ
BUILDERS
FOR THE
AQUATICS
CENTER
PROJECT**

Councilmember Rose advised the members of Council that because a partner in Councilmember Rose's law firm represents Seitz Builders on legal matters, he abstained.

ORDINANCE 5245 re: an Ordinance to amend Ordinance No. 5220, making appropriations for current expenses of the City of Brecksville incurred during the fiscal year ending December 31, 2019, making necessary appropriation and revenue adjustments; and declaring an emergency, was read by title.

Motion by Broski, seconded by Veras, to suspend the rules and place Ordinance 5245 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Rose, to pass Ordinance 5245.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

ORD. 5245

**AMENDING
ORD. 5220
MAKING
APPROPRIA-
TIONS FOR
THE FISCAL
YEAR ENDING
12-31-2019**

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ORDINANCE 5246 re: an Ordinance authorizing the Mayor to enter into a Superion Solutions agreement with Superion LLC for license and/or access to certain Superion Solutions and professional services related thereto; and declaring an emergency, was read by title.

Motion by Broski, seconded by Veras, to suspend the rules and place Ordinance 5246 on third and final reading.

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

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Rose, to pass Ordinance 5246.

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

MOTION CARRIED 6-AYES, 0-NAYS.

**ORD. 5246
AUTH. AN
AGREEMENT
WITH
SUPERION
SOLUTIONS
FOR
COMPUTER
SOFTWARE
AND
PROFESSION-
AL SERVICES.**

BOARD OF ZONING APPEALS: Councilmember Rose reported the next meeting of the Board of Zoning Appeals will be Monday, June 10th at 7:30 P.M. The Board of Zoning Appeals has seven (7) items for Council consideration. Councilmember Rose commented that the process for reviewing and hearing appeals has been working very well for hearing public comments and concerns. Councilmember Petsche said he feels the Board of Zoning Appeals and Councilmember Rose are providing fantastic work looking after the City.

**BD. OF
ZONING
APPEALS**

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Rose, seconded by Veras, to accept the recommendation of the Board of Zoning Appeals for approval of (1) a variance from Section 1151.25(d)(1) maximum 660 sq. ft., to allow 2448 sq. ft., and (2) a variance from Section 1181.11(b) 15 ft. maximum building height to allow 17.5 ft. height for the construction of a detached garage located at 8424 Whitewood Road, PP# 601-16-006.

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

MOTION CARRIED 6-AYES, 0-NAYS.

**VAR. 2019-07
HEIGHT AND
SIZE OF A
DETACHED
GARAGE 8424
WHITEWOOD
RD.**

Motion by Rose, seconded by Veras, to accept the recommendation of the Board of Zoning Appeals for approval of (1) a variance from Section 1151.24 of 33.4 ft. from the minimum required 80 ft. rear yard setback to allow 46.6 ft., and (2) a variance from Section 1119.09(d) not to install the required public sidewalks until such time that the City deems appropriate, for the construction of a single family dwelling located at 8745 Riverview Road, PP# 602-28-001.

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

MOTION CARRIED 6-AYES, 0-NAYS.

**VAR. 2019-12
REAR YARD
SETBACK
AND PUBLIC
SIDEWALK
REQUIRE-
MENT AT 8745
RIVERVIEW
ROAD**

Motion by Rose, seconded by Veras, to accept the recommendation of the Board of Zoning Appeals for approval for a variance from Section 1151.26(2) to allow a children's playset in the front yard 42 ft. from the right-of-way, instead of the permitted rear yard on a non-conforming corner lot located at 6826 Hilton Road, PP# 601-17-005.

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

MOTION CARRIED 6-AYES, 0-NAYS.

**VAR. 2019-13
FRONT YARD
PLAY YARD
6826 HILTON
ROAD**

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Motion by Rose, seconded by Veras, to accept the recommendation of the Board of Zoning Appeals for approval for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft, to allow 5.5 ft, and (2) a variance from Section 1185.03(a) fences not allowed in the front yard, to allow a driveway gate in front of the building line located at 6600 Wallings Road and 6610 Wallings Road, PP# 601-06-067 and PP# 601-06-066.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**VAR. 2019-14
FENCE
HEIGHT &
LOCATION
6600 & 6610
WALLINGS
ROAD**

Motion by Rose, seconded by Veras, to accept the recommendation of the Board of Zoning Appeals for approval for a variance from Section 1185.03(b) to allow a 4 ft. ornamental fence in front of the building line on a corner lot as shown on the drawing dated April 25, 2019, (not allowed) located at 9456 Greystone Parkway, PP# 603-20-064.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**VAR. 2019-15
FRONT YARD
FENCE 9456
GREYSTONE
PKWY.**

Motion by Rose, seconded by Veras, to accept the recommendation of the Board of Zoning Appeals for approval for (1) a variance from Section 1185.03(a), maximum fence height of 4 ft. to allow a replacement of an existing 6 ft. high fence and (2) a variance from Section 1185.02(d) to install a replacement of an existing solid board type fence instead of the permitted types of fence located at 11805 Chippewa Road, PP# 602-13-024.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**VAR. 2019-16
REPLACE
FENCE
HEIGHT &
TYPE 11805
CHIPPEWA
ROAD**

Motion by Rose, seconded by Veras, to accept the recommendation of the Board of Zoning Appeals for approval for a variance from Section 1185.03(a) fences not allowed in the front yard, to allow a driveway gate to be installed in the front yard, located at 9416 Brecksville Road, PP# 603-16-015.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

**VAR. 2019-17
DRIVEWAY
GATE 9416
BRECKS-
VILLE ROAD**

PLANNING COMMISSION: Councilmember Harwood reported the next meeting of the Planning Commission will be May 23rd at 7:00 P.M.

**PLANNING
COMMISSION**

RECREATION COMMISSION: Councilmember Carouse on behalf of Councilmember Redinger. The Recreation Committee met on May 20th and were provided with an update on the New Aquatic Center Facility and activities proposed for the summer.

**RECREATION
COMMISSION**

DEPARTMENT OF HUMAN SERVICES: Council Representative Veras reported the next meeting of the Human Services Advisory Board will be June 12th at 3:00 P.M. Human Services Director Paciorek reported the collection of 140 boxes of food, totaling over a ton of donations for the food pantry. Safety Day was a success, several hundred people visiting the vendors. Tickets are being sold for the Taste of Brecksville to be held on June 20th. The Human Services Center hosted the Senior Volunteer luncheon today honoring two outstanding volunteers.

**DEPT. OF
HUMAN
SERVICES**

TELECOMMUNICATIONS COMMISSION: No Report.

TELEC. COM.

SAFETY-SERVICE COMMITTEE: Councilmember Carouse reported the committee met earlier today and has one item for Council consideration.

**SAFETY-
SERVICE**

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Motion by Carouse, seconded by Broski to authorize an increase to Blanket Purchase order #BL191119 in the amount of \$5,975.00 for the 2019 Tree City Event Expenses. **TREE CITY EXPENSE P.O. INCREASE**

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

STREETS & SIDEWALKS COMMITTEE: Councilmember Broski thanked Council for approving Euthenics application for a grant for the Miller Road/I-77 Interchange project. The committee discussed the CATTS Construction Change Order No. 8. The item was tabled until the next meeting of City Council. **STREETS & SIDEWALKS**

UTILITIES COMMITTEE: Councilmember Petsche reported the committee met earlier and discussed erosion along Chippewa Creek and standing water in a resident's yard. Councilmember Petsche said the items are both on private property, and no further action is required by the City. **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**

Motion by Veras, seconded by Broski, to approve a Purchase Requisition to Wichert Insurance in the amount of \$9,874.00 for the annual premium on Builder's Risk Insurance coverage for the New Aquatics Center Project. . *Account #C492710 3201 Project #BD160001.* **AQUATIC CENTER BUILDER'S RISK INSUR. WICHERT**

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

LEGISLATION COMMITTEE: No Report.

LEGISLATION COMMITTEE

FINANCE COMMITTEE: Councilmember Carouse thanked Council on behalf of Councilmember Redinger for the passage of the legislation presented this evening. **FINANCE COMMITTEE**

Motion by Carouse, seconded by Petsche, to authorize a 36-month agreement with IGS Energy for the supply of electricity to the Community Center & Human Services buildings beginning January 1, 2020. **IGS ENERGY AGREEMENT FOR COMM. & HUMAN SERV. CENTER**

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Petsche, to accept the proposal of Wichert Insurance policies for Property, Inland Marine, Auto, General Liability, Boiler & Machinery, Public Officials & Employment Practices, Crime, Cyber and Umbrella and authorize a purchase requisition in the amount of \$181,720.00. *Account #110150 2104.* **MUNICIPAL INSURANCE POLICY RENEWAL WITH WICHERT INSURANCE**

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Carouse, seconded by Petsche, to accept the proposal of Custis Insurance for a renewal of the Law Enforcement Liability policy and authorize amount of \$13,201.00 and approve a purchase requisition in the amount of \$13,201.00. *Account #110150 2104.* **LAW ENFORC. LIABILITY POLICY RENEWAL WITH CUSTIS INSURANCE**

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

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REPORT OF LAW DIRECTOR: Law Director Matty asked Council Clerk Tabor to review the vote on Ordinance 5244. Clerk Tabor confirmed: The vote to suspend the three reading rule: 5- Ayes: Broski, Carouse, Harwood, Petsche, Veras & 1- Abstain: Rose. Law Director Matty asked that any Councilmember abstaining on a legislative item in the future, please notify him in advance. Councilmember Rose advised Law Director Matty that he would abstain and received no notification from Councilmember Petsche. Law Director Matty advised Councilmember Petsche that he may not vote to suspend the rules to forgo the three readings of the proposed legislation and then abstain from the vote on that same matter. Law Director Matty asked Council to reconsider the vote to suspend the rules on Ordinance No. 5244.

**LAW
DIRECTOR**

Motion by Carouse, seconded by Broski to reconsider the vote to suspend the rules on Ordinance no. 5244.

Ayes: Broski, Carouse, Harwood, Veras.

Nays: Petsche, Rose.

MOTION CARRIED 4-AYES, 2-ABSTAIN, 0-NAYS

**MOTION TO
RECONSIDER
RULE
SUSPENSION
ORD 5244**

Motion by Carouse, seconded by Broski, to suspend the rules and place Ordinance 5244 on third and final reading.

Ayes: Broski, Carouse, Harwood, Veras.

Abstain: Petsche, Rose.

Nays: None.

MOTION DENIED 4-AYES, 2-ABSTAIN, 0-NAYS.

**ORD 5244
ACCEPT BID
OF SEITZ
BLDS.
SUSPENSION
OF RULES**

REPORT OF ENGINEER: No Report

ENGINEER

REPORT OF FINANCE DIRECTOR: No Report

FINANCE

REPORT OF BUILDING DEPARTMENT: No Report

BUILD DEPT.

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 SERVICE DIRECTOR: No Report

SERVICE

REPORT OF THE MAYOR: Mayor Hruby thanked the Service Department and Department of Human Services for the successful document shredding event. The Memorial Day Parade will be held May 27th beginning at 10:30 A.M. A Fire Department & Police Department Honor Guard will be part of the event this year. The Robotics club and the Human Services Volunteers will be carrying the flag in the parade. Board of Education members will be riding in the new Fire Truck and members of Council will be riding in vehicles.

MAYOR

COMMENTS:

BRECKSVILLE BROADVIEW HEIGHTS STUDENTS: The following Brecksville Broadview Heights students were in attendance: Shane Recine and Cassidy McCallion.

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Motion by Harwood, seconded by Broski., to adjourn the regular meeting at 8:55 **ADJOURN**
P.M.
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL