

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

HELD September 21, 2021

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Council was **CALLED TO ORDER** in Regular Session by Council President **CALL TO ORDER**
Harwood at 8:00 P.M. in Ralph W. Biggs Council Chambers.

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

Members Present: D. Caruso, M. Harwood, D. Kingston, A. Koepke,
L. Redinger, K. Veras. **ROLL CALL**

Members Absent: L. Carouse, Jr.,

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 SEPTEMBER 7, 2021 REGULAR MEETING: Motion by **REGULAR**
Kingston, seconded by Caruso, to dispense with the reading of the September 7, 2021 regular **MEETING**
meeting minutes and to accept same as presented. **MINUTES OF**
9-7-2021
APPROVED

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

Nays: None.

Abstain: Redinger.

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

ORDINANCE 5432 re: an Ordinance to amend Ordinance No. 5377, making **ORD. 5432**
appropriations for current expenses of the City of Brecksville during the fiscal year ending **APPROPRIA-**
December 31, 2021, making necessary appropriation and revenue adjustments; and declaring **TIONS**
an emergency, was read by title.

Motion by Veras, seconded by Caruso, to suspend the rules and place Ordinance 5432
on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5432.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

ORDINANCE 5433 re: an Ordinance amending Chapter 1187 of the Planning And **ORD. 5433**
Zoning Code to update Sign Regulation; and declaring an emergency, was read by title. **AMEND**

Motion by Veras, seconded by Caruso, to suspend the rules and place Ordinance 5433 **CHAPTER**
on third and final reading. **1187 OF THE**
PLANNING 7
ZONING
CODE TO
UPDATE THE
SIGN
REGULATION

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Caruso, to pass Ordinance 5433.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

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- ORDINANCE 5434 re:** an Ordinance amending Ordinance Nos. 4550, 4665, 4741, 4816, 4967, 5142 AND 5276 to provide a new retainer and rate schedule for the services of Donald G. Bohning and Associates as consulting Engineers and Gerald M. Wise as the City Engineer; and declaring an emergency, was read by title. **ORD. 5434 AMEND RETAINER & RATE SCHEDULE FOR DONALD G BOHNING & ASSOCIATES**
- Motion by Veras, seconded by Caruso, to suspend the rules and place Ordinance 5434 on third and final reading.
- Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras.
Nays: None.
- MOTION CARRIED 6-AYES, 0-NAYS.**
- Motion by Redinger, seconded by Caruso, to pass Ordinance 5234.
- Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras.
Nays: None.
- MOTION CARRIED 6-AYES, 0-NAYS.**
- ORDINANCE 5435 re:** an Ordinance authorizing the Mayor to enter into a Jobs and Commerce Economic Development Agreement with the State of Ohio and Department of Transportation to accept additional funding from Jobs and Commerce; and declaring an emergency, was read by title. **ORD. 5435 ACCEPT FUNDING FROM JOBS & COMMERCE ECONOMIC DEVELOPMENT AGREEMENT**
- Motion by Veras, seconded by Caruso, to suspend the rules and place Ordinance 5435 on third and final reading.
- Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras.
Nays: None.
- MOTION CARRIED 6-AYES, 0-NAYS.**
- Motion by Redinger, seconded by Caruso, to pass Ordinance 5235.
- Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras.
Nays: None.
- MOTION CARRIED 6-AYES, 0-NAYS.**
- ORDINANCE 5436 re:** an Ordinance authorizing the purchase of ammunition for use by the Police Department from Vance's Law Enforcement and Kiesler Police Supply through the State of Ohio, Department of Administrative Services Purchasing Program; and declaring an emergency, was read by title. **ORD. 5436 POLICE DEPT. AMMUNITION PURCHASE**
- Motion by Veras, seconded by Caruso, to suspend the rules and place Ordinance 5436 on third and final reading.
- Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras.
Nays: None.
- MOTION CARRIED 6-AYES, 0-NAYS.**
- Motion by Redinger, seconded by Carouse, to pass Ordinance 5236.
- Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras.
Nays: None.
- MOTION CARRIED 6-AYES, 0-NAYS.**
- ORDINANCE 5437 re:** an Ordinance authorizing the destruction of IT and communication equipment no longer needed for a municipal purpose; and declaring an emergency, was read by title. **ORD. 5437 DESTRUCTION OF IT AND COMMUNICATION EQUIPMENT**
- Motion by Veras, seconded by Caruso, to suspend the rules and place Ordinance 5437 on third and final reading.
- Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras.
Nays: None.
- MOTION CARRIED 6-AYES, 0-NAYS.**
- Motion by Redinger, seconded by Caruso, to pass Ordinance 5237.
- Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras.
Nays: None.
- MOTION CARRIED 6-AYES, 0-NAYS.**

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ORDINANCE 5438 re: an Ordinance authorizing the recycle of an E-Poke Salt Spreader no longer needed for municipal purposes; and declaring an emergency, was read by title. **ORD. 5438 RECYCLE OF E-POKE SALT SPREADER**

Motion by Veras, seconded by Caruso, to suspend the rules and place Ordinance 5438 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Caruso, to pass Ordinance 5238.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

ORDINANCE 5439 re: an Ordinance authorizing the Mayor to enter into a Real Estate Agreement No. 36693 with the Ohio Department of Transportation to append a previously signed LPA Agreement; and declaring an emergency, was read by title. **ORD. 5439 REAL ESTATE AGREEMENT 36693 WITH**

Motion by Veras, seconded by Caruso, to suspend the rules and place Ordinance 5439 on third and final reading. **ODOT TO APPEND A PREVIOUSLY SIGNED LPA AGREEMENT**

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Caruso, to pass Ordinance 5239.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

RESOLUTION 5176 re: a Resolution accepting the proposal of Makovich & Pusti Architects, Inc. for architectural engineering services for the Brecksville Maintenance Garage Project; and declaring an emergency, was read by title. **RES. 5176 PROPOSAL OF MAKOVICH & PUSTI FOR ARCHITECT. & ENGINEER SERVICES FOR MAINT. GARAGE PROJECT**

Motion by Veras, seconded by Caruso, to suspend the rules and place Resolution 5176 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Caruso, to pass Resolution 5176.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

RESOLUTION 5177 re: a Resolution making necessary transfers between certain funds for the fiscal year ending December 31, 2021; and declaring an emergency, was read by title. **RES. 5177 FUND TRANSFERS**

Motion by Veras, seconded by Caruso, to suspend the rules and place Resolution 5177 on third and final reading.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Redinger, seconded by Caruso, to pass Resolution 5177.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

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RESOLUTION 5178 re: a Resolution accepting an easement for installation and maintenance of a water main over property owned by Millside Shopping Center, LLC and known as PPN 601-35-003; and declaring an emergency, was read by title. Motion by Veras, seconded by Caruso, to suspend the rules and place Resolution 5178 on third and final reading. Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS. Motion by Redinger, seconded by Caruso, to pass Resolution 5178. Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS.	RES. 5178 ACCEPT EASEMENT FOR WATER MAIN FOR PP# 601-35-003
RESOLUTION 5179 re: a Resolution accepting an easement for installation and maintenance of a water main over property owned by TRC Brecksville Investors, LTD and known as PPN 601-35-027; and declaring an emergency, was read by title. Motion by Veras, seconded by Caruso, to suspend the rules and place Resolution 5179 on third and final reading. Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS. Motion by Redinger, seconded by Caruso, to pass Resolution 5179. Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS.	RES. 5179 ACCEPT EASEMENT FOR WATER MAIN FOR PP# 601-35-027
RESOLUTION 5180 re: a Resolution authorizing the Mayor to enter into a release with CertainTeed to resolve a claim regarding the roof of the Brecksville Fire Station; and declaring an emergency, was read by title. Motion by Veras, seconded by Caruso, to suspend the rules and place Resolution 5180 on third and final reading. Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS. Motion by Redinger, seconded by Caruso, to pass Resolution 5180. Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS.	RES. 5180 RELEASE AGREEMENT WITH CERTAIN- TEED FOR A CLAIM FOR THE FIRE STATION ROOF
BOARD OF ZONING APPEALS: Councilmember Caruso reported the next meeting of the Board of Zoning Appeals will be Monday, February 10th at 7:30 P.M.	BD. OF ZONING APPEALS
APPEAL 2021-36 (Tabled from August 9, 2021 Meeting) Approval for (1) a variance from Section 1151.24 from the minimum required 80 rear yard setback to allow 70 ft., and (2) a variance from Section 1151.24 a minimum 30 ft. total side yards required to allow 19.8 ft. for the construction of a rear yard addition located at 10946 Tanager Trail, PP# 602-06-006. Motion by Caruso, seconded by Redinger. Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras. Nays: None. MOTION CARRIED 6-AYES, 0-NAYS.	APP. 2021-36 10946 TANAGER TR. PP #602-06-006 ADDITION SET BACKS

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APPEAL 2021-35 Approval for a variance from Section 1151.06(f)(3) to allow a chicken coop to be 30 ft. from the side lot line, and 29.5 ft. from the rear lot line, instead of the minimum required 40 ft. from all residential lot lines located at 7535 Bristol Lane, PP# 604-03-065. **APP. 2021-35 CHICKEN COOP SETBACK 7535 BRISTOL LN. PP# 604-03-065**

Motion by Caruso, seconded by Redinger.
Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS.

APPEAL 2021-40 Approval for (1) a variance from Section 1326.02 to allow a generator in the side yard instead of the rear yard as required by code, and (2) a variance from Section 1326.01, to allow an air conditioner in the front 50% of the side of the dwelling, and (3) a variance from Section 1119.09(b), maximum 20 ft. driveway width to allow a 62 ft. x 58 ft. pad, and (4) a variance from Section 1151.23(a) maximum 317.6 ft. front yard setback to allow 327.4 ft. for a new single family dwelling located at 8524 Wiese Road, PP# 602-09-058. **APPEAL 2021-40 SIDE YARD GENERATOR 8524 WIESE ROAD PP# 602-09-058**

Motion by Caruso, seconded by Redinger.
Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS

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

MARC'S 7510 CHIPPEWA ROAD WALL SIGN – Approval of a 28.61 sq. ft. externally illuminated, wall sign for Marc's at Brecksville Town Center, 7510 Chippewa Road, Brecksville, Ohio as described in the application dated August 26, 2021, as shown in the attached renderings by Archer Sign dated July 5, 2021 and contingent on approval by City Council including the following deviations: **MARC'S 7510 CHIPPEWA ROAD WALL SIGN**

1. A deviation from Section 1187.09(c) maximum number of five signs per unit from the permitted one sign per unit to permit six signs per unit. /
2. A deviation from Section 1187.09(c) maximum size of a single face area per building unit of 57 sq. ft. from the permitted 208 sq. ft. to permit 265 sq. ft.

Motion by Harwood, seconded by Veras.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

PROPOSED REVISIONS, SECTION 1187, BRECKSVILLE SIGN REGULATIONS Approval of proposed revisions to Section 1187 of the Brecksville Zoning Code, dated April 5, 2021, subject to approval by City Council. **PROPOSED REVISIONS, SECTION 1187, BRECKSVILLE SIGN REGULATION**

Motion by Harwood, seconded by Koepke.
Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, Veras.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS.

RECREATION COMMISSION: Councilmember Redinger reported the next meeting of the Recreation Commission will be September 27th. At the August meeting all members were present and all recreation departments were represented. The recent appointees Nicholas Hanna and Andie Lazaridis were introduced to the members.

DEPARTMENT OF HUMAN SERVICES: Councilmember Veras reported The Taste of Italy will be held Friday, September 24th, with proceeds from the event going to the Honor Tree. Flu shots will be offered on October 4th from 10:00 AM - 12:00 Noon at the Human Services Center, please call Human Services to schedule an appointment. Ted Lux

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will give a talk on Gas & Electric bills on September 30th in the Gathering Room. Lobsterfest will be held as a grab and go event on October 8th, purchase your tickets through the Human Services Center. During the City's Shredding event (2) full trucks of food and \$575.00 was collected for the food pantry. The next meeting of the Advisory Board will be October 12th at 3:00 PM.

TELECOMMUNICATIONS COMMISSION: Telecommunications Committee **TELEC. COM.** met on September 15th, no further report.

SAFETY-SERVICE COMMITTEE: Councilmember Caruso reported the **SAFETY-SERVICE** committee met earlier today and has (2) additional items for Council consideration.

Taser Cartridges - Motion recommending to Council approval of a Purchase Requisition **TASER** to Axon Enterprise, Inc. in the amount of \$4,121.00. The cartridges will be required for re- **CARTRIDGES** certification training. Account #110210 2501.

Motion by Caruso, seconded by Kingston.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Police Body Armor - Consideration of a motion recommending to Council approval of a **POLICE BODY** Purchase Requisition in the amount of \$14,056.00 for the purchase of Body Armor for use **ARMOR** by the Police Department. Account #110210 2501

Motion by Caruso, seconded by Redinger.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

STREETS & SIDEWALKS COMMITTEE: Councilmember Kingston, for **STREETS &** Councilmember Carouse, reported the committee met earlier today and has no additional **SIDEWALKS** items for Council consideration.

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

BUILDINGS & GROUNDS COMMITTEE: Councilmember Veras reported the **BUILDINGS &** Buildings & Grounds Committee met earlier this evening and has (2) items for Council **GROUNDS** consideration. **COMMITTEE**

Bleacher Repairs - Motion recommending to Council approval of a Purchase Requisition **BASEBALL** to Concrete Works in the amount of \$9,875.00 for Bleacher Replacement Pads for Baseball **FIELD A & B** Fields A & B. Account #C241710 3102 **BLEACHER**

Motion by Veras, seconded by Redinger.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Fall Trees - Consideration of a motion recommending to Council approval of a Blanket **FALL TREE** Vendor Purchase Requisition in the amount of \$19,093.00 for the purchase of (114) new and **PURCHASE** replacement trees. Account #252530 2201 to be charged \$14,879.00 Account #110171 2205 to be charged \$4,214.00

Motion by Veras, seconded by Redinger.

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

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

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LEGISLATION COMMITTEE: Councilmember Koepke reported the committee met earlier today and thanked Council for approving the updates to the sign code. **LEGISLATION COMMITTEE**

FINANCE COMMITTEE: Councilmember Redinger reported the committee has one item for Council Consideration. **FINANCE COMMITTEE**

Salary Continuation - Consideration of a motion authorizing Salary Continuation for a Police Officer who was injured on the job. **SALARY CONTINUATION**

Motion by Redinger, seconded by Caruso.

Ayes: Caruso, Harwood, Kingston, Koepke, Redinger, 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: No Report. **BUILDING**

REPORT OF SERVICE DIRECTOR: No Report. **SERVICE**

REPORT OF PURCHASING DIRECTOR: No Report. **PURCHASING**

REPORT OF POLICE DEPARTMENT: Police Chief Korinek thanked Council for the consideration of the purchases for the Police Department. **POLICE**

REPORT OF FIRE DEPARTMENT: No Report. **FIRE**

REPORT OF RECREATION DEPARTMENT: No Report. **RECREATION**

REPORT OF THE MAYOR: Mayor Hruby reported the Shred Day event collected 11 tons of paper in addition to the food and monetary donations for the food pantry. DiGeronimo Companies will be presenting Residential Planned Development Area - Valor Acres at the September 23rd Planning Commission meeting. The City will hold a public meeting on September 28th to discuss the former Central School property. Building Commissioner Packard has reported the City has issued 23 permits for new homes this year. County Executive Armond Budish, along with the Cuyahoga County Board of Health, has issued a mask advisory urging all Cuyahoga County residents to wear a mask in public indoor settings. Mayor Hruby advised residents to take precautions to stay healthy. **MAYOR**

COMMENTS: Patrick Coleman, 8072 Pershing Dr. Mr. Coleman is a former Brecksville first responder and a (40) year resident of Brecksville. Mr. Coleman said he will be sending a flyer to approximately (1,100) Brecksville residents regarding the practice of razing existing homes and building newer larger homes on the same lot. Mr. Coleman provided copies to Councilmembers. Mr. Coleman feels this practice changes the character of the neighborhood and will bring down the value of the existing homes. The home he is referring to is located at 8035 Pershing Dr. and he is representing (8) other neighbors in this matter. Mr. Coleman said it is important that the City keeps affordable housing for younger couples who wish to live here.

John Klipfell 136 Regent Crt, Broadview Heights. Mr. Klipfell is representing his daughter, Elizabeth Klipfell, 8045 Pershing Dr. Ms. Klipfell feels she will be most impacted by the proposed new construction. Ms. Klipfell has brought a request before the Design and Construction Review Board. Mr. Klipfell said this issue should be decided not only for this

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house, but for all of Brecksville. Mr. Klipfell also asked for changes to the resident notification process. The current requirement is for resident notifications to be (5) days prior to the meeting, he feels (15) day notice be required. Mr. Klipfell said the Design and Construction Review Board dismissed the adverse possession claim.

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

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



Acting CLERK OF COUNCIL