MINUTES OF A MEETING OF THE

COUNCIL OF THE CITY OF BRECKSVILLE

July 18, 2023

HELD _____

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

51:38

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

Members Present: D. Caruso, AJ Ganim, D. Kingston, L. Redinger, B. Savage, B. Stucky. **ROLL CALL**

Members Absent: A. Koepke,

Others Present: Mayor Jerry N. Hruby, Law Director D. Matty, Engineer G. Wise, Asst. Finance Director M. Johnson, CBO S. Packard, Economic and Community Dev. Director, M. Bartkiewicz, Purchasing Director R. Riser, Fire Lt. M. Bender, Police Chief S. Korinek, Service Director J. Kickel, IT Technician P. Packard, Acting Council Clerk K. Kouri.

MINUTES OF THE JULY 5, 2023 REGULAR MEETING: Motion by Redinger, seconded by Kingston, to dispense with the reading of the July 5, 2023 regular meeting minutes and to accept same as presented. **REGULAR MEETING MINUTES OF 7-5-2023 APPROVED**

Ayes: Caruso, Ganim, Kingston, Koepke, Redinger, Savage, Stucky.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

53:27

ORDINANCE 5606 re: Third and Final Reading an Ordinance providing for the submission to the electors of the City of Brecksville the question of amending Article III, Section 2. of the Charter entitled "Qualifications" to raise the residency requirement to four (4) tears for the Mayor; and declaring an emergency, was read by title. **ORD. 5606 ARTICLE III, SECTION 2. QUALIFICATIONS**

Motion by Caruso, seconded by Stucky, to pass Ordinance 5606.

Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

54:11

ORDINANCE 5607 re: Third and Final Reading an Ordinance providing for the submission to the electors of the City of Brecksville the question of amending Article V, Section 9. of the Charter entitled "Recreation Commission" to allow removal of any member of the Recreation Commission with the approval of five (5) members of City Council; and declaring an emergency, was read by title. **ORD. 5607 ARTICLE V, SECTION 9. RECREATION COMMISSION**

Motion by Caruso, seconded by Stucky, to pass Ordinance 5607.

Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

55:55

ORDINANCE 5608 re: Third and Final Reading an Ordinance providing for the submission to the electors of the City of Brecksville the question of amending Article VI, Section 4. of the Charter entitled "Limitation Upon Expenditures Without Prior Council Approval" to raise the limitation amount without prior Council approval for expenditures or liability incurred; and declaring an emergency, was read by title. **ORD. 5608 ARTICLE VI, SECTION 4. LIMITATION UPON EXPENDITURES WITHOUT PRIOR COUNCIL APPROVAL**

Motion by Caruso, seconded by Stucky, to pass Ordinance 5608.

Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

55:20

ORDINANCE 5609 re: Third and Final Reading an Ordinance providing for the submission to the electors of the City of Brecksville the question of amending Article VI, Section 6. of the Charter entitled "Sale of Municipal Property" to include the Service Director; and declaring an emergency, was read by title. **ORD. 5609 ARTICLE VI, SECTION 6. SALE OF MUNICIPAL PROPERTY**

Motion by Caruso, seconded by Stucky, to pass Ordinance 5609.
Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS.

56:49

ORDINANCE 5610 re: Third and Final Reading an Ordinance providing for the submission to the electors of the City of Brecksville the question of amending Article VI, Section 8. of the Charter entitled "Purchasing" to Clarify that the Director of Purchasing has responsibility for any purchasing contract; and declaring an emergency, was read by title. **ORD. 5610 ARTICLE VI, SECTION 8. PURCHASING CONTRACTS**

Motion by Caruso, seconded by Stucky, to pass Ordinance 5610.
Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS.

57:41

ORDINANCE 5611 re: Third and Final Reading: an Ordinance providing for the submission to the electors of the City of Brecksville the question of amending Article XII section 5. Of the Charter entitled "Gender Neutral Designations" to change the title of the section and authorize the Clerk of Council with the majority approval of Council and the Law Director to change misspellings, errors in grammar, renumbering upon codification and gender neutral designations; and declaring an emergency, was read by title. **ORD. 5611 Article XII, SECTION 5. GENDER NEUTRAL DESIGNATION**

Motion by Caruso, seconded by Stucky, to pass Ordinance 5611.
Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS.

58:53

ORDINANCE 5635 re: an Ordinance to amend Ordinance No. 5570, making appropriations for current expenses of the City of Brecksville during the fiscal year ending December 31, 2023, making necessary appropriation and revenue adjustments; and declaring an emergency, was read by title. **ORD. 5635 APPROPRIA-TION ADJUST-MENTS #8**

Motion by Kingston, seconded by Ganim, to suspend the rules and place Ordinance 5635 on third and final reading.
Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS.
Motion by Caruso, seconded by Stucky, to pass Ordinance 5635.
Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS.

59:47

RESOLUTION 5450 re: a Resolution making necessary transfers between certain funds for the fiscal year ending December 31, 2023; and declaring an emergency, was read by title. **RES. 5450 TRANSFER FUNDS #6**

Motion by Kingston, seconded by Ganim, to suspend the rules and place Resolution 5450 on third and final reading.
Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS.
Motion by Caruso, seconded by Stucky, to pass Resolution 5450.
Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS.

1:00:32

RESOLUTION 5451 re: a Resolution making necessary transfers between certain funds for the fiscal year ending December 31, 2023; and declaring an emergency, was read by title. **RES. 5451 ACCEPT CVE PROPOSAL FOR ENVIRON MENTAL CONSULTING SERVICES BRECKS-VILLE ROAD REPAVING**

Motion by Kingston, seconded by Ganim to suspend the rules and place Resolution 5451 on third and final reading.

Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

Motion by Caruso, seconded by Stucky, to pass Resolution 5451.

Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS. and declaring an emergency,

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

1:01:41

APPEAL 2023-27 REPLACEMENT DETACHED GARAGE – Approval for a variance from Section 1185.03 (a) no fence may extend into the front yard, to allow for a split rail fence at the front lot line located at 8261 Brecksville Road, PP# 601-21-015. **REPLACEMEN T DETACHED GARAGE 8261 BRECKS-VILLE ROAD**

Motion by Caruso, seconded by Stucky.

Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

1:02:38

APPEAL 2023-28 ROBERT RICHARDS SPLIT RAIL FENCE AT THE FRONT LOT LINE LOCATED AT 8261 BRECKSVILLE RD. - Approval for a variance from Section 1151.26(2) minimum 10 side yard setback to allow 3 ft. for a shed, pergola and a hot tub located at 6815 Greenbrier Drive, PP# 601-01-036. **APP. 2023-28 RICHARDS SHED, HOT TUB, PERGOLA 6815 GREENBRIER DR.**

Motion by Caruso, seconded by Stucky.

Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

1:03:18

APPEAL 2023-30 DIONYSIOS GIATIS - approval for a variance from Section 1119.09(d) not to install public sidewalks until such time that the City deems appropriate, for a new single family dwelling located at 4315 Oakes Road, PP# 603-02-112. **APP. 2023-30 GIATIS 4315 OAKES ROAD PUBLIC SIDEWALK**

Motion by Caruso, seconded by Stucky.

Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

PLANNING COMMISSION: Councilmember Stucky reported the next meeting of the Planning Commission will be August 3rd at 7:00 P.M. **PLANNING COMMISSION**

1:04:01

TABATHA SUE PHOTOGRAPHY 7032 MILL RD. Approval of One (1) 7 sq. ft., 2-sided sign panel to be installed on the existing ground sign, and One (1) 0.72 sq. ft. door sign with the business website and "by appointment only" text. **TABATHA SUE PHOTO-GRAPHY 7032 MILL RD.**

Conditional upon approval by City Council of the following deviations:

1. Section 1187.09(c) requirement that the ground sign be located 5 ft. from the right-of-way to allow 1 ft.
2. Section 1187.09(c) requirement that a ground sign be located 25 ft. from a lot line to allow 10 ft.
3. Section 1187.09(d)(11)(B) that one (1) door sign displaying the business name and address is permitted to allow the display of the business website and text that reads "by appointment only"

Motion by Stucky, seconded by Caruso.
Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS.

1:05:26

VALOR ACRES - CANVAS & MEMORIAL PARK SIGN PACKAGE - VALOR ACRES CANVAS & MEMORIAL PARK SIGN PACKAGE

Approve a sign package for the Valor Acres multifamily building located at 9000 Canvas Parkway, Memorial Park located at 8900 Lavender Lane, and townhomes located at 9680-9696 Canvas Parkway and 9810-9850 Brecksville Road, as described in the sign permit applications dated June 16, 2023, attached documentation, and drawings by Cesco Imaging, and as detailed as follows:

- One (1) 50 sq. ft. internally illuminated sign on the Memorial Park smokestack (SIGN C)
- Six (6) 18 sq. ft. externally-illuminated Memorial Park plaques (SIGNS D1-6)
- One (1) 36 sq. ft. externally-illuminated Memorial Park plaque (SIGN D7)
- Twelve (12) 0.75 sq. ft. address number signs for the multifamily building and townhomes on Brecksville Road and Canvas Parkway (SIGNS F-G)'

Contingent on City Council's approval of the following deviation:

- A deviation from 1187.05(d)(2) to permit internal illumination, limited to the lettering and logo of Sign C and contingent on internal and external administrative approvals, as necessary, for the Memorial Park special signage (Signs C & D1-7).

Motion by Stucky, seconded by Caruso.
Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 6-AYES, 0-NAYS.

1:07:03

PHYSICIANS AMBULANCE 9200 NOBLE PARK DR. - FINAL approval for the construction of a building addition, façade improvements and parking lot addition at Physicians Ambulance, located at 9200 Noble Park Drive, Brecksville, Ohio as described in the application dated April 4, 2023 by Maison A + D and attached plans and documentation dated June 20, 2023 and contingent on Engineering approval and City Council approval of the following deviation. **PHYSICIANS AMBULANCE 9200 NOBLE PARK DR.**

- A deviation from Section 1183.05(b) which requires the proposed use to have at least 179 parking spaces to allow a minimum of 90 spaces and 74 land bank spaces.

Motion by Stucky, seconded by Caruso.
Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.
Nays: None.

1:08:02

VA MEMORIAL PARK, CLUB HOUSE & MULTI-FAMILY ACCESSORIES LAVENDER LANE & CANVAS PARKWAY - FINAL approval of accessory features and two (2) "no swimming" information signs on Parcels #603-21-107, 603-21-108 and 603-21-104 located on Lavender Lane and Canvas Parkway, as described in the attached documentation, dated May 19, 2023 by DiGeronimo Companies with an additional bench and waste receptacle in the southwest corner of the retention basin subject to approval by the Building Commissioner and City Council. **VA MEMORIAL PARK, CLUB HOUSE & MULTI-FAMILY ACCESSORIES**

Motion by Stucky, seconded by Caruso.
Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.
Nays: None.

1:09:44

RECREATION COMMISSION: Councilmember Ganim reported the next meeting of the Recreation Commission will be July 24th. **RECREATION COMMISSION**

1:09:57

DEPARTMENT OF HUMAN SERVICES: The next meeting of the Human Services Advisory Board will be August 8th at 3:00 P.M. **HUMAN SERVICES**

1:09:58

SAFETY-SERVICE COMMITTEE: Councilmember Ganim reported the committee met earlier today and has no items for Council consideration. **SAFETY-SERVICE**

1:10:07

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

1:10:20

BRECKSVILLE ROAD (S.R. 21) URBAN PAVING - MILLER ROAD TO SOUTH CORP LINE - Authorizing Donald G. Bohning & Assoc. Inc. to proceed with the Surveying and Engineering Services necessary to prepare improvement plans, bid specification, for the repaving of Brecksville Road from Miller Road to the South Corporation limits. **BRECKSVILLE ROAD (S.R. 21) URBAN PAVING MILLER ROAD TO SOUTH CORP LINE**

Motion by Kingston, seconded by Stucky

Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

1:11:36

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

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

1:11:03

ASBESTOS REMOVAL - Approval of an increase to purchase order #P230438 (new P.O. #23000086) to SafeAir Contractors in the amount of $800.00 for additional asbestos removal services on pipe insulation in two of the rooms in Blossom Buildings #5 and #7. Account #C4900161 32020 Project #BI230010. **ASBESTOS REMOVAL BLOSSOM BUILDINGS #5 AND #7**

Motion by Ganim, seconded by Kingston.

Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.

Nays: None.

MOTION CARRIED 6-AYES, 0-NAYS.

1:11:50

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

1:12:00

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

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 PLANNING & COMMUNITY DEVELOPMENT: No Report **PLAN & DEVELOPMENT**

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: No Report. **FIRE**

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

REPORT OF THE MAYOR: Mayor Hruby thanked staff for the work at Home Days. Mayor Hruby said Engineer Donald Bohning passed away earlier this week and offered condolences to Engineer Wise and his staff. Mayor Hruby offered condolences to the family and friends of Ethan Hall. Ethan was a student attending Brecksville-Broadview Heights School and died after a vehicle accident. Mayor Hruby asked Council to recognize the members of the Charter Review Commission for working on proposed changes to the Brecksville Charter. **MAYOR**

1:17:48

Motion by Redinger, seconded by Caruso, to adjourn the regular meeting at 8:34 P.M. **ADJOURN**

Ayes: Caruso, Ganim, Kingston, Redinger, Savage, Stucky.
Nays: None.
MOTION CARRIED 7-AYES, 0-NAYS.

PRESIDENT OF COUNCIL

CLERK OF COUNCIL