

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

HELD August 21, 2018

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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 ROLL CALL** as follows:

Members Present: G. Broski, L. Carouse, Jr., M. Harwood, J. Petsche,
L. Redinger, D. Rose, K. Veras.

ROLL CALL

Members Absent: None.

Others Present: Mayor Jerry N. Hrubby, 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 W. Goodrich,
Recreation Director T. Tupa, Council Clerk T. Tabor.

MINUTES OF THE AUGUST 7, 2018 REGULAR MEETING: Motion by Carouse, seconded by Redinger to dispense with the reading of the August 7, 2018 regular meeting minutes and to accept same as presented.

REGULAR MEETING MINUTES OF 8-7-2018 APPROVED

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Mayor Hrubby introduced Kathy Roberts, who will introduce the winners of the Beautification Awards. The Beautification Committee is a volunteer group that is also involved with consulting with the administration on the plantings and decorations throughout the City.

2018 BEAUTIFICATION AWARDS

Kathy introduced the first property owned by John and Terry Tytko at 6628 Westview Drive. The title of this award is Refined Beauty. It is a manicured property with beautiful lawn and shrubbery. The property has a prominent Japanese Elm and a small fairy garden.

The second award is titled Blooming Oasis, owned by Kevin and Sara Good at 12115 Chippewa Road. The property has a warm and inviting cottage with a splash of color. When you drive by you will see the work that goes into such a beautiful property.

The final award is given to Peter and Shirley Ratajczak at 8341 Brecksville Road. The Secret Garden was the name given to this award. The property has nooks and crannies and several gardens. Many family members are involved with the upkeep of the property and gardens.

Kathy Roberts presented the awards and congratulated each of the recipients.

ORDINANCE 5191 re: an Ordinance authorizing the purchase of ammunition for use by the Police Department through the State of Ohio Administrative Services Purchasing Program; and declaring an emergency, was read by title.

ORD. 5191 AUTH. PURCH. OF AMMUNITION FOR THE POLICE DEPT.

Motion by Broski, seconded by Veras, to suspend the rules and place Ordinance 5191 on third and final reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5191.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

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ORDINANCE 5192 re: an Ordinance authorizing the purchase of storage items and installation services through the Cooperative Purchasing Network and certain furniture and installation services through the State of Ohio Administrative Services Purchasing program for use by the Police Department; and declaring an emergency, was read by title. **ORD. 5192 AUTHORIZED PURCH. OF FURNITURE, STORAGE ITEMS & INSTALL. FOR THE BRECKSVILLE POLICE STATION**

Motion by Veras, seconded by Broski, to suspend the rules and place Resolution 5192 on third and final reading.

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

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Resolution 5192.

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

MOTION CARRIED 7-AYES, 0-NAYS.

RESOLUTION 4875 re: a Resolution authorizing the Mayor to enter into a Memorandum of Understanding with the Brecksville – Broadview Heights City School District for the exchange of approximately 25 acres of Parcel D of Blossom Hill Park (PP#603-10-004) for approximately 3.622 acres consisting of the Central School (PP#601-34-004) and Approximately 10.563 acres (PP#301-29-003 of the Stadium Drive Pursuant to ORC 3313.40.; and declaring an emergency, was read by title. **RES. 4875 AUTH. A MOU WITH BBHCSD FOR EXCHANGE OF PARCEL D AT BLOSSOM HILL FOR CENTRAL SCHOOL AND STADIUM DRIVE PROPERTY**

Motion by Broski, seconded by Veras, to suspend the rules and place Resolution 4875 on third and final reading.

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

MOTION CARRIED 7-AYES, 0-NAYS.

00Motion by Redinger, seconded by Carouse, to pass Resolution 4875.

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

MOTION CARRIED 7-AYES, 0-NAYS.

Council President Harwood asked Vice President Redinger to preside over the next Resolution. Council President Harwood and Councilmember Veras will abstain from any proceeding regarding Resolution 4876 due to a conflict of interest.

RESOLUTION 4876 re: a Resolution authorizing the Mayor to enter into a Settlement Agreement and Mutual Release with Cuyahoga County regarding the collection of a special tax assessment on properties in the Four Seasons development/subdivision; and declaring an emergency, was read by title. **RES. 4876 AUTH. SETTLEMENT AGREE. AND MUTUAL RELEASE WITH CUY. COUNTY REGARDING FOUR SEASON SPECIAL TAX ASSESSMENT**

Seeing a large audience, Vice President Redinger asked for any comments from those in attendance.

Dan Kolick, 6579 Summer Wind in the Four Seasons subdivision, said many of his neighbors are in attendance. Mr. Kolick said he realized there was a mistake made (15) years ago and do not want that mistake hoisted on the residents of Four Seasons. Mr. Kolick said when the homes were purchased, people looked at the public records and were told the assessments would be \$650.00 per year. The residents will now be charged double for the next three years. The possibility of collecting \$13,000.00 from the residents does not seem right. Many of the residents did not live in these homes during the time of the assessments and did not take advantage of those improvements. Mr. Kolick said he would like the rules suspended and the Resolution passed to allow for the acceptance of funds from Cuyahoga County. Mr. Kolick said he is not speaking for everyone, but he has spoken with other residents that agree with his statements. Mr. Kolick would like to have the \$95,000.00 contribution from the County.

Mike Berlin, 4826 Snow Blossom Lane, regarding the Ordinance proposed today, said the residents do not know how the legislation will affect them. If the waiver of liability of the County is to the City, how does it affect the Residents and the City long term. Mr. Berlin

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would like to see the legislation before it is adopted. The residents are unable to find why the residents are responsible for the cost of the improvement. In 2011 an Ordinance was **RES. 4876** passed that committed the residents to a \$1.9 Million assessment. Are the property owners **CONTINUED** or the developer responsible for the cost?

Mayor Hruby said there were (4) pieces of legislation regarding that improvement project. The improvements would benefit Highland, Boston, Barr down to the Four Seasons Development. The developers encountered difficulties and additional cost in constructing the improvements. The developer, as is permitted, wanted the assessments passed on to the property owners. The developer would either charge the residents up front for the cost of the house/lot or assess the cost through the tax duplicate. The County was notified and was to assess the residents approximately \$1200.00 per year for the next 20 years. Mayor Hruby said in the first (2) years the County charged the residents \$600 per ½ year. Beginning in the third year, the County cannot explain why, they began assessing the residents \$600.00 per year. It continued in error until the City of Brecksville found the error. The City then advised the residents of the correct assessment and increased the collected tax. Mayor Hruby said the agreement, proposed today, accepts a settlement from Cuyahoga County to assist in the payment of the bond. The City is responsible to pay the bond in three years. On August 7th City Council directed the Law Director to negotiate with Cuyahoga County to assist in the payment of this bond for this assessment project. The collection of additional fees from the Four Seasons Property Owners, the County's contribution, if the legislation is approved to accept the funds, and the City's contribution will be used to pay the bond. Mayor Hruby said the City of Brecksville has always considered a public utility an improvement which benefits the entire City. Also, for every development, in the past 31 years the City has always contributed something toward the cost. The City had not previously contributed money for this project.

Mr. Berlin asked when was the responsibility transferred from the developer to the homeowner. Mr. Berlin said the original paperwork and subsequent re-financing of his home has not shown the higher assessment responsibility. Law Director Matty said in this type of petition, a developer requests the city to bond the improvements. The City issues bonds when the process is finalized, the cost being approximately \$1.973 million. The Cuyahoga County Auditor has the duty to put the assessment on the parcels that exist at that time and the parcels that are split thereafter, with the City certification, which there were 82 parcels. The tax bill should show a sewer & water assessment. The assessments were correct in 2001 and 2002. Law Director Matty said his staff and Assistant Prosecutor DiGeronimo were unable to find any documents that show correspondence in 2003 that caused the amount to be reduced by half. The only document that exists is correspondence in former County Auditor Russo's office, from one County employee to another, referencing a letter directing that change. The County has been unable to produce the referenced letter. It is no longer the developer's responsibility. The County has the duty and the responsibility to place the assessment on the tax bill. When that process is done improperly, there is no responsibility or fund in the County that would enable or require the County to pay the assessments. City Council made a motion allowing the Law Director to negotiate with Cuyahoga to obtain funds to pay a portion of the assessment.

Mr. Berlin said Law Director Matty said the transfer occurs by statute. When Council voted on it, Council knew that when it was split into 80 lots, the cost would be assessed on each parcel. Law Director Matty said yes, if this was not assessed each lot would have cost an additional \$24,000.00.

Mr. Berlin asked if the County pays \$95,000.00 to the City, Council has the ability to try to collect the remaining amounts or take the burden onto themselves. Would there be future legislation to determine that? Law Director Matty said the only additional legislation would be if City Council decides to collect the assessments from the Four Seasons homeowners.

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Dr. Samuel Samuel, Secretary for the Four Seasons HOA, asked if the sewer was originally designed to extend under the highway to serve Phase 5 of the Four Seasons Development. Mayor Hruby said yes. Dr. Samuel asked if the 31 lots in Phase 5 are being assessed the same amount? **RES. 4876 CONTINUED**

Engineer Wise said each lot is being charged approximately a \$12,000.00 tap in fee. After 2 years the sewer is considered a public utility, and available to use or tie into, regardless of who pays for the original construction of the sewer line. Dr. Samuel asked what the deficit is. Finance Director Starosta said \$681,742. Dr. Samuel said he signed for an assessment of \$611.00 and feels the title insurance and the City are responsible. Law Director Matty said that is an issue between Dr. Samuel and the title insurance company.

Barb Belovich, 7772 Sunstone Dr. Ms. Belovich said she is representing residents who live outside of Four Seasons. She feels there should be a third party audit. Ms. Belovich said the proposed agreement benefits (2) Council members that live in the development. Law Director Matty said the Councilmembers that live in the Four Seasons subdivision have been left out of any discussions.

Law Director Matty said an outside audit would reveal the same information his staff and Assistant Law Director DiGeronimo found. An outside audit would find that one state statute requires the County to collect the taxes and another statute says the County is immune from any negligence. The Cuyahoga Executive's office is trying to assist the City of Brecksville and its residents with the settlement. Law Director Matty said an outside audit would not provide any further information. The Officer at the County is no longer in office and the office no longer exists since changes have been made at the County. If Council decides to spend money on an external audit, which they may, the results will be the same. Ms. Belovich said she would like an outside review to make sure no other mistakes were made and the involvement of the two members of Council.

Jeff Hastings, 6562 Summer Wind Drive, asked if the amount of the special assessments would be decreased with the construction of Phase 5 of Four Seasons.

Annette Pedersen, 9247 Windswept Drive, said there is a broken dam in her development and the city is not paying for those repairs. The home owners in the area are paying to fix the dam. Ms. Pedersen said she does not want her tax money going to a certain area, the money should benefit all of the residents.

Rose Petsche, 6607 Morningside Drive, said the amount of \$681,742.00, to be paid by Council, has not been advertised and the community has not had the opportunity to weigh in. Ms. Petsche said the City has taken on a large amount of debt and she is concerned about the amount of debt.

Chris Hannigan, 6816 Westview, said he lives in Brecksville where the schools are great, the roads are perfect, the City is a wonderful place to live. Mr. Hannigan feels the money could be spent in a way that benefits the entire community.

Dan Gembus, 6574 Summer Wind Dr., said he would like Phase 5 of the Four Seasons Development to share in some of the cost of the sewer line.

Mayor Hruby said after 2 years a sewer line becomes a public utility, open to everyone. Mayor Hruby gave an example of a developer that paid the entire cost of running utility lines to a development he was building. Two years after the completion of the utilities, another developer was able to connect a second development to the utility lines without contributing to the cost of installing the sewer lines. The procedures have changed, and the sewer installations are now part of sewer districts. Mayor Hruby said Engineer Wise will explain more about Phase 5 of Four Seasons.

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Engineer Wise said Phase 5 is part of the sanitary and water sewer district that was created **RES. 4876** when the assessment was put in place. The district includes Highland Drive and Boston **CONTINUED** Road. Each lot is paying fees of approximately \$12,000.00. The builder is paying the tie in fees, plus inflationary charges that increase each year.

Mr. Gembus asked if the tap in fee was going toward the \$1.9 million debt. Engineer Wise said he was not working in the City at the time the legislation was done, and does not know, but assumes the cost of the tie in was figured based on the total number of lots available to tie into the sewer line.

Dr. Samuel said there are two groups in the audience. One group wants the City to pay, the other group does not want the City to pay. This is a special assessment, not a tax bill. Dr. Samuel said there are many assessments that the residents pay. NEORSD and Brecksville for storm water, water to the City of Cleveland, and those are higher because Brecksville is further away from the lake.

John Banks, 2332 Springside Oval, said the net liability is \$681,000 if the County pays \$95,000.00. What are the options for paying the \$681,000 short fall. Mr. Bates asked if the City will be requesting payment from the property owners in the Four Seasons development. Law Director Matty said the Councilmembers should answer. Law Director Matty said the statute says Council has a right to make a contribution as they deem just. The motion Council passed said that Council will pay \$681,742, and authorized the Law Director to negotiate with the County to recover any amount possible. Law Director Matty said two of the councilmembers will not be able to answer your questions. Law Director Matty will take direction from City Council. Mr. Bates said the amount includes the assessment of \$1,211.00 per year, for the next three years from the homeowners. Mr. Matty said yes. Law Director Matty said City Council looked at several options to assist the homeowners. Bond Counsel would not permit any of the alternate options or extend the length of the term. The City of Brecksville is responsible to pay the entire amount in three years. City Council can accept responsibility, partial responsibility or surcharge the residents. Law Director Matty said, answering the previous question, to add Phase 5 properties to pay the bond, a City bonds certain improvements, additional improvements or properties cannot be added to a project.

Council Vice President Redinger said at the last meeting, she made a motion to authorize the payment of \$681,742 and to authorize the Law Director to contact the County to negotiate to recover any amount of funds. Vice President Redinger said that motion was passed by (4) members of council. Vice President Redinger said she stands behind that motion.

Councilmember Carouse said the City is responsible to repay the bonds. The bonds are repaid from the money collected from property owners. If the money is not collected, the city is still responsible to pay the bonds. Cuyahoga County has no legal obligation, even if they are at fault. The direction given to the Law Director was to try to obtain any additional funding assistance to pay back this bond. The County wanted to know if the City was contributing any money to the bond repayment. That is why the motion was made to authorize the City to pay a portion of the shortage. Councilmember Carouse said the City suggested other remedies and the Bond Counsel said none were allowable. Mr. Bates said the Four Seasons resident, the City and the County will all be paying to cover the cost of the bond. Law Director Matty agreed with the statement.

Law Director Matty also responded to Dr. Samuels regarding the NEORSD charges. Law Director Matty said the City of Brecksville fought, in Court, the charges proposed by NEORSD for storm water management fees. The City won that case. However, the decision was overturned by one vote by the Supreme Court.

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Councilmember Broski said the City has always looked to help the residents of the City. The City has paid portions of the costs to lessen the amount of money paid by the residents, Riverview and Whitewood are two of the projects. The assessment for Riverview was originally \$18-\$20,000.00 per lot. The City contributed, to allow the amount of the assessments to be lowered to approximately \$12,000 per lot. Councilmember Broski said City Council has always worked for the benefit of the entire City. There was an error, in the collection of the assessment, that cannot be found. The City cannot file against the County because they have immunity. The only alternative is to collect the entire \$681,000 from the Four Seasons residents. The Council looked at fairness, for the entire City. A resident asked what fund it will come from. Councilmember Broski said, the Council will look to lessen expenditures on vehicles or less imminent projects, such as the road program. Just as the Road program benefits all of the Citizens, regardless of which roads are repaired. **RES. 4876**
CONTINUED

Councilmember Petsche said residents from Four Seasons are in the audience because they received a letter from the City explaining what was being done. Councilmember Petsche said the rest of the people are in attendance after he told them about this issue, they did not receive a letter. At the August 7th meeting Councilmember Petsche said the Council was not transparent in their actions. Council voted 4-1 to allocate \$681,742 to pay a shortfall in the special assessment for properties in the Four Seasons subdivision. Councilmember Petsche said all discussions were held in private executive sessions. Under rules of executive session, Councilmember Petsche said he cannot say what the discussions were. The City could collect the money from the current homeowners and Law Director Matty's opinion stated that the City would prevail if the homeowners chose to file suit. Councilmember Petsche said the discussions could have been held publicly, however only the vote, which was approved 4-1 Councilmember Petsche making the only no vote, was taken in public. Councilmember Petsche feels it is wrong for the City to pay the remaining \$681,742 shortfall for the bonds. Councilmember Petsche asked Mayor Hruby to veto the motion passed by Council on August 7th authorizing the payment of the assessment. Councilmember Petsche said he will not vote to suspend the rules and require the legislation to be read three times.

Councilmember Rose said all of these people are residents of Brecksville. City Council has had to make some serious and tough decisions. Councilmember Rose said he was quite upset to find out the County was not collecting the correct assessment amounts. Councilmember Rose said this could have happened in any development or part of the City and the discussions were in executive session because they involved litigation. Council was discussing who the City could sue to try and recover the funds. Councilmember Rose said increasing the amount assessed to the residents was not an easy decision either. Most of the residents when purchasing their homes were told of the \$600 per year sewer assessment. Councilmember Rose said Council asked for many alternative options for paying the assessment. Council asked if additional loans or bonds could be issued. Bond Counsel said that was not possible. Councilmember Rose said he weighed all of the options and this agreement seems to be the right one for all the people of Brecksville, as this could have happened in any part of the City.

Mayor Hruby said the Charter empowers the Council to determine matters of money. Any amount over \$3,000.00 must have the approval of City Council. City Council may also direct the Mayor or Law Director to enter into contracts. In many years, Councilmembers have not all agreed. Mayor Hruby said in July 2018 a letter was sent to the residents of the Four Seasons development. All members of City Council received a copy of the letter. Any member of Council could discuss with their constituency or the media, the contents of that letter. The discussions you are hearing today, are the discussions that took place previously. Mayor Hruby feels that City Council has been transparent, and only one member of Council feels that he has been unable to discuss any of the public information. Mayor Hruby said he feels the statement is unfair to all of the other Councilmembers, because they have a right and responsibility to handle the issue in a manner they feel appropriate. Mayor Hruby said the letter was out to the public, and for one Councilmember to speak against the other

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Councilmembers he feels is unfair. City Council has always acted in the best interest of the community. **RES. 4876
CONTINUED**

Law Director Matty encouraged the residents of Four Seasons to look to members of their community that are familiar with the rules City Council must follow if they would like additional information on the open meetings rule. Law Director Matty said the discussions in executive session are the same type of confidential discussions someone would have with their attorney. The executive sessions are not secret, they are permitted by state statute and the City Charter. There is transparency when a motion or action taken. Action cannot take place in executive session. When a potential claim is settled, it is done in the public.

Councilmember Petche said a letter to the residents of Four Seasons is not notice to the community. The letter never referenced the discussion in executive session. The citizens of Brecksville did not receive notice that City Council was considering paying off the \$681,000 sewer debt.

Councilmember Carouse said in executive session the discussions are often negotiations and things that need to be kept private at that time. Some issues are time sensitive, if City Council waited, Cuyahoga County may change their mind. City Council took action as soon as possible to obtain additional funds from Cuyahoga County. Cuyahoga County also wanted the assurance that the City of Brecksville was also contributing funds to the shortfall.

Motion by Broski, seconded by Veras, to suspend the rules and place Resolution 4876 on third and final reading.

Ayes: Broski, Carouse, Redinger, Rose.

Abstain: Harwood, Veras.

Nays: Petsche.

Vice President Redinger said Resolution 4876 will move to a second reading.

ORDINANCE 5193 re: an Ordinance enacting and adding Section 712.04 of the Business Regulations Code to include regulation of small cell facilities; and declaring an emergency, was read by title. **ORD. 5193
ADDING
\$712.04 OF
THE
BUSINESS
REGULATION
CODE TO
INCLUDE
REGULATION
OF SMALL
CELL
FACILITIES**

Motion by Broski, seconded by Veras, to suspend the rules and place Ordinance 5193 on third and final reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5193.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

ORDINANCE 5194 re: an Ordinance enacting and adding a new Chapter 713 of the Business Regulation Code to regulate small cell facilities and wireless support structures; and declaring an emergency, was read by title. **ORD. 5194
ADDING \$713
OF THE
BUSINESS
REGULATION
CODE TO
INCLUDE
REGULATION
OF SMALL
CELL FACIL.
& WIRELESS
STRUCTURES**

Motion by Veras, seconded by Rose, to suspend the rules and place Ordinance 5194 on third and final reading.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Redinger, seconded by Carouse, to pass Ordinance 5194.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

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RESOLUTION 4877 re: a Resolution authorizing the Mayor to execute a Release of Easement regarding a storm sewer easement located at 9455 Glen Drive, Brecksville, Ohio PPN 603-15-032; and declaring an emergency, was read by title. Motion by Veras, seconded by Broski, to suspend the rules and place Resolution 4877 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Resolution 4877. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. RESOLUTION 4878 re: a Resolution authorizing the Mayor to enter into a First Amendment to Declaration of Protective Covenants with Brecksville Woods Corporate Park Owners Association; and declaring an emergency, was read by title. Motion by Broski, seconded by Veras, to suspend the rules and place Resolution 4878 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Resolution 4878. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. ORDINANCE 5195 re: an Ordinance accepting the bid of Eclipse Company LLC. for the Hickory Ridge Slope Repair Project; and declaring an emergency, was read by title. Motion by Veras, seconded by Broski, to suspend the rules and place Ordinance 5195 on third and final reading. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. Motion by Redinger, seconded by Carouse, to pass Ordinance 5195. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS. BOARD OF ZONING APPEALS: Councilmember Rose reported the next meeting of the Board of Zoning Appeals will be Monday, September 10th at 7:30 P.M. The Board of Zoning Appeals has (8) Appeals for Council consideration. Motion by Rose, seconded by Broski, that Council accept the recommendation of the Board of Zoning Appeals and approve a variance for (1) a variance from Section 1151.26(2) a minimum of 10 ft. from the side property line, to allow 1 ft., and (2) a variance from Section 1151.26(2) a minimum of 10 ft. from the rear property line, to allow 5 ft. for a shed located at 8063 Tanager Oval, PP# 602-06-023. Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras. Nays: None. MOTION CARRIED 7-AYES, 0-NAYS.	RES. 4877 AUTH. THE RELEASE OF A STORM SEWER EASEMENT AT 9455 GLEN DR. RES. 4839 AUTH. A 1st AMEND. TO DECLAR. OF PROTECTIVE COVENANTS WITH BRECK. WOODS CORP. PARK OWNERS ASSOCIATION ORD. 5195 ACCEPT. PROPOSAL OF ECLIPSE CO. LLC FOR THE 10229 HICKORY RIDGE SLOPE REPAIR PROJECT BD. OF ZONING APPEALS APP. 2018-28 SHED SETBACK AT 8063 TANAGER OVAL.
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Motion by Rose, seconded by Veras, that Council accept the recommendation of the Board of Zoning Appeals and approve a variance from Section 1183.15(a) not to install the required hard surface driveway to a detached garage located at 10360 Barr Road, PP# 604-23-011.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**APP. 2018-29
FOR HARD
SURFACED
DRIVE VAR.
AT 10360
BARR RD.**

Motion by Rose, seconded by Broski, that Council accept the recommendation of the Board of Zoning Appeals and approve a variance for 1) a variance from Section 1151.26(2) a minimum of 10 ft. from the side property line, to allow 4 ft., and (2) a variance from Section 1151.26(2) a minimum of 10 ft. from the rear property line, to allow 3 ft., **provided the shed includes rain gutters that flow onto the stone pad toward the pool** for a shed located at 6722 Pin Tail Drive, PP# 603-11-030.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**APP. 2018-30
(AMENDED)
SHED
SETBACK AT
6722 PIN TAIL
DRIVE**

Motion by Rose, seconded by Redinger, that Council accept the recommendation of the Board of Zoning Appeals and approve a variance for (1) a variance from Section 1151.24 a minimum front yard setback of 125 ft. to allow 51.33 ft., and (2) a variance from Section 1151.24 a minimum 10 ft. side yard setback to allow 8.08 ft., **existing house side yard** and (3) a variance from Section 1151.24 a minimum 30 ft. total side yards to allow 10.08 ft., and (4) a variance from Section 1151.24 a minimum 60 ft. rear yard setback to allow 42.67 ft. for an addition, and (5) a variance from Section 1151.24 a minimum 60 ft. rear yard required to allow 31.83 ft. for a covered patio and,

**APP. 2018-31
(AMENDED)
SETBACK
FOR AN
ADDITION TO
A HOUSE
LOCATED AT
8700
CHIPPEWA
ROAD.**

Before the vote, there was discussion regarding variance #3 to amend it to read a minimum 30 ft. total side yards to allow 18.08 ft.

Mr. Synek asked that because there is no longer a garage there, would they still be asking for 1 ft. for the driveway. Mr. Rose suggested splitting the vote and voting separately on variance #6.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

(6) a variance from Section 1119.09(b) which requires a driveway to be a minimum of 3 ft. from the side lot line to allow 1 ft. for the construction of an addition on a non-conforming house on a non-conforming lot located at 8700 Chippewa Road, PP# 601-35-018.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Rose, seconded by Broski, that Council accept the recommendation of the Board of Zoning Appeals and approve a variance from Section 1151.26(2) a minimum of 10 ft. from the rear property line, to allow 2 ft. for a pergola located at 9820 Whitewood Road, PP# 601-22-025.

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**APP. 2018-32
SETBACK
FOR A
PERGOLA AT
9820
WHITEWOOD
ROAD.**

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Motion by Rose, seconded by Veras, that Council accept the recommendation of the Board of Zoning Appeals and approve a variance from Section 1326.02 to install a generator on the side of the house instead of the rear as required by code located at 8058 Tanager Oval, PP# 602-06-025.

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

MOTION CARRIED 7-AYES, 0-NAYS.

**APP. 2018-33
GENERATOR
LOCATED IN
THE SIDE
YARD AT 8058
TANAGER
OVAL**

Motion by Rose, seconded by Broski, that Council accept the recommendation of the Board of Zoning Appeals and approve a variance from Section 1151.24 a minimum 70 ft. rear yard required to allow 57 ft. for the construction of a covered patio located at 9482 River Birch Run, PP# 605-22-046.

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

MOTION CARRIED 7-AYES, 0-NAYS.

**APP. 2018-34
REAR YARD
DEPTH FOR A
PATIO AT 9482
RIVER BIRCH
RUN.**

Motion by Rose, seconded by Veras, that Council accept the recommendation of the Board of Zoning Appeals and approve a variance from Section 1151.24 a minimum 60 ft. rear yard required to allow 41.34 ft. for a new single family dwelling located at 9726 Highland Drive, PP# 604-05-020.

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

MOTION CARRIED 7-AYES, 0-NAYS.

**APP. 2018-35
REAR YARD
DEPTH FOR A
HOUSE AT
9726
HIGHLAND
DRIVE**

PLANNING COMMISSION: Councilmember Harwood reported two items were recommended to Council for approval from the August 9th meeting of the Planning Commission the next meeting of the Planning Commission will be August 23rd at 7:00 P.M.

**PLANNING
COMMISSION**

Motion by Harwood, seconded by Veras, to accept the Planning Commission recommendation to approve the specific elevations of a home at 9726 Highland Drive, PP #604-05-020, Brecksville, Ohio as described in the application dated July 19, 2018 and attached sketches labeled:

**9726
HIGHLAND
DRIVE NEW
HOME
ELEVATIONS**

- 2 pages of site plan dated June 18, 2018
- 3 pages of house plans dated July 18, 2018

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

MOTION CARRIED 7-AYES, 0-NAYS.

Motion by Harwood, seconded by Broski, to accept the Planning Commission recommendation to approve **PRELIMINARY** and **FINAL** approval of a 1,213 sq. ft. restroom addition for St. Basil Education Center at 8700 Brecksville Road as described in the application dated July 20, 2018, and attached photos/drawings by HSB Architect dated July 19, 2018.

**ST. BASIL
RESTROOM
ADDITION
8700 BRECKS-
VILLE ROAD**

- A1.0 Schematic Site Plan
- A2.0 Addition Floor Plan
- A3.0 Exterior Elevations

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

MOTION CARRIED 7-AYES, 0-NAYS.

RECREATION COMMISSION: Council Representative Redinger reported the Recreation Commission Members will present reports on surveys regarding programs and services offered by the recreation department at the next meeting on August 27th.

RECREATION

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DEPARTMENT OF HUMAN SERVICES: Council Representative Veras reported the next meeting of the Human Services Advisory Board will be September 12th at 3:00 P.M. The employee appreciation day will be held at the Blossom Hill facility on August 31st. **DEPT. OF HUMAN SERVICES**

TELECOMMUNICATIONS COMMISSION: Council Representative Broski said the commission would like to congratulate Recreation Tom Tupa for his induction into the Cleveland Sports Hall of Fame. The next scheduled meeting of the commission is September 12th. **TELEC. COM.**

SAFETY-SERVICE COMMITTEE: Councilmember Carouse reported the committee met earlier today and thanked Council for the passage of an Ordinance authorizing the purchase of ammunition for the Police Department. The committee has two additional items for Council Consideration. **SAFETY-SERVICE**

Motion by Carouse, seconded by Redinger, to approve an increase to #BL182606 in the amount of \$400.00 for SCBA Equipment and Air Quality testing for the Fire Department. **AUTH. INCREASE**
Account #290260 2611. **P.O. FOR**

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**SCBA EQUIP.
AND AIR
QUALITY
TESTING**

Motion by Carouse, seconded by Broski, to approve a Blanket Vendor Purchase Requisition in the amount of \$16,596.99 for Carbide Plow Blades and Curb Guards for the upcoming winter season. *Account # 110430 2201.* **AUTH. PURCHASE REQ. FOR SNOW PLOW BLADES AND CURB GUARDS**

Carbide & Cover Blades	Best Truck Equipment	\$3,424.00
Curb Shoes	Iron Hawk	\$2,644.65
Block Buster Blade Kits & Xtender	Winter Equipment	\$10,528.34

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

STREETS & SIDEWALKS COMMITTEE: Councilmember Broski reported the 2018 Road Program is almost complete. The service department is working to finish some paving projects and looking ahead to toward the 2019 projects. **STREETS & SIDEWALKS**

UTILITIES COMMITTEE: Councilmember Petsche reported the committee met earlier and recommended approval of legislation to Council authorizing the release of a storm sewer easement and the Ordinance accepting the proposal of Eclipse Company, LLC for the Hickory Ridge Slope Repair Project. Councilmember Petsche thanked Council for the passage of that legislation. **UTILITIES COMMITTEE**

Motion by Petsche, Seconded by Redinger, to approve a purchase requisition to Donald G. Bohning & Associates for engineering services for the 10229 Hickory Ridge Slope Repair Project. **10229 HICKORY RIDGE SLOPE REPAIR**

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**ENGINEER
AUTH.**

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

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Motion by Veras, seconded by Broski, to approve an increase to P.O. # P171179 in the amount of \$2520.97 for construction of the New Safety Town at Blossom Hill. *Account # C480171 3102 Project # LI160002.*

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**INCREASE P.O.
FOR THE NEW
SAFETY
TOWN AT
BLOSSOM
HILL**

Motion by Veras, seconded by Broski, to approve a Blanket Purchase Requisition in the amount of \$7,000.00 for the equipment, supplies and materials for installing a new scoreboard at the Blossom Hill Turf Field. *Account # C241710 3300.*

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**APPROVE P.O.
FOR A NEW
SCOREBOARD
AT BLOSSOM
HILL TURF
FIELD**

Motion by Veras, seconded by Carouse, to approve a Purchase Requisition in the amount of \$13,776.00 for the re-grouting of the Brecksville Community Center indoor pool. *Account # C240710 3202.*

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

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.

**APPROVE
PURCH. REQ.
FOR RE-
GROUTING
COMMUNITY
CENTER
POOL**

LEGISLATION COMMITTEE: Councilmember Rose reported the committee met earlier today and thanked Council for the passage of Ordinances adopting the small Cell Wireless Regulations and thanked the Planning Commission. The committee also recommended approval of the legislation authorizing the MOU with the Brecksville Broadview Hts City School District for construction of the school at Blossom Hill. The Committee also recommended approval of legislation to be released from the Brecksville Woods Business Park Owners Association due to the City's property in the development that is non-buildable. The Legislation Committee expects recommendations from the Planning Commission regarding solar panels in residential districts.

**LEGISLATION
COMMITTEE**

FINANCE COMMITTEE: Councilmember Redinger said the Finance Committee met earlier this evening and members are working to set a time for a committee meeting next week to review costs for the Field House and future capital projects. Notice will be given when that date is confirmed.

**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
DEPT.**

REPORT OF PURCHASING DIRECTOR: No Report

PURCHASING

REPORT OF POLICE DEPARTMENT: No Report

POLICE

REPORT OF FIRE DEPARTMENT: Fire Chief Zamiska reported the Firefighters Clambake on September 8th, tickets are available through the Fire Department.

FIRE

REPORT OF RECREATION DEPARTMENT: No Report

RECREATION

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REPORT OF THE MAYOR AND SERVICE DIRECTOR: Mayor Hruby said **MAYOR** the Service Department is completing the road project on Deerfield. Over one million dollars have been spent this year on road improvements. On August 9th the Chagrin Valley Council of Governments met and voted to include the cities of Brooklyn Heights, Valley View, Cuyahoga Heights, Newburg Hts. and Brooklyn as members of the Chagrin Valley Council of Governments and part of the Dispatch Center.

There will be a public meeting on September 11, 2018 at City Hall for the Brecksville Master Plan update.

Motion by Harwood, seconded by Carouse, to adjourn the regular meeting at 10:00 **ADJOURN**
P.M.

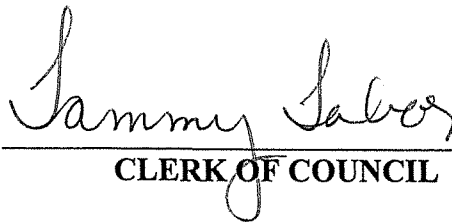
Ayes: Broski, Carouse, Harwood, Petsche, Redinger, Rose, Veras.

Nays: None.

MOTION CARRIED 7-AYES, 0-NAYS.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL