

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

HELD June 20, 2017

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

**CALL TO ORDER**

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

Members Present: L. Carouse, Jr., M. Harwood, N. Murphy,  
L. Redinger, G. Skaljac.

**ROLL CALL**

Members Absent: G. Broski, K. Veras.

Others Present: Mayor Jerry N. Hrubby, Law Director D. Matty,  
Engineer G. Wise, Finance Director V. Price,  
CBO S. Packard, Service Director R. Weidig,  
Purchasing Director R. Riser, Fire Chief E. Egut,  
Police Chief W. Goodrich, Recreation Director T. Tupa.  
Council Clerk T. Tabor.

**MINUTES OF THE JUNE 06, 2017 REGULAR MEETING:** Motion by Carouse, seconded by Redinger, to dispense with the reading of the June 6, 2017 regular meeting minutes and to accept same as presented.

**REGULAR MEETING MINUTES OF JUNE 6, 2017 APPROVED**

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac.

Nays: None.

**MOTION CARRIED 5-AYES, 0-NAYS.**

**RESOLUTION 4761** Re: a Resolution authorizing the Mayor to enter into an Assignment and Assumption Agreement of the Enhanced-Use Lease Agreement Louis Stokes VA Medical Center Cleveland, Ohio with Veteran's Development, LLC and the United States Department of Veterans Affairs, and declaring an emergency, was read by title.

**RES. 4761 ASSIGNMENT & ASSUPTION AGREEMENT VA MEDICAL CENTER WITH VETERAN'S DEVELOPMENT, LLC AND THE U.S. DEPT. OF VETERAN'S AFFAIRS**

Motion by Harwood, seconded by Carouse, to suspend the rules and place Resolution 4761 on third and final reading.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac.

Nays: None.

**MOTION CARRIED 5-AYES, 0-NAYS.**

Motion by Redinger, seconded by Carouse, to pass Resolution 4761 .

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac.

Nays: None.

**MOTION CARRIED 5-AYES, 0-NAYS.**

**RESOLUTION 4762** Re: a Resolution authorizing the Mayor to Enter into a First Amendment to the Enhanced-Use Lease Agreement Louis Stokes VA Medical Greater Cleveland, Ohio with the United Stated Department of Veterans Affairs, and declaring an emergency, was read by title.

**RES. 4762 FIRST AMENDMENT TO THE ENHANCED-USE LEASE AGREEMENT L. STOKES VA MED. CENTER WITH THE U.S. DEPT. OF VETERAN'S AFFAIRS**

Motion by Harwood, seconded by Carouse, to suspend the rules and place Resolution 4762 on third and final reading.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac.

Nays: None.

**MOTION CARRIED 5-AYES, 0-NAYS.**

Motion by Redinger, seconded by Carouse, to pass Resolution 4762.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac.

Nays: None.

**MOTION CARRIED 5-AYES, 0-NAYS.**

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**ORDINANCE 5087** Re: an Ordinance accepting the bid of Northeastern Refrigeration for the Brecksville Community Center Boiler Replacement Project, and declaring an emergency, was read by title. **ORD. 5087 ACCEPT. THE BID OF**

Motion by Harwood, seconded Carouse, by to suspend the rules and place Resolution 5087 on third and final reading. **NORTHEASTERN REFRIG FOR THE COMMUNIT CENTER BOILER REPLACE- MENT PROJECT**

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac.

Nays: None.

**MOTION CARRIED 5-AYES, 0-NAYS.**

Motion by Redinger, seconded by Carouse, to pass Resolution 5087.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac.

Nays: None.

**MOTION CARRIED 5-AYES, 0-NAYS.**

**ORDINANCE 5088** Re: an Ordinance to amend Ordinance no. 5038, making appropriations for the current expenses of the city of Brecksville during the fiscal year ending December 31, 2017, making necessary appropriation and revenue adjustments, and declaring an emergency, was read by title. **ORD. 5088 AMENDING ORD. 5038 AND MAKIN APPROPRIA- TIONS FOR FISCAL YEA ENDING 2017**

Motion by Harwood, seconded by Carouse, to suspend the rules and place Ordinance 5088 on third and final reading.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac.

Nays: None.

**MOTION CARRIED 5-AYES, 0-NAYS.**

Motion by Redinger, seconded by Carouse, to pass Ordinance 5088.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac.

Nays: None.

**MOTION CARRIED 5-AYES, 0-NAYS.**

**ORDINANCE 5089 (1<sup>st</sup> READING)** Re: an Ordinance providing for the submission to the electors of the City of Brecksville the question of amending the Zoning Map by changing the Classification of split zoned permanent parcel numbers 601-34-015, 601-34-082 and 601-34-016 located at 8998 Brecksville Road from the L-B Local Business & R-8 Single Family Districts to all L-B Local Business District, and declaring an emergency, was read. **ORD. 5089 AMEND ZON MAP TO CHANGE 8998 BRECKSVILLE RD. FROM R-8 SINGLE FAN DIST. TO LOCAL BUSINESS DISTRICT**

Motion by Harwood, seconded by Carouse, to pass Ordinance 5089 to second reading.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac.

Nays: None.

**MOTION CARRIED 5-AYES, 0-NAYS.**

**ORDINANCE 5090 (1<sup>st</sup> READING)** Re: an Ordinance providing for the submission to the electors of the City of Brecksville the question of amending the Zoning Map by changing the Classification of Permanent parcel number 601-34-017 located at 9012 Brecksville Road from the R-8 Single Family District to C-F Community Facilities District, and declaring an emergency, was read. **ORD. 5090 AMEND ZON MAP TO CHANGE 90 BRECKSVILLE RD. FROM R-8 SINGLE FAMILY DI TO C-F COMMUNIT FACILITY DIST.**

Motion by Harwood, seconded by Carouse, to pass Ordinance 5090 to second reading.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac.

Nays: None.

**MOTION CARRIED 5-AYES, 0-NAYS.**

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**LIQUOR PERMIT NOTICE:** Council President Skaljac asked if anyone has any concerns regarding the Ohio Department of Liquor Control Notice C NEW 0929625, for Brecksville Barn, LLC, 8871 Brecksville Road, Suite C, Brecksville, Ohio 44141. Hearing none, Council President Skaljac asked Council Clerk Tabor to notify the Ohio Division of Liquor Control that the City of Brecksville has no objection to the referenced liquor permit.

**LIQUOR PERMIT – 887 BRECKSVILLE RD.**

**BOARD OF ZONING APPEALS:** Council President Skaljac reported on behalf of Councilmember Veras. The next meeting of the Board of Appeals will be July 10, 2017 at 7:30 P.M. At the June 12, 2017 meeting, the Board of Appeals has 7 items for Council consideration.

**BD. OF ZONING APPEALS**

**APPEAL 2017-12:** Motion by Skaljac, seconded by Harwood, that City Council accept the recommendation of the Board of Zoning Appeals for approval of a variance from Section 1151.24 of 21 ft. from the minimum required 60 ft. rear yard setback to allow 39 ft. for the construction of a deck located at 3190 Sweetwater Drive, PP# 604-01-024.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.  
Motion Carried 5-Ayes 0- Nays.

**APPEAL 2017-12- VAR. REAR YARD DECK SETBACK AT 3190 SWEETWATER**

**APPEAL 2017-13:** Motion by Skaljac, seconded by Harwood, that City Council accept the recommendation of the Board of Zoning Appeals for approval of a variance from Section 1151.24 of 10 ft. from the minimum required 50 ft. rear yard setback to allow 40 ft. for a deck located 8990 Cedar Street, PP# 601-34-060.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.  
Motion Carried 5-Ayes 0- Nays.

**APPEAL 2017 13 VAR. REAR YARD DECK SETBACK AT 8990 CEDAR ST.**

**APPEAL 2017-14:** Motion by Skaljac, seconded by Harwood, that City Council accept the recommendation of the Board of Zoning Appeals for approval of a variance for (1) a variance from Section 1185.03(a) maximum fence height of 4 ft., to allow a 7 ft. front yard gate, and (2) a variance from Section 1185.03(a) to allow a gate to be located in the front yard in front of the building setback line, and (3) a variance from Section 1151.26(2) to allow a shed in the front yard (not permitted), with the condition that the shed be surrounded with foliage and landscaping to minimize visibility located at 8455 Timber Trail, PP# 601-22-065.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.  
Motion Carried 5-Ayes 0- Nays.

**APPEAL 2017- 14 VARINACE. FENCE AND SHED AT 8455 TIMBER TR.**

**APPEAL 2017-15:** Motion by Skaljac, seconded by Harwood, that City Council accept the recommendation of the Board of Zoning Appeals for approval of :

(1) a variance from Section 1151.24, a minimum 30 ft. total of two side yards required, to allow 23.8 ft. and

(2) a variance from Section 1151.24 of 54.3 ft. from the minimum 125 ft. front yard setback to allow a 70.7 ft. front yard setback for a rear addition on a non-conforming house located at 9492 Highland Drive, PP# 603-14-012.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.  
Motion Carried 5-Ayes 0- Nays.

**APPEAL 2017 -15 VARI. FOR SIDE YARD AND FRONT YARD SETBACKS AT 9492 HIGHLAND DR.**

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**APPEAL 2017-17:** Motion by Skaljac, seconded by Harwood, that City Council accept the recommendation of the Board of Zoning Appeals for approval of:

(1) a variance from Section 1183.03, requirement that parking spaces be a minimum of 10 ft. in width to allow 9 ft., and

(2) a variance from Section 1183.17(d) requirement that the maximum width of a driveway be 24 ft. to allow 25 ft. on the south side and 30 ft. on the north side, and

(3) a variance from 1185.03(a) maximum fence height of 4 ft. and located behind the building line, to allow a 6 ft. height, and in the front yard, for the construction of a Police Station located at 9020 Brecksville Road, PP# 601-34-018 and PP# 601-34-017.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.

Motion Carried 5-Ayes 0- Nays.

**APPEAL  
2017-17 VAR.  
PARKING  
SPACE SIZE-  
DRIVEWAY  
AND FENCE  
AT 9020  
BRECKS-  
VILLE RD. -**

**APPEAL 2017-18:** Motion by Skaljac, seconded by Harwood, that City Council accept the recommendation of the Board of Zoning Appeals for approval of a variance from Section 1119.03(b) maximum driveway slope 12% permitted, to allow 12.58 % for a new driveway located at 7820 Plantation Drive, PP# 601-02-005.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.

Motion Carried 5-Ayes 0- Nays.

**APPEAL  
2017-18 VAR.  
DRIVEWAY  
SLOPE AT  
7820  
PLANTATION  
DR.**

**PLANNING COMMISSION:** Council Representative Harwood reported there were three items approved by Planning Commission for recommendation and City Council consideration from the June 8, 2017 Planning Commission meeting. The next Planning Commission meeting is scheduled for Thursday, July 6, 2017 at 7:00 P.M.

**PLANNING  
COMMISSION**

Motion by Harwood, seconded by Carouse, to accept the Planning Commission recommendation to grant approval to re-zone Permanent Parcel #601-34-015, 601-34-082 and 601-34-016. 8998 Brecksville Road, Brecksville, Ohio 44141, from Local Business and R-8 Single Family to all L-B, Local Business. This zoning change is proposed for the November 2017 election.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.

Motion Carried 5-Ayes 0- Nays.

**(1<sup>st</sup> READING)  
REZONING  
8998 BRECKS-  
VILLE RD.**

Motion by Harwood, seconded by Carouse, to accept the Planning Commission recommendation to grant approval to re-zone permanent parcel no. 601-34-017, 9012 Brecksville Road, Brecksville, Ohio 44141, from the R-8 Single Family District to C-F Community Facilities District. This zoning change is proposed for the November 2017 election.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.

Motion Carried 5-Ayes 0- Nays.

**(1<sup>st</sup> READING)  
REZONING  
9012 BRECKS-  
VILLE RD.**

Motion by Harwood, seconded by Carouse, to accept the Planning Commission recommendation to grant approval of the lot split for 8545 Snowville Road, proposed lots B-1 and B-2 as depicted on the lot split plan by RM Kole and Associates Corp. dated May 10, 2017 contingent on the removal of all structures on proposed lot B-2, approval of the City Engineer and also contingent on Board of Zoning Appeals and City Council approval of the following variances:

Parcel B-1

- A variance from Section 1151.22 minimum lot width 175 ft. to allow 125 ft.
- A variance from Section 1151.24 minimum front yard 125 ft. to allow 75 ft. for the existing house.
- A variance from Section 1151.24 minimum side yard 20 ft. to allow 11 ft. existing west side.

Parcel B-2

- A variance from Section 1151.22 minimum lot width 175 ft. to allow 148.10 ft.

**PETROS  
HOMES LOT  
SPLIT - 8545  
SNOWVILLE  
ROAD**

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- A variance from Section 1117.09 lots required to be generally rectangular to allow an irregular shape lot. **CONTINUED**  
Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None. **PETROS**  
Motion Carried 5-Ayes 0- Nays. **HOMES LOT**  
**SPLIT**
  
- RECREATION COMMISSION:** Council Representative Redinger reported the Recreation Committee will meet June 26<sup>th</sup> at 7:30 P.M. **RECREATION**  
**COMMISSION**
  
- DEPARTMENT OF HUMAN SERVICES:** Council Representative Murphy reported the Human Services Department is sponsoring a cookout Friday, June 23, 6:00 - 8:00 P.M., the cost is \$10.00 per person. The next meeting of the Human Services Commission will be Wednesday, July 12<sup>th</sup> at 3:00 P.M. **DEPT. OF**  
**HUMAN**  
**SERVICES**
  
- TELECOMMUNICATIONS COMMISSION. No Report** **TELEC. COM**  
**SAFETY-SERVICE COMMITTEE: No Report** **SAFETY-**  
**SERVICE**
  
- STREETS & SIDEWALKS COMMITTEE: No Report** **STREETS &**  
**SIDEWALKS**
  
- UTILITIES COMMITTEE:** Councilmember Carouse reported the Utilities Committee met earlier this evening and has two items for Council consideration. **UTILITIES**  
**COMMITTEE**  
Motion by Carouse, seconded by XX to approve a purchase requisition in the amount of \$58,600.00 to Donald G. Bohning And Associates for Construction Services for the S.R. 82 Pavement Project. *Account # C480171 3501 Project #RD 160003*  
Ayes: Carouse, Harwood, Murphy, Redinger. Abstain: Skaljac. Nays: None.  
Motion Carried 4-Ayes 1- Abstain 0- Nays.
  
- Councilmember Carouse reported the Committee of the Whole met earlier this evening and has one item for Council consideration. **CHIPPEWA**  
**CREEK**  
Motion by Carouse, seconded by Redinger, to authorize the Purchasing Director to advertise for public bidding for the Chippewa Creek Bridge Repair at Brecksville Road Improvement Project. **BRIDGE**  
**REPAIR**  
Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.  
Motion Carried 5-Ayes 0- Nays.
  
- BUILDINGS & GROUNDS COMMITTEE:** Councilmember Harwood reported that the Buildings & Grounds Committee met earlier this evening and would like to thank Council for the passage of the Ordinance for accepting the bid of Northeastern Refrigeration for the purchase of two new boilers for the Community Center and the change order for the Fire Station Modifications Project. **BUILDINGS &**  
**GROUNDS**  
**COMMITTEE**
  
- Motion by Harwood, seconded by Carouse, to increase purchase order # P170229 to Gillespie Company for the 2017 Backflow Inspections. The original P.O. amount was \$2680.30, new total \$3045.05. *Community Center Pool/Caboose \$145.90. Account #24071 2103. Human Services \$145.90. Account 110330 2103. Community Garden \$72.95 Account #110171 2103.* **GILLESPIE**  
**COMPANY**  
**FOR**  
**BACKFLOW**  
**INSPECTION**  
Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.  
Motion Carried 5-Ayes 0- Nays.
  
- Motion by Harwood, seconded by Carouse, to approve Change Order No. 1 for the Fire Station Modifications Project in the amount of \$17,547.00 to Classical Construction, LLC for the removal of soil, and to install and compact 6 inches of gravel for the concrete slab replacement. *Account #C490260 3202.* **FIRE STATION**  
**MODIFICATION**  
**PROJECT**  
Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.  
Motion Carried 5-Ayes 0- Nays.

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Councilmember Harwood reported Ryan Schmit of the design Architects presented a conceptual plan for the proposed aquatic center at the Community Center to City Council. Additional information will be submitted by the design Architects to prepare for issuance of the Request For Qualifications for the project.

**LEGISLATION COMMITTEE:** Councilmember Murphy thanked Council for the passage of the legislation relating to the Veterans Administration property and the proposed rezoning amendments on Brecksville Road.

**FINANCE COMMITTEE:** No Report

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

**REPORT OF ENGINEER:** No Report.

**REPORT OF FINANCE DIRECTOR:** Finance Director Price reported that the Regional Income Tax Authority provided the collection rate for 2016 at 1.28%, 3.41 % lower than the previous year.

**REPORT OF BUILDING DEPARTMENT:** No Report

**REPORT OF SERVICE DIRECTOR:** No Report

**REPORT OF PURCHASING DIRECTOR:** No Report

**REPORT OF POLICE DEPARTMENT:** No Report

**REPORT OF FIRE DEPARTMENT:** No Report

**REPORT OF RECREATION DEPARTMENT:** No Report

**REPORT OF THE MAYOR:** No Report

**COMMENTS:** None

Motion by Skaljac, seconded by Carouse, to adjourn the regular meeting and enter into Executive Session at 8:28 P.M. to discuss matters of economic development regarding the VA property, matters of personnel relating to retirement and hiring and real estate matters relating to Crinkleroot at which time no further action by Council will be taken.

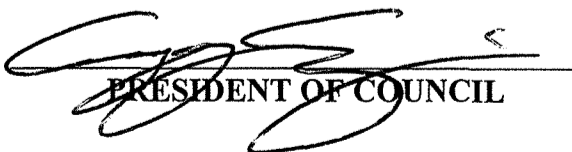
Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.

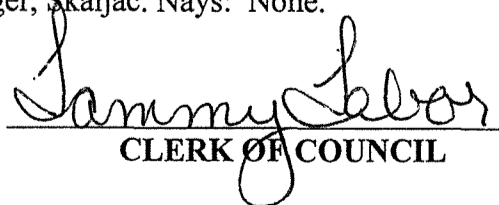
Motion Carried 5-Ayes 0- Nays.

Motion by Skaljac, seconded by Carouse, to adjourn the Executive Session at 9:22 P.M.

Ayes: Carouse, Harwood, Murphy, Redinger, Skaljac. Nays: None.

Motion Carried 5-Ayes 0- Nays.

  
PRESIDENT OF COUNCIL

  
CLERK OF COUNCIL