

CITY OF BROADVIEW HEIGHTS REGULAR COUNCIL MEETING MINUTES

CITY OF BROADVIEW HEIGHTS

May 1, 2023

The recording was not working so these minutes are from the notes of the Clerk of Council.

The Council President Boldt called the **REGULAR COUNCIL** meeting to order at 7:32 p.m.

Mr. Boldt led the Pledge of Allegiance.

COUNCILORS PRESENT: Mr. Robert Boldt (Ward 4 Councilor, President)
Mr. Thomas Pavlica (Ward 1 Councilor)
Mr. Brian Wolf (Ward 2 Councilor)
Mr. George Stelmaschuk (Ward 3 Councilor, President Pro-Tem)
Mr. Glenn Goodwin (Councilor At-Large)
Ms. Jennifer Mahnic (Councilor At-Large)
Mr. Joe Price (Councilor At-Large)

OFFICER(S) PRESENT: Mr. Samuel J. Alai (Mayor)
Mr. Vince Ruffa (Law Director)
Mr. Gary Yelenosky (City Engineer)
Mr. Joe Mandato (Chief Building Official)
Mr. David Schroedel (Service Director)
Mr. Dave Pfaff (Finance Director)
Chief Steven Raiff (Police Chief)
Ms. Amanda Hutcheson (Parks and Recreation Director)
Mrs. Helen Dunlap (Clerk of Council)

OFFICER ABSENT: Mrs. Kathy Parsson (Human Services Director)
Chief Jeffrey Hajek (Fire Chief)

APPROVAL OF MINUTES

Mr. Boldt asked if there were any amendments to the Council Meeting Minutes dated April 3 & 17, 2023 and Work Session Meeting Minutes dated April 10 & 24, 2023 and Finance Committee Meeting Minutes dated April 17, 2023 as submitted. Seeing none, the minutes are approved as submitted.

REPORTS AND COMMUNICATIONS FROM DEPARTMENT HEADS AND OFFICIALS

Ms. Hutcheson stated that there will be a Ribbon Cutting for the new Disc Golf at The Fields on May 22, 2023 at 6:30 p.m. and on June 12, 2023 the pool will be closed because the new chlorinators installation. The City of Seven Hills has opened there pool to our members to use that day.

Mr. Schroedel stated that the legislation on tonight's agenda for TK Elevator is for the elevator maintenance agreement. It came in after the last Work Session. It is a no cost increase agreement. The Service Department will be working on concrete repairs on the main campus and they will be working on Sprague

Road as needed since it is closed due to the work that is being done in North Royalton. The electric vehicle charging station is here and the service crew will be working to put the infrastructure in on that.

Mr. Yelenosky stated that since W. Sprague Road will be closed for 60 days because of the work being done in North Royalton, the detour will be Broadview Road to W. Pleasant Valley Road.

Mr. Mandato stated that the inspectors are out checking to make sure that the commercial buildings in the community are up to code and they will site the ones where the violations are bad otherwise they will receive a warning.

REPORTS AND COMMUNICATIONS FROM THE MAYOR

Mayor Alai wished everyone a Happy May Day. He stated that the Fleet Team will be presenting their proposed commercial building to Growth, Planning and Zoning Committee soon. They saw the renderings of the building and it may be the nicest building between downtown and Route 8. He looks forward to this being built.

APPOINTMENTS AND CONFIRMATIONS

None this evening.

COMMUNICATIONS, CLAIMS AND PETITIONS

None this evening.

REPORTS OF COMMITTEES

Mr. Price stated that the Board of Zoning Appeals will meet on Wednesday, May 3rd at 6:30 p.m. There are two applications, one is a lot split into 3 lots with several variances requested including lot frontage.

Mr. Pavlica stated that the Recreation Board will meet on Thursday, May 4th at 5:30 p.m.

Mr. Boldt stated that the Planning Commission met last week. There were two applications. The first was a sign that was approved and the second was for a short term rental. There was spirited debate and in the end it was denied. The Planning Commission recommended to Council to consider changing the ordinance regarding short term rentals and to prohibit them. He is asking Council to approve a moratorium on short term rentals so that they can study this ordinance and see which direction they would like moving forward.

RESIDENT PARTICIPATION

None this evening

RESOLUTIONS

Mr. Boldt presented Resolution 2023-51 for a first reading. Mr. Wolf moved to suspend Council Rule; seconded by Mr. Pavlica. Roll Call: Mr. Boldt, yes; Mr. Goodwin, yes; Mr. Wolf, yes; Mr. Price, yes; Mr. Pavlica, yes; Ms. Mahnic, yes; Mr. Stelmaschuk, yes. Motion passed. Clerk read once by title only. A

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF BROADVIEW HEIGHTS AND SPECIALIZED CONSTRUCTION, INC. FOR THE 2023-2024 ROAD PROGRAM IN THE

CITY OF BROADVIEW HEIGHTS, AND DECLARING AN EMERGENCY. Mr. Wolf moved to adopt Resolution 2023-51; seconded by Mr. Pavlica. Roll Call: Mr. Boldt, yes; Mr. Goodwin, yes; Mr. Wolf, yes; Mr. Price, yes; Mr. Pavlica, yes; Ms. Mahnic, yes; Mr. Stelmaschuk, yes. Resolution 2023-51 is adopted.

Mr. Boldt presented Resolution 2023-52 for a first reading. Mr. Wolf moved to suspend Council Rule; seconded by Mr. Pavlica. Roll Call: Mr. Boldt, yes; Mr. Goodwin, yes; Mr. Wolf, yes; Mr. Price, yes; Mr. Pavlica, yes; Ms. Mahnic, yes; Mr. Stelmaschuk, yes. Motion passed. Clerk read once by title only. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF BROADVIEW HEIGHTS AND TK ELEVATOR CORPORATION FOR ELEVATOR MAINTENANCE SERVICES IN THE CITY OF BROADVIEW HEIGHTS, AND DECLARING AN EMERGENCY. Mr. Wolf moved to adopt Resolution 2023-52; seconded by Mr. Pavlica. Roll Call: Mr. Boldt, yes; Mr. Goodwin, yes; Mr. Wolf, yes; Mr. Price, yes; Mr. Pavlica, yes; Ms. Mahnic, yes; Mr. Stelmaschuk, yes. Resolution 2023-52 is adopted.

Mr. Boldt presented Resolution 2023-53 for a first reading. Mr. Price moved to suspend Council Rule; seconded by Mr. Goodwin. Roll Call: Mr. Boldt, yes; Mr. Goodwin, yes; Mr. Wolf, yes; Mr. Price, yes; Mr. Pavlica, yes; Ms. Mahnic, yes; Mr. Stelmaschuk, yes. Motion passed. Clerk read once by title only. A RESOLUTION DECLARING A NINE (9) MONTH MORATORIUM ON ACCEPTING FOR FILING, AND CONSIDERATION, REVIEW AND APPROVAL OF ALL NEW APPLICATION FOR SHORT TERM RENTALS/BED AND BREAKFAST INNS/AIRBNB'S IN THE CITY OF BROADVIEW HEIGHTS AND DECLARING AN EMERGENCY. Mr. Boldt called for discussion. He stated that at the end of the Planning Commission meeting most of the Commission wanted to prohibit and Short Term Rentals/Bed and Breakfast Inns/Airbnb's in residential neighborhoods. At this time he would recommend placing a nine (9) month moratorium on this so that Council can decide what direction they would like to move forward with this issue and whether to change the regulations or to keep this kind of business out of residential neighborhoods. Mr. Price asked if we have other applications for this. Mr. Mandato replied no. Mr. Wolf asked if this short term rentals is less than seven (7) days. It was responded to that yes each rental is to be no more than seven (7) consecutive days. Mr. Ruffa stated that if there are any specific changes recommended that we can define that how they want. It was asked how we find these in the community. Mr. Ruffa responded that we find these through the residents. There are also sites to check and we stop them by finding them in violation to our code. This one couldn't meet the rules and they were denied. Mr. Goodwin asked what if they say that they are not getting paid. It was replied that they need to have an affidavit to prove that fact. Mr. Goodwin stated that the applicant said that she wasn't collecting. Mr. Wolf stated that if she is collecting then she would be taxed. Mr. Ruffa stated that if they are collecting then they would have to pay a hotel bed tax. Mr. Mandato stated that they didn't have a permit and they were given a warning and that is why they applied for a conditional use. Mr. Boldt stated that this is new legislation and is all to be discussed in the Rules, Ordinance Committee under Ms. Mahnic and they will discuss how to proceed forward or hold it in specific zoning districts. Mr. Goodwin stated or the number of acres needed to receive a conditional use permit. Mayor Alai stated that the applicant used his daughter in her presentation. If his daughter was still a friend of the applicant he would have called her to tell her that is not appropriate. He does not appreciate her use of his name in her presentation. Mr. Price moved to adopt Resolution 2023-53; seconded by Mr. Goodwin. Roll Call: Mr. Boldt, yes; Mr. Goodwin, yes; Mr. Wolf, yes; Mr. Price, yes; Mr. Pavlica, yes; Ms. Mahnic, yes; Mr. Stelmaschuk, yes. Resolution 2023-53 is adopted.

ORDINANCES

Mr. Boldt presented Ordinance 04-2023 for a second reading only. Clerk read once by title only. AN ORDINANCE REMOVING THE B-1 ZONING CLASSIFICATION IN THE CITY OF BROADVIEW HEIGHTS AND DECLARING AN EMERGENCY.

Mr. Boldt presented Ordinance 06-2023 for a first reading. Mr. Wolf moved to suspend Council Rule; seconded by Mr. Pavlica. Roll Call: Mr. Boldt, yes; Mr. Goodwin, yes; Mr. Wolf, yes; Mr. Price, yes; Mr. Pavlica, yes; Ms. Mahnic, yes; Mr. Stelmaschuk, yes. Motion passed. Clerk read once by title only. AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF AUTUMN WOODS SUBDIVISION, COUNTRY LAKES ESTATES SUBDIVISION, HOMESTEAD SUBDIVISION, PHASE ONE AND PHASE TWO, SCOTTSDALE SUBDIVISION, AND CREEKSIDE TRACE IN THE CREEKSIDE RESERVE SUBDIVISION IN THE CITY BY FURNISHING THE NECESSARY STREET LIGHTING SERVICE DURING CALENDAR YEAR 2023; AND DECLARING AN EMERGENCY. Mr. Wolf moved to adopt Ordinance 06-2023; seconded by Mr. Pavlica. Roll Call: Mr. Boldt, yes; Mr. Goodwin, yes; Mr. Wolf, yes; Mr. Price, yes; Mr. Pavlica, yes; Ms. Mahnic, yes; Mr. Stelmaschuk, yes. Ordinance 06-2023 is adopted.

Mr. Boldt presented Ordinance 07-2023 for a first reading. Mr. Wolf moved to suspend Council Rule; seconded by Mr. Pavlica. Roll Call: Mr. Boldt, yes; Mr. Goodwin, yes; Mr. Wolf, yes; Mr. Price, yes; Mr. Pavlica, yes; Ms. Mahnic, yes; Mr. Stelmaschuk, yes. Motion passed. Clerk read once by title only. AN ORDINANCE LEVYING SPECIAL ASSESSMENTS WITH THE IMPROVEMENT OF AUTUMN WOODS SUBDIVISION, COUNTRY LAKES ESTATES SUBDIVISION, HOMESTEAD SUBDIVISION, PHASE ONE AND PHASE TWO, SCOTTSDALE SUBDIVISION, AND CREEKSIDE TRACE IN THE CREEKSIDE RESERVE SUBDIVISION IN THE CITY BY FURNISHING THE NECESSARY STREET LIGHTING SERVICE DURING CALENDAR YEAR 2023; AND DECLARING AN EMERGENCY. Mr. Wolf moved to adopt Ordinance 06-2023; seconded by Mr. Pavlica. Roll Call: Mr. Boldt, yes; Mr. Goodwin, yes; Mr. Wolf, yes; Mr. Price, yes; Mr. Pavlica, yes; Ms. Mahnic, yes; Mr. Stelmaschuk, yes. Ordinance 06-2023 is adopted.

Mr. Boldt presented Ordinance 08-2023 for a first reading only. Clerk read once by title only. AN ORDINANCE REMOVING THE B-2 ZONING CLASSIFICATION IN THE CITY OF BROADVIEW HEIGHTS AND DECLARING AN EMERGENCY.

COUNCIL DISCUSSION

Mr. Goodwin wished Dan Holland, the reporter for the Broadview Journal, a Happy Anniversary.

Mr. Price stated that we should think of having a panic button up here on the dais remembering that the people that serve on the boards and commissions are volunteer residents.

Mr. Stelmaschuk stated that First Energy has fixed the street lights that were out in Country Lakes.

Mr. Boldt stated that he would like Ms. Mahnic and the Rules, Ordinance committee to look at the zoning regulations and if there is a specific proposal to change the zoning on a specific property that not only does it have to pass by a vote of the people of Broadview Heights but also in the specific Ward.

COUNCIL OPEN TO THE RESIDENTS

Marilyn Houdek, 1880 W. Royalton Road: She read a prepared statement to Council.

Over the course of construction at the Ledges they often started working 10-15 minutes early. Over the last few months, they have gradually been starting earlier and earlier. We tolerate it because I'm sure the police department has more important things to do than deal with them. Last Thursday we were having our coffee on our back deck at 6 a.m., when they started construction work. They were positioning the vehicle with the crane in the area where they were working. It's certainly much louder than a car engine. It was turning, backing, beeping for at least 10 minutes. We again tried to ignore it. But a few minutes later a crew of workers arrived and they were then positioning the crane itself, and started working. I called the police dispatch I think around 6:20 a.m. The police came out. Shortly after the police left, more workers arrived and a cement truck pulled in, again turning, backing to position itself and possibly began to pour cement. I called the police again who came to our door and we explained the situation. By the time he left our house to go next door it was already 7 a.m. Day in and day out we have constant noise from bulldozers, dump trucks, back hoes, graders, excavators, compactors, cranes, concrete mixers, dump trucks, air guns, saws, hammering, and people yelling so their voices carry over the noise. We can't open our windows when the weather is nice, because of all the dirt and noise. We have no choice but to tolerate this. But is it too much to ask that we not have to be disturbed on a Sunday, like a few weeks back, or that we can enjoy a cup of coffee at 6 a.m. on our back deck, in peace? Warnings from the police apparently do nothing. I do want to thank the police department for responding to my calls and am sorry I had to bother them with this.

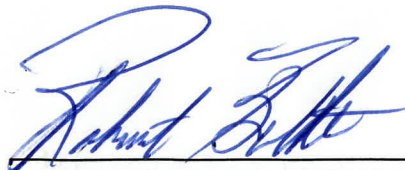
ADJOURN

Mr. Boldt stated with no further business to come before council, this meeting is adjourned.

The meeting adjourned at 7:58 p.m.



CLERK OF COUNCIL, HELEN DUNLAP



PRESIDENT OF COUNCIL, ROBERT BOLDT