

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

MINUTES OF A MEETING

HELD _____ March 6, 2018 _____ 20 _____

A meeting of the Council of the Village of Brooklyn Heights, Ohio was held on March 6, 2018 at 7:30 P.M. with Mayor Michael Procuk presiding.

The Pledge of Allegiance was recited at this time.

Present at roll call:	Councilmen:	Frank, Foote, Lasky, Presot & Walsh
	Mayor:	Procuk
	Clerk/Treasurer:	Clymer / Black
	Law Director:	Dowling
	Engineer:	Henry
	Police Chief:	Algeri
	Fire Chief:	
	Service Director:	Hatgas
	Bldg. Commissioner:	Monaco
	Comm. Service Dir:	Guilfoyle
	Recreation Dir:	Frank
	Soccer:	Shadd

MOTION: Mr. Foote moved to approve the minutes of the regular meetings of January 23, 2018, February 6, 2018 and February 21, 2018. Second by Mrs. Presot Motion passed 5-0

CORRESPONDENCE

- Read an email from Irene Jones – Josiah's House, Inc. – regarding their 7th annual Fashion Show Fundraiser to be held on April 14th at the Double Tree Hilton in Beachwood.
- Read a letter from NOPEC regarding the \$9 million customer give back. *Attached*
- Mayor Procuk will attend the District Advisory meeting of the Cuyahoga County Board of Health on March 8th. Jim Gatt is our appointed member and has agreed to continue in that role until a replacement is appointed.
- Read a letter from the Asst. Law Director regarding the secretarial position of the Zoning Board of Appeals and the Architecture Review Board. *Attached*
Linda Derbin will be appointed as a member of the ZBA and secretary with the rate of pay already established.
- The ARB consists of an Architect, Engineer, Building Inspector and two residents appointed by the Mayor. The board shall appoint a secretary from the five members and the rate of pay is \$50 per hour. At this time, the Mayor's secretary, Kari Baciak, will handle the non-voting position since she is already in the office.
- Mayor Procuk sent letters to the remaining board members whose appointments are up: Don Galek, Pat Lesnick, Steve Peine, Jeff Zorc, Allen Pfenninger and Les Foote (as a member of council on the Planning Commission). All have agreed to continue in their position. **MOTION: Mrs. Presot moved to approve the appointments. Second by Mr. Walsh Motion carried 5-0**

AUDIENCE

None

SOCCER

- Soccer season will begin on April 17th and run through May 19th.
- Practice will begin on March 26th weather permitting
- The Girls 14-15 age group will play in the boys lower age group league
- The Elks Soccer Shoot-out is tentatively scheduled for May 19th.
- Approximately 130 kids in the soccer league

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COMMUNITY SERVICE DIRECTOR

- Spring Art in the Park will be held on March 27th & 29th from noon to 2 pm.
- CH After Prom is requesting the bus to transport the kids to Kalahari on May 19th and to Cedar Point on May 29th OR 30th. **MOTION: All of Council moved to waive the bus rental fee for the Cuyahoga Heights After-Prom to transport to Kalahari and Cedar Point. Second by Mr. Foote Motion Carried 5-0**
- Thank you to Dave Pesicka of Cuyahoga Hts. schools. They did a food drive and donated the collection to the food pantry.
- Older Americans Month lunch will be on May 1st. All donations are welcome.

RECREATION DIRECTOR

- Basketball season is over and we had two championship teams. Boy's 3rd & 4th grade and boy's 5th & 6th grade.
- Baseball registration is in full swing.

SERVICE DIRECTOR

- We received a \$3,675 County Solid Waste grant to pay for two Shred-It days, magnets and other things.
- **MOTION: Mr. Walsh moved to pay Best Truck Equipment \$2,030 for an engine for the Exmark mower. Second by Mrs. Presot Motion carried 5-0**
- **MOTION: Mrs. Presot moved to pay Sirna Construction \$1,480 for road repair at W. 5th & Tuxedo for a water main break. To be reimbursed by the City of Cleveland. Second by Mr. Walsh Motion carried 5-0**
- Mr. Hatgas gave recommendations to the Clerk/Treasurer for the disbursement of the NOPEC grant of \$7,260.
 - a) Use \$2,600 for the asbestos abatement
 - b) Apply the remainder to the payment for the Honeywell project for 2018
- Our department applied 12 tons of Cold Patch on Valley Belt Road to abate the pot holes in the area and saved the \$13,000 in the road repair budget. The employees of Valley Belt were personally thanking our guys for their work down there.

CLERK / TREASURER

- No February numbers tonight. Will present them at the March 20th meeting
- The Budget Ordinance is to be voted on tonight.

ENGINEER

- Lancaster Road meeting with NEORSD will be next week regarding repairs behind Koehler Rubber.
- The Master Plan update is in preliminary review and will be ready to submit prior to the April 6th deadline.

BUILDING DEPARTMENT

- **COMMERCIAL:**
 - a) 4913 Van Epps – renovating the 2nd story
 - b) 4928 Schaaf Lane – new tenant – Industrial Furnace Co.
 - c) 4879 Van Epps – partially torn down and will be rehabbed
 - d) 100 Hayes Dr. – possible furniture storage unit
 - e) 4734 Spring Rd – divided into two spaces – rear space has a tenant moving in
 - f) 240 Old Brookpark Rd – Einheit Electric will knock down the two buildings and rebuild a new building. They will require some variances.

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- g) 4800 Spring Rd – possible newspaper distribution center. There will be a lot of traffic between the hours of 2 am and 6 am.

- **RESIDENTIAL:**

- a) 510 Tuxedo Ave – new owner will upgrade and remodel the house
- b) 4376 Galway Circle - point of sale inspection
- c) 5067 W. 7th St – point of sale inspection
- d) 5081 W 8th St – rental inspection
- e) Seven Hills – Belmont project – had a meeting on Feb. 20th and several SH residents voiced their concerns that the project would look like low income housing as there would be no room between the houses. The builder will push forward and the plans will go to the Planning Commission for approval.

ECONOMIC DEVELOPMENT

- Einheit Electric is dedicated to building new where they are.
- Geis Property – Leff Electric proposal is on hold, but another company is looking to build and 85,000 square foot building, mostly office, with a \$10 million payroll. Currently they are willing to spend about \$7 million to build but Geis wants \$9 million so they are working to close the gap. This will likely take council action for some property tax relief to get the deal done.

LAW DIRECTOR

- The Opioid National litigation case will be held in Cleveland and we will be a part of the litigation with other communities at no cost.

POLICE DEPARTMENT

- Car Jacking – no arrests have been made but we are awaiting the DNA results from the car. The car was recovered in Cleveland.
- Independence had a car -jacking last week at gun point and our officers assisted in the apprehension of two males.
- Mayor Procuik said if something looks out of place, call the police and let them decide what to do.
- Safety Town will be June 11th through June 22nd and the Community Service bus will be available for transportation.
- **MOTION: Mr. Lasky moved to purchase the shoulder mics at a cost not to exceed \$3,000. Second by Mr. Walsh Motion carried 5-0**
- The Southwest Enforcement Bureau will be involved in high level Secret Service training.

FIRE DEPARTMENT

No Report

MAYOR'S COURT

• Income for February	\$7,942.50
• State of Ohio	(1,592.50)
• Indigent Driver & Alcohol	(40.50)
• Reg. Enterprise Data Sharing System	(125.00)
• Adjustment and fees	(340.00)
• BROOKLYN HEIGHTS	\$5,844.50

MAYOR'S REPORT

- Cuyahoga County Mayors and Managers Assn. is raising the dues 15%
- The Supreme Court ruled that a police officer does not have to be on scene of a camera ticket. The State of Ohio is fighting this.

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- The annual meeting of mayors in Columbus will be May 15th.
- **MOTION: Mr. Foote moved to pay \$3,000 for the renewal of our membership in the First Suburbs Consortium. Second by Mr. Walsh Motion carried 5-0**
- Mayor Procuik has not heard from Atty. Tony Coyne regarding the Rosby deadlines.

FINANCE COMMITTEE

- Met tonight to discuss the Capital expenditures for Police, Fire and Community Services
- Council will need to keep an eye on the 2018 budget
- Council may be faced with some tough decisions this summer but may be ok with the ballot issue of a tax increase to 2.5%

PARK, PLAYGROUND AND COMMUNITY SERVICES COMMITTEE

- 2018 Senior Lawn Cutting contract goes to GBJ Landscaping
- Will finalize the contract on March 20th.

A Streets Beautification and Utilities committee meeting to discuss the streets program will be on March 20, 2018 at 7 pm.

Mrs. Presot attended the CH Schools Open House last month as the BH representative to the BEST Committee. She said that twenty-seven tuition students registered in Pre-K that day.

ORDINANCES & RESOLUTIONS

ORDINANCE 13-2018- MARCH PAY ORDINANCE

Sponsor: Mr. Walsh

Second: Mr. Foote

Yeas: Walsh, Foote, Lasky, Frank, Presot

Nays: None

Ordinance 13-2018 is adopted 5-0

ORDINANCE 14-2018- AN ORDINANCE AMENDING SECTION 1060.01 OF THE BROOKLYN HEIGHTS CODE OF ORDINANCES

Sponsor: Mr. Foote

Second: Mr. Lasky

Yeas: Foote, Lasky, Frank, Walsh, Presot

Nays: None

Ordinance 14-2018 is adopted 5-0

ORDINANCE 15-2018- AN EMERGENCY ORDINANCE FOR THE APPROPRIATIONS FOR THE FISCAL YEAR 2018

- *MOTION: Mrs. Presot moved to amend the 2018 appropriations as follows: AN INCREASE TO THE GENERAL FUND APPROPRIATIONS BY \$15,000 AND TO REDUCE THE CAPITAL FUND APPROPRIATIONS BY \$3,000. Second by Mr. Walsh*

Yeas: Presot, Walsh, Lasky, Foote, Frank

Nays: None

Motion to amend passed 5-0

Sponsor as amended: Mrs. Presot

Second: Mr. Walsh

Yeas: Presot, Walsh, Lasky, Foote, Frank

Nays: None

Ordinance 15-2018 is adopted as amended.

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RESOLUTION 03-2018- AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER OF THE VILLAGE OF BROOKLYN HEIGHTS TO ADVERTISE FOR BIDS FOR RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL AND ALTERNATE BIDS FOR CURBSIDE COLLECTION OF RECYCLABLES AND RECYCLING SERVICES

Sponsor: Mr. Frank

Second: Mr. Lasky

- *Discussion: Mrs. Presot asked if the bids ask for with and without containers. Mr. Hatgas stated that the bids will be as we collect now and automated collecting with containers.*

Yeas: Frank, Lasky, Foote, Presot, Walsh

Nays: None

Resolution 03-2018 is adopted 5-0

There being no further business to come before the council, it was moved by Mrs. Presot seconded by Mr. Foote

Meeting adjourned.

Mayor

Clerk/Treasurer



Mike Procuk

CC Council

From: Chuck Keiper <executivedirector@nopec.org>
Sent: Tuesday, February 27, 2018 5:12 PM
To: Mike Procuk
Subject: Customer Give Back Program

CK
MSB

Dear Community Leader,

Each November, General Assembly members from over 200 Ohio communities come together at the NOPEC Annual Meeting to approve NOPEC's operating budget for the coming year and elect directors. You are receiving this email because you attended, or are eligible to have attended, the 2017 General Assembly meeting held November 14, 2017.

At that meeting, NOPEC proposed a Customer Give Back program to return \$9 million (\$5.4 million in settlement dollars plus \$3.6 million in NOPEC marketing dollars) to the nearly 500,000 NOPEC electric customers in FirstEnergy territory via a \$20 Visa gift card in the mail. This money represents a good portion of the benefit NOPEC customers would have received had FirstEnergy Solutions not suddenly terminated its contract with NOPEC in 2016. However, a few General Assembly members expressed concerns about the administrative expenses and fulfillment logistics associated with the proposed Customer Give Back program during the meeting. As a result, the General Assembly asked the Board of Directors to revisit the proposed program to see if there were any opportunities to revise the program to address the issues which had been raised.

Staff heard your concerns and worked to identify additional alternatives to distribute the \$9 million give back. Attempts to work with the utility company to administer the refund as an on-bill credit were unsuccessful. After reviewing several alternatives and the costs associated with each, the NOPEC and NextEra teams identified a solution to get this money to our customers efficiently while significantly reducing the associated administrative costs. Through our partnership with NextEra Energy Services Ohio, LLC, we are able to offer a reduced rate to our electric customers for a 4-month period this Spring.

Here's how the newly-devised program will work: NOPEC's electric customers will receive a reduced rate on the generation portion of their electric bills. On average, we're reducing our rates by nearly \$18 for residential customers and about \$39 for small business accounts over the program period. Customers that qualify to receive the discounted electric rate will receive a post card in the mail in mid-March to notify them of the discounted pricing program. NOPEC will also create awareness of this program via a three-week media campaign in mid-March when customers will be receiving their electric bills reflecting the price reduction. There is nothing that needs to be done by any customer in order for them to receive NOPEC's giveback.

This new give back program:

- Will lower rates for customers for 4 billing cycles (Feb. – May)
- Gives residential customers about \$18 back on average over that period
- Gives small business customers about \$39 back on average over that period
- Equals about a 3% overall reduction to the generation portion of their bill
- Costs about \$250,000 to administer with \$100,000 being contributed by NextEra
- Was unanimously approved by the NOPEC Board in January

We're excited about all the benefits customers will receive from the program. But while we have found an unexpected and non-traditional methodology for implementing this customer give back program, this change in process will not deliver the customer intelligence and resulting competitive advantage that the original program had been designed to deliver. We will continue to seek out such data-gathering opportunities and hope to present options to you at a future General Assembly meeting.

NOPEC is a member-directed council of governments. The staff and I look forward each and every day to fulfilling our primary mission which is to serve our communities and our customers. Thank you so very much for your involvement and your voice in all things NOPEC. It is an honor, indeed, to serve you.

If you have any questions on this program, as always, feel free to reach out to me directly at any time.

Sincerely,

Chuck Keiper

NOPEC Executive Director

Office Number 440-248-1992

Mike Procuk

From: Sheila Salem <ssalem01@yahoo.com>
Sent: Friday, February 02, 2018 5:28 PM
To: Mike Procuk
Cc: Jerry Dowling (Jdowling@LawDirector.org); Kari baciak; Nino Monaco (ninomonaco@sbcglobal.net); Nino Monaco
Subject: Re: Judy Bizjak Positions

Mayor,

Pursuant to Section 1264.01 there are 5 members appointed to the Board of Zoning Appeals. There is no mention of a secretary in the Ordinance. Generally, an employee of a municipality will serve as the secretary but in a purely administrative role (i.e., no voting). If BH already has a 5 member board it would be appropriate for a secretary to be employed in this manner (in an administrative role only).

Pursuant to Section 1450.01 of the ordinances, the Architectural Review Board consists of the Architect, Engineer, the Building Official and two residents appointed by the Mayor. These would be the five members that would be entitled to vote. Section 1405.08 of the Ordinances provides that "The Board shall appoint a secretary who shall prepare and cause to be kept in the office of the Clerk/Treasurer a complete record open to public inspection of all meetings of the Board, and who shall perform other duties as assigned by the Board." Accordingly, the Architectural Board of Review appoints a secretary. This secretary would not be a voting member but instead would perform the administrative duties outlined in Section 1405.08.

Please let me know if you need anything further on this matter.
Sheila Salem

On Thursday, February 1, 2018 12:52 PM, Mike Procuk <mprocuk@brooklynhts.org> wrote:

Shelia,

I am also out of town, but still need this information ASAP.

Judy Bizjak passed away and she served on two boards.

She was the Secretary of the Zoning Board of Appeals since 1/1/87.

She also served as Secretary of the Architectural Review Board since 5/10/00.

Both of these are obviously appointed and paid positions. I need to know what capacity the ordinances state as to the voting or non-voting member she held. She always voted, but I'm not sure if that was correct. I plan to appoint two new people. The ARB position would be best handled by my Secretary Kari Baciak if it is strictly a clerical non-voting member. Kari would not be compensated since she is salaried and would carry out her duties as part of her regular work day.

Thanks,

mm