

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

MINUTES OF A MEETING

HELD _____ April 7, 2015 _____ 20 _____

A meeting of the Council of the Village of Brooklyn Heights, Ohio was held on April 7, 2015 at 7:30 P.M. with Mayor Michael Procuk presiding.

The Pledge of Allegiance was recited at this time.

Present at roll call:

Councilmen:	Black, Foote, Hatgas, Selig, Walsh
Mayor:	Procuk
Clerk/Treasurer:	Clymer
Law Director:	Dowling
Engineer:	Henry
Police Chief:	Sgt. Cassidy
Fire Chief:	Lasky
Service Director:	Hatgas
Bldg. Commissioner:	Socoloff
Comm. Service Dir:	Guilfoyle
Recreation Dir:	Presot

CORRESPONDENCE

- Thank you note from Andy Pech, ARP Heating & Cooling, in appreciation for the business of installing the new boiler system in the Community Center.
- Thank you notes from Wolf Pack Den 28 – Kris Armbrust Den Leader. The notes were from Travis, Ben, Mike, Aiden, Michael and Nick thanking council for the use of the Community Center.
- Mayor Procuk sent correspondence dated March 18th to Mr. Ted Biskind requesting that the search for a health care provider begin in March so that he could report to council at the April meeting. Census forms were then given to all eligible employees and as of 1 pm this date there is still one missing questionnaire. Therefore Mr. Biskind could not complete the task set and will not be attending the meeting tonight.
- Mayor Procuk read an email from Michael Kostel of 5652 Lancaster regarding the Honeywell Building prospective occupants – ICE. **(see attached)**

Mayor Procuk then allowed comments from the audience on the subject.

- Steve, Dorset Dr. spoke. He urged everyone with any concerns to attend the Zoning meeting on Monday April 10th.
- Genie, Galway Circle asked what happens when the illegal immigrants are released. Will they be walking the neighborhood waiting for busses or will they be transported elsewhere?
- Mayor Procuk responded that he did not know but the question could be asked on Monday.
- Steve of Belmont said another concern is if they are trying to reunite families who would be responsible for their education.
- Maria of Galway Circle asked if ICE will have a representative at any of the meetings or will it only be Mr. Finley answering questions.
- Mayor Procuk said he did not know but if they want variances he would think that Mr. Finley would bring anybody up who could answer the questions.
 - ◆ She asked how a committee of five can make an informed decision without speaking to the people who would inhabit the building. Mayor Procuk said she was right and he is not disputing that but it is up to those five people.
 - ◆ She then asked what benefit Mayor Procuk sees to the neighborhood from this use of the property. She asked why the project wasn't shut down when they first approached the village.

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Mayor Procuk said that we don't have a voice when someone wants to rent a building. If their use fits the zoning of the building and area then they can rent. In this instance their need does not fit the zoning so they are asking for a variance.

There is a process in place that we are obligated to uphold. Mayor Procuk said the only benefit to our village is the municipal income tax that would be collected. He said he doesn't know any more than they do.

- Sam of Galway Circle asked if they have to apply to occupy also. Building Inspector Socoloff said that the area is a Limited Industrial area and that they cannot put a detention center there due to other requirements under the Ohio building codes. If it is just office space they wanted it would be no problem, but the sally port can also be denied.
- Karen of Galway Circle said she sees lights in the building so what permit did they apply for to do any type of work in the building. Mr. Socoloff said that they are doing demolition work inside. They can gut the building if they want to since they own the building as long as they don't touch the outer structure of the building. The demolition plans went through our Plans Examiner and then through due process the demolition permit was issued. She asked if the fire department has to inspect it and Chief Lasky told her that they are doing nothing more than taking down walls so there is nothing to inspect.
- Dave of Dorset Dr. asked about property values, the aesthetics and the extra load on our police and fire departments. Who makes those decisions? Mayor Procuk said the Zoning Board and then the council.
- Mayor Procuk explained once again that they were told to apply for the variances prior to trying to lease the space but they ignored us. We cannot, legally, tell them that the variances will or will not be approved but we stand by our process.
- Sam asked if we have ever been overturned in Common Pleas court and Mayor Procuk and Mr. Dowling both said not since they've been here. The last time we went to court for something like this was the group home on Schaaf Rd. which we lost and that was before their time.
- Dawn from Dorset Dr. asked, if because this is the Federal government, can they override our decision? Mayor Procuk said that scares him and he doesn't know. Mr. Socoloff said that if the government owned the property they could do anything they want to without our approval.

There are several landfills and dumps in our village that are permitted by the State of Ohio and the EPA which are overseen by the Board of Health. We have no authority Other than making them sweep our streets and control the hours of operations.

- Mayor Procuk asked Maria what she meant when she said he was in favor of this project. She answered that she felt it should have been stopped before it got this far. She stated that from the April 2014 minutes it sounds like he is in favor of it because they are looking for creative ways to get funds and that Mr. Clymer said that they will collect the taxes. She said according to the research she did this day they will be holding criminals and she does not want that in her neighborhood.

Mayor Procuk said that many times our police stop a vehicle with illegal immigrants and when ICE is called the police are told to "advise and release".

- A woman asked what prevents Mr. Finley from updating the building and selling it? Mayor Procuk said we can't pass a law that says you can't sell your property or that the Federal government can't buy property in Brooklyn Heights.
- Al from Lancaster asked that once the detention center is established and they want to expand how that would be handled. Mr. Socoloff responded that they request certain square footage for their operation and if they want to expand that square footage they would have to go back to the Zoning Board of Appeals. Al asked if we could fight that

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- and Mr. Socoloff said that they have the right to due process (ZBA and council) but it could then end up in Common Pleas Court.

Mayor Procuk said that all the comments heard tonight are important and that they should all be asked of the Zoning Board at the meeting on Monday night (April 13th). If you can't make the meeting you can call the board members. They are: Gary Samerigo, Rose Presot, Allen Pfenninger, Judy Bizjak and Dan Sholtis. They are your neighbors and that's how they serve their community.

Maria then asked if there are drawings that they could look at to see what this is to look like and Mr. Socoloff said that the drawings are public record and they could look at them any time they want to.

A man asked if it automatically comes back to council and was told that council has thirty days to take action after the ZBA hands down its decision but if they (council) do nothing before the thirty days then any action by the Zoning Board would stand.

A lady asked what the immigration board told them they were looking for when this first began. Mayor Procuk said they tossed around many descriptions and were told that if it was to be offices, "welcome aboard" but if what they want was not within the zoning parameters then they would have to apply for variances. Then they disappeared. He said that the property owner probably had to bid to get the government to look at the building but he is not sure.

She then asked why Mr. Finley would want to make the building look appealing. Mayor Procuk told her she would have to ask Mr. Finley that question.

Mayor Procuk said we are nowhere near having an occupant for this building.

Mayor Procuk handed out the packet that was given to council to those who wanted it that will be discussed at the Monday meeting.

Eileen Pech of Marko Lane urged council to not grant the variances because this is not a good fit for our community.

Mr. Dowling stated that the Zoning Board of Appeals has to view the variance on whether it will be detrimental to health & safety, will not harmfully affect the property or rights of the adjacent property owners or future development of the neighborhood of which the variance is requested.

Mrs. Pech said they need to consider the adjacent property owners and how many businesses we may lose or how many businesses will not want to be in the area due to this type of facility.

Mr. Socoloff showed the drawings to those interested parties.

Mayor Procuk said he had lunch with Ray Fogg and he doesn't seem concerned, but again, the property owners have leases and we don't know how their tenants feel about this.

Mayor Procuk was asked if he knows anything about the facility in Strongsville and he did not.

Mrs. Guilfoyle will have the Zoning Board members listed on the website tomorrow.

The question was asked that if the Zoning Board approves the variances and it goes to council and council overturns their decision, how far can it go or is it done and the answer was it could then go to Common Pleas Court. Councilman Walsh said that there are many ways to fight the federal government.....television etc. He asked why they would want to come here if the vast majority of the residents and the administration don't want the facility here. We could fight it.

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Mr. Selig said they are big, we are little and Mrs. Pech said we would at least have to try.

Mayor Procuk asked Mr. Dowling what legal stand we have if the variances are denied and the federal government buys the building. Mr. Dowling said we could fight it but we would be on difficult ground.

Mayor Procuk said that at this time anyone is welcome to stay for the rest of the council meeting but we will not be discussing this issue any further until Monday evening.

Mr. Black thanked the residents for coming up and expressing their feelings.

FIRE CHIEF

Chief Lasky reported that the department will begin Hydrant flushing next month. Please watch the Breeze and website for the daily locations.

The department has again applied for an EMS grant. This grant is for supplies for the department. This is a 100% grant with no match from the village.

Chief Lasky talked about a magnet that is being used by Walton Hills. The magnet is customized for individuals and lists their medications. It is put on the refrigerator and is there for the paramedics use. He and Mayor Procuk are looking into this for our residents.

Mayor Procuk asked Chief Lasky about the recent incident in Northfield Village and the hydraulic cot that tipped. Chief Lasky said that the night it happened it was raining and there was a rather large pothole that had filled with water. The medics did not see it and the wheel of the cot got caught in the hole and tipped. Chief Lasky said that the cot was raised above the recommended height and that our cots have a safety on them to prevent this. He also said this is probably more prevalent than we know but because most departments are now using the hydraulic cots (purchased through grants from the BWC) we are hearing more about them.

POLICE CHIEF

Sgt. Cassidy representing Chief Algeri asked for a motion to pay University Hospital for the Pre-employment physicals for the new officers.

MOTION: Mr. Black moved to pay University Hospital invoice of \$1,090 for pre-employment physicals for the two new officers. Second by Mr. Foote Motion carried 5-0

SERVICE DIRECTOR

The department has begun the spring clean-up throughout the village including the park.

MOTION: Mr. Foote moved to pay Sirna Construction \$3,450 for street repairs for work done by the Cleveland Water Department to be reimbursed by Cleveland Water Department.

Second by Mr. Selig Motion passed 5-0 **

***Note: This work was done at W 7th & North, W 7th & Tuxedo and W 6th & North. The work is reimbursable by the City of Cleveland, Division of Water at \$.25 per sq. ft.*

MOTION: Mr. Walsh moved to pay Sirna Construction \$4,322 for street repairs at Belmont Dr., Mural Dr. and Dorset Dr. Second by Mr. Black * Motion carried 5-0**

****Note: This work is partially reimbursable.*

Mr. Hatgas stated that the new boiler was installed in the Community Center and is operational. He also reported that we had an increase in overall recycling from 2013 to 2014.

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RECREATION DIRECTOR

Mr. Presot reported that the soccer season will begin this Saturday. We have two Smurf teams and seven older teams for a total of 122 players.

We have 129 children signed up for baseball/softball/T-ball and that does not include any Cuyahoga Heights kids we may pick up.

Mr. Presot has been in contact with the MLB Pitch, Hit & Run Competition group and there is no way we can meet their deadline this year. He would like to possibly make this a completion at the "new" summer event.

Mr. Selig asked if we held the competition later in the summer could we use those stats for the completion next year. Mr. Presot said he would check.

COMMUNITY SERVICE

Mrs. Guilfoyle reminded council that the spring one day session of Art in the Park will be tomorrow (4/8) and there are 22 children signed up.

The Older Americans Recognition Luncheon is April 21st and there are quite a few signed up and many door prizes.

There are 9 seniors ready to participate in the local Senior Olympics.

Mr. Dan D'Orazio called requesting a village bus to transport students for college visits on April 29th. He is asking all three villages. This would be done during the normal school day from 8 am to 2:30 pm. One bus would go to Cleveland State and Case Western Reserve, another bus to Akron and one to Baldwin-Wallace. She does not know if the other villages are in agreement but we need to act tonight since it is at the end of the month.

MOTION: Mr. Selig moves to use our bus for transportation for Cuyahoga Heights seniors for a college visit on April 29, 2015. Second by Mr. Walsh Motion carried 5-0

Mayor Prochuk asked why they are not using school busses and Mrs. Guilfoyle said it was a scheduling conflict.

There are 21 signed up for Senior Lawn Cutting.

Mayor Prochuk asked Mrs. Guilfoyle to put the Zoning Board meeting and member names on the website and Facebook.

ENGINEER

Mr. Henry reported that three bids were requested for the approach slabs on Schaaf Road Bridge over Granger. Two bids were received: Sirna Construction at \$26,680 and TC Construction at \$64,500. There is an ordinance tonight for Sirna Construction.

There will be a resolution tonight authorizing Mr. Henry to prepare plans for the asphalt & concrete repairs throughout the village. The county will be paying for the materials.

The OPWC Small Government application for Lancaster Rd. was scored at 69. Last year any score at 54 or higher was awarded money but we probably won't know anything until June.

Mr. Henry would like about 15 minutes at the Ordinance committee meeting on May 5th.

Mr. Selig asked what was budgeted for the approach slabs and Mr. Clymer said \$100,000. The work is being done for \$26,680.

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BUILDING INSPECTOR

Mr. Socoloff announced Certificate of Occupancy, permits etc.:

1. 100 Hayes Dr – Wise Snacks
2. 153 Hayes Dr – Mattress Solutions
3. 210 Hayes Dr – Premier Courier
4. 455 Granger – Wire Installation
5. 700 Resource – Dedicated Transport
6. 800 Resource – Rhino Systems
7. 4900 Van Epps – Impullitti Landscaping
8. 707 Brookpark Rd – Secure Lending
9. 4995 Van Epps – Black Hawk Industries
10. 4915 Van Epps – Old Town Distributors
11. 5399 Lancaster – Taylor Group
12. 800 Resource & 980 Keynote Circle - GrafTech

There have also been several residential permits issued for various upgrades.

LAW DIRECTOR

No Report

CLERK / TREASURER

- March general fund is down for the year \$120,786.91.
- March general fund is down from February \$3,987.
- R.I.T.A income is down 5.8% \$79,000 for the year.
- Spending is at 24/29% thru 25% of the year. None of the significant expenditures have been paid yet this year, i.e.: revenue sharing to the schools or the BWC premiums.

Mr. Clymer said that Ordinance 21 tonight deals with renewal of the accounting software package they have been using. The cost is \$10,123.39 and he would like to stay with this software.

Mr. Clymer said that last year R.I.T.A. had a subpoena program where they issued subpoenas to people who did not file. The program cost was \$1,560 and we netted \$7,438 in back taxes. We do not have a late filing fee but our Tax Administrator would like to look at our ordinances to see if we can initiate one. In many of the cases the person did not owe anything and did not file even though they are required to file.

MOTION: Mr. Walsh moved to pay R.I.T.A. \$1,560 for the 2014 Subpoena Program. Second by Mrs. Hatgas Motion carried 5-0

MOTION: Mr. Walsh moved to pay CompManagement invoice \$2,370 to retain as our Work comp third party administrator. Second by Mr. Foote Motion carried 5-0

Mr. Clymer attended the Health Improvement Partnership for Cuyahoga County, the State Auditors Seminar and the Municipal Finance Officers Luncheon (of which he is president).

MAYOR'S COURT

Income	\$9,793.20
State of Ohio	(1796.00)
Indigent Drivers & Alcohol Fund	(54.00)
Regional Enterprise Data Sharing Fund	(160.00)
Brooklyn Heights	\$7,783.20

Mayor Procuik attended the ground breaking ceremony at Cuyahoga Valley Career Center for the Robotics & Technical Collaborative. They received a \$1.5 million grant for robotics careers.

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A tour of the water department will be on May 9th.

Mayor Procuk does not see a direct benefit to Brooklyn Heights in being a member of the First Suburbs organization but recommends we continue our membership for the future. The cost is \$3,000.

MOTION: Mr. Walsh moved to pay the 2015 dues of \$3,000 for First Suburbs membership.
Second by Mrs. Hatgas Motion carried 5-0

Mayor Procuk asked Mrs. Guilfoyle about a program thru Cox Communications that may help some lower income families have cable. It is called Cox Connect to Compete. There are some established guidelines to be followed.

COMMITTEE REPORTS

Mr. Black officially announced that the Ordinance Committee meeting scheduled for May 5, 2015 will begin at 7pm to go over some building and zoning ordinances. At 7:15 the presentation from the Cuyahoga Heights Schools B.E.S.T. committee will commence.

MOTION: Mr. Black moves to repeat the swim pass program of 2014 and keep the subsidies at \$25 for and individual and \$50 for a family. Second by Mr. Walsh Motion carried 5-0

ORDINANCE 20-2015 - AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK-TREASURER TO ENTER INTO AN AGREEMENT WITH GBJ LANDSCAPING FOR LAWN MAINTENANCE SERVICES PURSUANT TO THE VILLAGE SENIOR LAWN CUTTING PROGRAM FROM APRIL 15, 2015 THROUGH NOVEMBER 15, 2015

Sponsor: Mr. Selig

Second: Mr. Foote

Yeas: Selig, Foote, Black, Hatgas and Walsh

Nays: None

Ordinance 20-2-15 is adopted 5-0

ORDINANCE 21-2015 - AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CONTRACT WITH SOFTWARE SOLUTIONS, INC.

Sponsor: Mrs. Hatgas

Second: Mr. Foote

Yeas: Hatgas, Foote, Black, Selig and Walsh

Nays: None

Ordinance 21-2015 is adopted 5—0

ORDINANCE 22-2015- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK TREASURER TO ENTER INTO A CONTRACT WITH LEBANON FORD FOR THE PURCHASE OF ONE (1) 2016 FORD UTILITY INTERCEPTOR FOR USE BY THE VILLAGE OF BROOKLYN HEIGHTS POLICE DEPARTMENT

Sponsor: Mr. Foote

Second: Mr. Selig

Discussion: This vehicle will replace the last Crown Victoria on the department

Yeas: Foote, Selig, Hatgas, Walsh and Black

Nays: None

Ordinance 22-2015 is adopted 5-0

ORDINANCE 23-2015- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CONTRACT WITH SIRNA CONSTRUCTION FOR THE REPAIR OF THE APPROACH SLABS ON SCHAAF ROAD BRIDGE

Sponsor: Mr. Walsh

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Second: Mr. Foote
Yeas: Walsh, Foote, Black Selig and Hatgas
Nays: None
Ordinance 23-2015 is adopted 5-0

ORDINANCE 24-2015 – APRIL PAY ORDINANCE

Sponsor: Mrs. Hatgas
Second: Mr. Foote
Yeas: Hatgas, Foote, Black, Selig, Walsh
Nays: None
Ordinance 24-2015 is adopted 5-0

RESOLUTION 5-2015 – AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) GRANT FOR CONGESTION MITIGATION AIR QUALITY (CMAQ) AND/OR TRANSPORTATION ALTERNATIVES PROGRAM FUNDING AND/OR SURFACE TRANSPORTATION PROGRAM FUNDING TO COMPLETE A SIGNIFICANT SECTION OF THE WEST CREEK GREENWAY

Sponsor: Mr. Foote
Second: Mr. Walsh
Yeas: Foote, Walsh, Hatgas, Selig and Black
Nays: None
Resolution 5-2015 is adopted 5-0

RESOLUTION 6-2015- AN EMERGENCY RESOLUTION AUTHORIZING THE ENGINEER TO PREPARE PLANS AND SPECIFICATIONS REQUIRED TO BID THE 2015 CONCRETE AND ASPHALT REPAIR PROGRAM

Sponsor: Mr. Foote
Second: Mr. Selig
Discussion: Mr. Black told council that he would be voting nay on this resolution because until they have a plan to replenish the capital budget he is not comfortable spending this kind of money. Mr. Foote asked Mr. Henry if it will hurt us if we don't apply for this funding in 2015 and Mr. Henry said it could. Mr. Foote asked his fellow council members to keep that in mind. We would be losing \$130,000 to fix our roads.
Yeas: Foote, Selig, Walsh and Hatgas
Nays: Black
Resolution 6-2015 is adopted 4-1

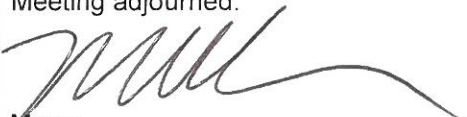
Mayor Procuk told council he will be flying to Washington D.C. on April 30th and returning on May 3rd. He has appointments with Joyce, Portman and Congresswoman Fudge.

Resident Mark Lasky told council that he had attended a Greater Cleveland Safety Council meeting and was surprised to see Donna Tesar in attendance. She told him that she attends on behalf of the village. Mayor Procuk explained that she attends as many as eight meetings and he attends a few so that the village can receive the Work comp discount on our premiums. Mr. Lasky said he is pleased that we take advantage of the program.

There being no further business to come before the council, it was moved by Mr. Walsh, seconded by Mr. Selig that the meeting be adjourned.

Yeas: All

Meeting adjourned.



Mayor



Clerk/Treasurer