# MINUTES OF A MEETING August 4 2015

	HELD	- 1.09.01 1, 20.0	20
A meeting of the Co P.M. with Mayor Mic	uncil of the Village chael Procuk presid	of Brooklyn Heights, Oh ing.	io was held on August 4, 2015 at 7:30
The Pledge of Allegi	ance was recited a	t this time.	
Present at roll call:		Councilmen: Mayor: Clerk/Treasurer: Law Director: Engineer: Police Chief: Fire Chief: Service Director: Bldg. Commissioner:	Black, Foote, Hatgas, Selig, Walsh Procuk Clymer Dowling Henry Algeri Lasky Hatgas <i>ABSENT</i>
		Comm. Service Dir:	Guilfoyle

Minutes to be approved: April 7, 2015 May 5, 2015 June 2, 2015

Corrections: June 2, 2015: Mrs. Hatgas noted that of the University Hospital Parma attendees listed, Joseph Talerico was not present but Marybeth Talerico was present.

Recreation Dir: Presot

MOTION: Mrs. Hatgas moved to accept the minutes as corrected. Second by Mr. Foote Motion passed 5-0

Mayor Procuk will go out of order to swear in the new appointees.

# ORDINANCE 41-2015- AN EMERGENCY ORDINANCE APPOINTING MARK LASKY TO REPLACE DAN SHOLTIS AS A MEMBER OF BOTH THE VILLAGE PLANNING COMMISSION AND ZONING BOARD OF APPEALS

Sponsor: All of Council Second: Mr. Foote

Mayor Procuk: Our ordinances call for one person to serve on both the Planning Commission and

the Zoning Board of Appeals.

Yeas: Foote, Black, Hatgas, Selig, Walsh

Nays: None

Ordinance 41-2015 is adopted 5-0

# ORDINANCE 42-2015- AN EMERGENCY ORDINANCE APPOINTING STEVE PEINE TO REPLACE DAN SHOLTIS AS THE CHAIRPERSON OF THE VILLAGE PLANNING COMMISSION

Sponsor: All of Council Second: Mr. Selig

Mayor Procuk: Mr. Peine has been on the board for many years and brings a wealth of

knowledge to the position of chairperson. Yeas: Selig, Walsh, Hatgas, Foote, Black

Nays: None

Ordinance 42-2015 is adopted 5-0

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# ORDINANCE 43-2015- AN EMERGENCY ORDINANCE APPOINTING ALLEN PFENNINGER TO REPLACE DAN SHOLTIS AS THE CHAIRPERSON OF THE ZONING BOARD OF APPEALS

Sponsor: All of Council Second: Mr. Foote

Mayor Procuk: Mr. Pfenninger has served on the Zoning Board of Appeals over ten years and is well qualified to be the chairperson.

Yeas: Foote, Hatgas, Walsh, Black, Selig

Nays: None

Ordinance 43-2015 is adopted 5-0

At this time Mayor Procuk swore in the appointees.

RESOLUTION 10-2015\_AN EMERGENCY RESOLUTION HONORING DANIEL SHOLTIS' ACCOMPLISHMENTS, DEDICATION, CONTRIBUTIONS, AND OUTSTANDING SERVICE OF OVER 40 YEARS TO THE CITIZENS OF THE VILLAGE OF BROOKLYN HEIGHTS AND PROCLAIMING AUGUST 17, 2015 AS "DANIEL SHOLTIS" DAY

Sponsor: All of Council Second: Mr. Foote

Yeas: Foote, Selig, Walsh, Black, Hatgas

Nays: None

Resolution 10-2015 is adopted 5-0

Mayor Procuk then read in its entirety Resolution 10-2015 honoring Mr. Daniel Sholtis.

Mr. Sholtis expressed his thanks and said it has been an interesting 40 years. He introduced his family and gave some background on each.

#### **CORRESPONDENCE**

Mayor Procuk read a note from Nancy Tinsley, UH Parma Medical Center thanking council for their support.

Irene Jones, Josiah House, asked for use of pavilion 2 on August 15th for a Family Picnic and that the fee is waived.

MOTION: Mr. Foote moved to waive the fee for pavilion 2 on August 15<sup>th</sup> for the Josiah House Family Picnic. Second by Mr. Selig Motion passed 5-0

Christine Collum from Weltman, Weinberg & Reis has requested the use of a pavilion on Sept. 4, 2015 for their IT Group picnic. They asked that the fee be waived. The rain date is Sept. 11<sup>th</sup>.

MOTION: Mr. Selig moved to waive the pavilion fee for Weltman, Weinberg & Reis on Sept. 4, 2015 for their IT Group Picnic. Second by Mr. Walsh Motion passed 5-0

Chris Youngless & Holly Peck will be the troop leaders for Girl Scout Troop 70316 and they are requesting the use of the Community Center on the following dates and that the fee is waived.

Sept. 16 & 30, Oct. 21, Nov. 4 & 18, Dec. 2 & 16, 2015, Jan. 6 & 13, Feb. 3 & 17, March 2 & 16, April 6 & 20. May 4 & 18 and June 1. 2016.

They are also requesting a monetary donation to the troop which has 7 Brooklyn Heights girls. Mr. Selig asked if all the dates are available and Mayor Procuk responded that they will work that out.

MOTION: Mr. Selig moved to waive the fee for the Community Center for use by Girl Scout Troop 70316 on the above specified dates pending availability. Second by Mr. Walsh Motion passed 5-0

The request for funding will be considered in January, 2016 with other donations.

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Monica Bartosik asked to use the Community Center on August 10<sup>th</sup> for the trophy presentation from the Spring soccer season and that the fee is waived.

MOTION: Mr. Selig moved to waive the fee of the Community Center for August 10<sup>th</sup> for Monica Bartosik for Spring soccer trophy presentation. Second by Mr. Walsh Motion passed 5-0

The Cleveland Water Department will be conducting tours on Aug. 21<sup>st</sup> at Crown Water Filtration, August 28<sup>th</sup> at Nottingham and Sept. 11<sup>th</sup> at Parma Control Center.

Mayor Procuk read a letter from NOACCA – Grace Galucci – confirming the \$25,007.60 grant for Enhanced Mobility for Seniors with Disabilities Project. This is to help purchase one vehicle. The cost to the village will be approximately \$18,000 for a \$43,000 vehicle.

John Triner reviewed the Cox Communications spreadsheet with regards to our contract plan. He suggests we go with the three (3) year contract and not the five (5) year plan because technology changes so often. Mayor Procuk will negotiate and try to get the three (3) year plan at the five (5) year rates.

MOTION: Mr. Foote moved to renew the village membership in the Mayors Association of Ohio at a cost of \$40 for the year. Second by Mr. Walsh Motion passed 5-0

The Community Reinvestment Committee meeting will be on August 12<sup>th</sup> downtown. Gary Suchocki will represent the school board.

The Greater Cleveland Safety Council sent a thank you note to Mayor Procuk for his participation as Rick-Click at their Safety Day at the Zoo. Mayor Procuk has been participating for thirty (30) years.

The television show "American Pickers" will be in the area in October, 2015. See attached letter

Mayor Procuk received several emails from resident Anne Graham regarding the challenges and flaws within the village's Point of Sale inspections. Mayor Procuk will put the emails in council mail and assign it to the Ordinance committee to see if they want to make any changes to the POS ordinance. Ms. Graham also accused several employees of treating her poorly. See attached emails.

Mayor Procuk extended condolences to Firefighter Tom Kraus on the passing of his sister.

#### **AUDIENCE**

Dorset resident Maria Tritsarolis asked for a copy of Ordinance 1267.02. She asked how many arrests the police have made in the last five years (held in jail). How many government buildings are in the neighborhood and how do we collect their taxes. She answered her own question by replying that the US Air Marshals and the DEA. Mayor Procuk responded that that is correct.

As for the collection of taxes, Mr. Clymer responded that R.I.T.A doesn't have the information and the agencies won't give R.I.T.A the information.

Ms. Tritsarolis asked if this means we are not collecting taxes on these agencies and Mr. Clymer said he is not certain. He stated that the agencies are not listed as an employer on the R.I.T.A tax reports we receive so we would have to search by employee and we don't have that information.

She asked if they or any other business in Brooklyn Heights has a holding facility and Mayor Procuk said no.

Ms. Tritsarolis asked what our jail is zoned as. She explained that they are asking for a variance to change the code and Chief Algeri said that it is a government building and if the government buys the building then the zoning doesn't apply. She asked what law regulates how long we are able to hold

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someone. Chief Algeri responded that we are classified as a temporary holding facility by the Ohio Department of Corrections. We were a 12-day holding facility and we are now a 12-hour facility.

She asked what classifies that you can hold 12-days or 12-hours and Chief Algeri said that there are standards that have to be met. The Department of Rehabilitation and Corrections does inspections every year and if we want to be a 12-day facility we would have to meet the standards for a 12-day facility. Mayor Procuk said that because we are a municipal government this would be enforced under the Ohio Revised Code.

Ms. Tritsarolis asked what kind of variance can we specify if this does end up going in to make sure it can only be a 12-hour holding facility and not longer.

Mayor Procuk said some of those questions would be pertinent at the Zoning Board hearing and Ms. Tritsarolis said she doesn't want to wait for them when nobody will have the answers.

Chief Algeri advised her to speak with the Ohio Department of Rehabilitation and Corrections to see if they have any regulation over a federal facility. It may be a Federal Department of Corrections standard that they would have to apply for.

Ms. Tritsarolis then asked who does the meeting minutes and who puts them online?

Mr. Clymer asked regular meeting, committee meeting or special meeting?

Ms. Tritsarolis said that the regular meetings are pretty up-to-date but the other meetings are non-existent.

Mr. Clymer stated that they have hired a temp to type the committee/special minutes. She is about half way thru but she doesn't recognize voices so they have to be checked. It will take a few months.

Mrs. Hatgas asked how they got so far behind and Mr. Clymer said that they were behind when he started five years ago. He said that primarily Dana Bundus types the minutes but typing wasn't in her job description when she was hired and she was hired more for the accounting side than the typing side. He said that between the three ladies you have kids that get sick and they pick up the tasks of the others and the minutes fall by the wayside.

Ms. Tritsarolis then asked again about Ordinance 1267.02 and Mr. Clymer said he would talk to Mr. Socoloff about it.

#### **POLICE CHIEF**

Chief Algeri reported that Sgt. Zakrajsek completed his six-month promotional probation and he will recommend that he be permanently given the position.

The new vehicle is at the graphics shop and as soon as the equipment is installed the car will be put in service.

Chief Algeri advised council that we had a daytime burglary on North Street last week. The miscreant was captured three houses down from the house he broke into and he is a seven times loser. He will be going back to jail. Chief Algeri thanked Officers Dzik, Jablonski, Mead, Cassidy, Derbin, Tulcewicz and dispatcher Schoeffler for their diligence in the capture. The burglary occurred at shift change so we had six officers still on duty.

The department had its first on-duty use of the Taser. Officer Jablonski responded to a domestic dispute on Schaaf Road and their pit-bull came at him. He deployed his Taser which resulted in no injuries to human or canine.

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Today the department is beginning the Brooklyn Heights Special Needs Registry. This will give the department quick access to residents who have special needs such as Autism, Dementia, Alzheimer's or any other disability that may make them prone to wandering. It will enable us to get them back home. Chief Algeri thanked Mrs. Guilfoyle and the Community Services Department for their help with this.

Mayor Procuk asked Chief Algeri to make the department aware of people walking their dogs without leashes and to remind them of the leash law.

Mr. Selig asked if the Tasered dog was ok and Chief Algeri responded he was but probably won't be attacking anyone for a while.

#### **COMMUNITY SERVICES**

Mrs. Guilfoyle reported that thirteen kids participated in Mayor Mike's Senior Chore Program and worked at nine senior homes. She said this was the best group of kids they've had and they were rewarded with a pizza party courtesy of Mayor Mike.

Art-in-the-Park has finished for the year. There were fifty-two (52) kids signed up and they averaged twenty-three (23) each day. Through the grant they held an "Intergenerational Day" and a group of senior citizens attended an afternoon with the kids. Each senior was presented with a magnet made by the kids and there was guitar music. Mayor Procuk was presented with a banner which is behind his desk in council chambers. The student help racked up 284 community service hours.

Safety Town and Summer School transportation is complete. We transported fourteen (14) for Safety Town and sixteen (16) for Summer School.

Driver Rebecca Berkes had to resign for personal reasons and we've hired two residents: Kim McNeilly and Pam Petrick.

There will be a Blood Drive on August 27<sup>th</sup> at the Community Center from 1:30 to 6:30 pm.

Mrs. Hatgas asked about the screening process for the hiring of Community Service drivers and was told that yes, Mrs. Guilfoyle works with Det. Tulcewicz on that.

Ms. Tritsarolis asked if they would be selling one of the busses when we get the new one and the response was yes.

#### SERVICE DIRECTOR

Mr. Hatgas began with asking for motions:

- MOTION: Mr. Walsh moved to pay Need A Door & More \$3,650 for a new wash bay garage door. Second by Mr. Foote Motion passed 5-0
- MOTION: Mr. Foote moved to pay Stanley Securities \$2,486.40 for monitoring, maintenance and inspection of the security system. Second by Mr. Selig Motion passed 5-0
- Mr. Walsh moved to pay Presot Masonry & Construction LLC \$1,560 to remove the graffiti from the bridge in the park. Second by Mr. Foote Motion passed 5-0
- Mr. Black moved to pay Presot Masonry & Construction LLC \$1.450 for repairs to the bollards on Spring Road. Second by Mr. Selig Motion passed 5-0 Note: This has been paid to the village through insurance.
- Mr. Foote moved to pay Sirna Construction \$2,545 for street repairs following the Cleveland Water Department repairs at W. 7<sup>th</sup> & North St. Second by Mr. Walsh Motion passed 5-0 Note: this expenditure will be reimbursed by the City of Cleveland Water Dept.

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The asphalt repairs on Schaaf Road and begun and then they will move to Tuxedo. The edges will be swept upon completion of the repairs.

The rock salt settlement claim requests have been sent to the State of Ohio through our consortium.

# RECREATION DIRECTOR

Mr. Presot reported that the Fall Soccer sign-ups are complete and we have sixty-six (66) kids participating. Mrs. Hatgas asked how many teams and the response was four older and one smurf team. This is down from the Spring season because most of the boys play flag football in the fall.

Mr. Walsh asked if he has referees and he said he does and they are all certified.

#### **FIRE CHIEF**

Chief Lasky informed council that an invoice in the amount of \$8,104.04 was sent to North Shore Strapping for the billable items lost/used to fight the fire. The invoice was hand delivered and also sent by certified mail with receipt.

This year Ladder 49 was not certified due to some cable problems. We will purchase the cables from Advantech Services and our mechanic Mike Florjancic will install them.

MOTION: Mr. Black moved to pay Advantech Services \$2,700 for cables for L-49 aerial repairs. Second by Mr. Selig Motion passed 5-0

#### **ENGINEER**

Mr. Henry stated that the asphalt project will be done by the end of the week and traffic will be maintained during the repairs.

They are currently working on the design for replacing the water main on South Street. Work should be done by the end of summer or the beginning of fall.

The gas company is supposed to lower the service connections on Lancaster so that next year when the construction begins there shouldn't be any problems.

The County found some issues with some of sewers. They will come in and clean them up and make sure they are open. This project will be sometime mid-September.

#### LAW DIRECTOR

No Report

He asked to meet/talk with Chief Lasky regarding the MOU with Independence.

#### CLERK/TREASURER

Mr. Clymer reported that the first R.I.T.A. payment for August is up 3.07% (\$87k) over August 2014.

He attended a meeting in Independence about HB5 – Uniform Tax Ordinance for Municipalities. We will need to prepare a new Income Tax Ordinance before January 2016. Our Tax Administrator, Greg Cingle will prepare a report for council. They will also revise the make-up of the Income Tax Board of Review.

Mr. Clymer has hired an Area Temps temporary to type the committee / special meeting minutes. There are sixty-eight (68) meetings to be typed and she has completed thirty-one (31). Mr. Clymer said that right now we are backed up to 2012. The cost is \$930 for two weeks and he would like to keep her for another two weeks. He is asking for a motion for \$1,862.

MOTION: Mr. Black moved to pay AreaTemps \$1,862 for four weeks of temporary work to type committee / special meetings backlog. Second by Mr. Walsh Motion passed 5-0

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Mrs. Hatgas asked if there is a plan going forward to keep from getting behind again. She said if there is one meeting Dana should be able to type it. Mr. Clymer said he hopes so and if he needs to intervene he will. Ms. Tritsarolis said to take the cell phones away during work hours.

MOTION: Mr. Black moved to waive the fee for the Community Center on August 13, 2015 for the Northeast Ohio Municipal Financial Association luncheon. Second by Mr. Foote Motion passed 5-0

#### BUILDING INSPECTOR

Mr. Socoloff will be off work for several months due to cardiac surgery. Mr. Nino Monaco, our back-up inspector will take over all duties while Mr. Socoloff is gone.

ICE has submitted plans and the plans examiner rejected them. According to the State of Ohio Building Standards, any building that has any type of holding room in it must be completely sprinklered. This building is not. They are pursuing an adjunction with the State of Ohio.

Please keep Sheldon in your thoughts and prayers.

#### INDUSTRIAL DEVELOPMENT

Mayor Procuk advised council that Kaplan Trucking is interested in purchasing the building next to Safeguard. They would bring in eighty-five employees and \$8million in payroll. This would not be a terminal but there could be a trailer or two parked there while picking up paperwork or paychecks.

Rico Pietro is in conversation with Geis regarding a company possibly building on the property.

North Shore Strapping is intent on rebuilding the center of their building.

First Energy is sponsoring and Economic Development Conference on Sept. 1<sup>st</sup> at 8:30 am and Mayor Procuk will attend

As far as ICE is concerned the plan is to have a committee meeting in a public forum. Mr. Walsh is trying to get a meeting set up with the parties involved.

#### **MAYOR'S COURT**

Income:	\$8,975.60
State of Ohio	(1,529.00)
Indigent Driver & Alcohol	( 57.00)
Reg. Enterprise Data Sharing System	( 180.00)
Brooklyn Heights	\$ 7,209.60

Mayor Procuk apologized that he was not able to attend the Community Fun Day due to the fact that he was in Coshocton, OH supporting his grandson Logan Apathy at the Elks State Soccer Shoot-Out where he placed 4<sup>th</sup> in his division.

Mayor Procuk and Mr. Hatgas attended an overview of the Emergency & Non-Emergency Shared Use Program sponsored by Auditor of State, David Yost. This program is designed to allow the sharing of equipment and services between communities.

# **BUILDING COMMITTEE**

Mr. Foote said that the discussion focused on the needed repairs to the Community Center and the Service Garage. There will be ordinances tonight dealing with the installation of two air-conditioning units for the Service Garage / Community Services to be installed by Lisco at a cost of \$11,280. The old units

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were installed in 1987 and the cost to refurbish them would be about \$5,000 but they would still be almost 30 years old.

The metal doors (3 in the Community Center and 2 in the Service Garage) are also 30 years old and rusted out. This work will be done by Presot Masonry & Construction LLC.

#### INDUSTRIAL DEVELOPMENT

Mr. Walsh reported that on July 22<sup>nd</sup> a tour of the ICE facility in Blue Ash Ohio was taken. Attendees were: Jen Presot, Maria Tritsarolis, Councilman Foote, Mark Lasky and Councilman Walsh. He said it was a very informational meeting.

Mr. Walsh is calling for a public informational meeting on Monday, August 24<sup>th</sup> at 6:30 pm pending the availability of the ICE officials.

Mr. Walsh would like to discuss the deer population at the next ordinance committee meeting.

Resident Dale Kattler asked if he can't be at the meeting can he submit a question. Mr. Walsh said yes via email to him and cc to Mayor Procuk.

Mr. Black said an Ordinance Committee meeting will be held on September 1, 2015 at 7:00 pm to discuss the deer population.

A Streets meeting is called for September 1, 2015 at 6:30 to discuss the possibility of a community garden.

#### **ORDINANCES & RESOLUTIONS**

<u>ORDINANCE 44-2015</u>- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ACCEPT THE FUNDING FROM THE CLEVELAND WATER DEPARTMENT FOR THE WATER MAIN REPLACEMENT ON SOUTH STREET

Sponsor: Mrs. Hatgas Second: Mr. Walsh

Yeas: Hatgas, Walsh, Selig, Foote, Black

Nays: None

Ordinance 44-2015 is adopted 5-0

<u>ORDINANCE 45-2015</u>- AN EMERGENCY ORDINANCE AUTHORIZING THE VILLAGE OF BROOKLYN HEIGHTS COUNCIL TO RETAIN THE LEGAL SERVICES OF BRICKER & ECKLER AS AUTHORIZED AGENTS OF THE VILLAGE OF BROOKLYN HEIGHTS

Sponsor: Mr. Walsh Second: Mr. Foote

Yeas: Walsh, Foote, Black, Selig, Hatgas

Navs: None

Ordinance 45-2015 is adopted 5-0

<u>ORDINANCE 46-2015</u>- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CONTRACT WITH LISCO HEATING & COOLING TO REPLACE TWO HEATING/ COOLING UNITS IN THE SERVICE GARAGE

AMENDMENT: Mr. Foote amended the cost to \$11,280

Second by Mr. Selig

Yeas: Foote, Selig, Walsh, Hatgas, Black

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Nays: None

Amendment is approved

Sponsor for the amended amount: Mr. Foote

Second: Mrs. Hatgas

Yeas: Foote, Hatgas, Black, Selig, Walsh

Nays: None

Ordinance 46-2015 is adopted as amended

ORDINANCE 47-2015- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CONTRACT WITH PRESOT MASONRY CONSTRUCTION, LLC TO REPLACE THE DOORS AT THE COMMUNITY CENTER AND SERVICE GARAGE

Sponsor: Mr. Foote Second: Mr. Walsh

Yeas: Foote, Walsh, Hatgas Black

Nays: Selig

Ordinance 47-2015 is adopted 4-1

### ORDINANCE 48-2015 - AUGUST PAY ORDINANCE

Sponsor: Mrs. Hatgas Second: Mr. Walsh

Yeas: Hatgas, Walsh, Selig, Foote, Black

Nays: None

Ordinance 48-2015 is adopted 5-0

<u>RESOLUTION 09-2015 -</u> AN EMERGENCY RESOLUTION AUTHORIZING THE ENGINEER TO PREPARE PLANS AND SPECIFICATIONS REQUIRED TO BID FOR THE REPAIR OF THE STORM SEWER OUTFALL ON BANCROFT DRIVE

Sponsor: Mrs. Hatgas Second: Mr. Walsh

Yeas: Hatgas, Walsh, Selig, Foote, Black

Navs: None

Resolution 09-2015 is adopted 5-0

<u>RESOLUTION 11-2015 - AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CUYAHOGA COUNTY BUSINESS RETENTION AND ATTRACTION PROTOCOL</u>

Sponsor: Mrs. Hatgas Second: Mr. Foote

Yeas: Hatgas, Foote, Black, Selig, Walsh

Nays: None

Resolution 11-2015 is adopted 5-0

Mr. Walsh asked that the Ordinance committee meeting be moved to October.

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There being no furth Selig that the meetin Yeas: All Meeting adjourned.  Mayor		ne before the council, it was mo	oved by Mr. Foote seconded by Mr.