

# COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

## MINUTES OF A MEETING

**HELD: July 18, 2023**

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A meeting of the Council of the Village of Brooklyn Heights, Ohio was held on July 18, 2023 at 7:30 p.m. with Mayor Michael ProcuK presiding.

The Pledge of Allegiance was recited at this time.

**Present at roll call:**

Council Members	Berzins, Lasky, Presot, Tommer, Walsh
Mayor	ProcuK
Clerk/Treasurer	Frank
Law Director	Dowling
Assistant Law Director	
Engineer	Zoldak
Police Chief	
Fire Chief	
Asst. Fire Chief	Lasky (Mike)
Service Director	Blados
Bldg. Commissioner	
Asst. Bldg. Comm.	Sonenstein
Comm. Service Director	Guilfoyle
Recreation Director	
Soccer Commissioner	

**GUESTS:** Vince Crawford, Waste Management (WM)  
Joe Sciarretti, Kimble Companies  
Chelsea Kovar

**MOTION:** Presot moved to approve the June 18, 2023 Regular Council meeting minutes. Seconded by Berzins. Motion carried 5-0.

**CORRESPONDENCE / MAYOR PROCUK**

- A letter, dated July 7, 2023, from the Board of Elections reminding us that there is a Special Election on Tuesday, August 8<sup>th</sup> and they will be using our Community Center and we only have one precinct.
- An email from Ohio Vine Service, dated July 3 2023. This email is to inform you about an upcoming parole board hearing for Jeffrey Talani. The offender is scheduled to have a release consideration hearing during the following month and year, October 2023. If you would like to provide the parole board with any information or to schedule a conference, please contact the Department of Rehabilitation and Correction Office of Victim Services immediately. The toll free number is 1-888-842-8464 (1-888-VICTIM4). Vine information is also available at [www.vinelink.com](http://www.vinelink.com). This notification is sponsored by the Ohio Statewide Victim Information and Notification Service. It is our hope that this information has been helpful to you.
- A letter, dated July 17, from Police Chief Mark Kaye from the City of Garfield Heights, to Police Chief Dave Meade stating "On the morning of July 15<sup>th</sup>, one of our residents reported a suspicious white vehicle occupied by two males wearing ski masks was driving around our neighborhood. Our officers located the vehicle and confirmed it to be stolen out of Cleveland. Upon attempting

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to stop the vehicle that fled, their officers pursued it eventually through Brooklyn Heights. At that point Officer Meder deployed stop sticks successfully disabling two tires on the suspect vehicle. The vehicle continued on attempting to strike a Valley View Police officer and Garfield Heights Police officer. A short time later the vehicle became completely disabled and both the passenger and driver were apprehended. Suspects were charged with receiving stolen property, felonious assault, fleeing and eluding and numerous other traffic violations. I wanted to personally thank Officer Meder and any other Brooklyn Heights officers that risked their safety to help bring this pursuit to an end. The Garfield Heights officers involved also want to thank your officers for their assistance. Criminals cannot be allowed to brazenly break the law and flee from Police without consequences. However, too often they are allowed to do just that. We are all fully aware of the inherent risks that come with pursuing and apprehending these criminals, knowing that our neighboring agencies are willing to risk their safety to aid our officers without hesitation is of great comfort to myself and our team. I respectfully request you pass this letter along to Officer Meder and any other officers from your department that were involved as a small token of my appreciation and respect for their actions."

- He received the all-village newsletter today and hoped that everyone else has too.

### AUDIENCE COMMENTS

- Vince Crawford, Waste Management: He appreciated the opportunity to speak at the meeting last week and talk about the services Waste Management is prepared to provide to the Village and its residents. To reiterate, they have the technology, investments and sustainability to carry out five years of the contract if it goes to full fruition and they would be saving the Village about \$70,000 in the first three years and about \$115,000 over the next five years. He hopes his contract is considered.
- Joe Sciarretti, Kimble Companies: We're honored to be your provider. And we've been doing a very good job at appeasing your residents. We bid on the contract as we saw fit as we have been providing, and that was to pick up everything and if we would have had limitations on it there would have been different numbers of course. So you know with us you can rest assured we're going to pick up everything that we have been doing. And if other bids that were part of the process and those that are in front of you tonight, the only question I would have is how much more it would cost the Village when you have to use Village workers to pick up the remaining trash that we know is out there. Last Friday, we had three cleanouts in the Village and I know for a fact that our Director of Operations assisted in one of them. So Kimble's a family company, we get the job done. And we appreciate your confidence in our service. Thank you.

### SERVICE DEPARTMENT / JOE BLADOS

**MOTION:** Berzins moved to pay DiFranco Plumbing \$1,445 for the annual backflow testing. Seconded by Tommer. Motion carried 5-0.

**MOTION:** Lasky moved to pay Knowles Municipal Forestry \$5,000 for two ash treatments. This is an annual treatment to keep the Emerald Ash Borer Beetle from attacking. Seconded by Presot. Motion carried 5-0.

**MOTION:** Berzins moved to pay \$1,150 for a 14" concrete and asphalt saw for concrete and asphalt repair. Seconded by Walsh. Motion carried 5-0.

**MOTION:** Presot moved to pay \$4,307.32 to GameTime for playground equipment hardware replacement. Seconded by Tommer. Motion carried 5-0.

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**MOTION:** Lasky moved to pay \$1,175 to Townsend Arbor Care remove, grind and take away the debris from trees on West 6<sup>th</sup>, Dorset and Tuxedo. Seconded by Walsh. Motion carried 5-0.

- They are currently cleaning up all the roadsides that have been long overdue and working around the construction has been a challenge on Granger Road. Now that they are fully staffed they will continue to keep it under control.
- They will begin patchwork on the upper park parking lot, the lower park pavement and some spots throughout the Village.
- They are patiently waiting for the street sweeper. There is a two week window waiting for parts.
- Mr. Walsh stated that all of Council received an email from Mr. Pfenninger regarding the signs for the truck brakes. What is the status? Mr. Blados responded that that is part of them cleaning up the roadside on Granger. It is so overgrown and once under control, they'll work on Schaaf Road. He is hoping to get the signs up soon.
- Mr. Tommer inquired on the status of receiving payment for the work being done by the Service Department. Engineer Zoldak replied that the Cleveland Water Department doesn't work very quickly and they will do their review and then it will probably be several weeks. Mr. Blados added that he is working with the Engineer and they are preparing the paperwork and will try to get the maximum amount for the work they did.

### **COMMUNITY SERVICES DEPARTMENT / THEA GUILFOYLE**

**MOTION:** Berzins moved to pay Signs on Brookpark \$945.50 for the stenciling of the new bus. Seconded by Presot. Motion carried 5-0.

**MOTION:** Walsh moved to pay Lori's Custom Catering \$1,560 for Meals on Wheels for the month of June. Seconded by Tommer. Motion carried 5-0.

- The grant application for Art in the Park, 2024, will be submitted tomorrow.
- The distribution of the home building plans should begin soon. They have all been reviewed and are separated by street.
- We held a public hearing earlier this evening. This is a requirement for the NOACA grant.

### **ENGINEER / JENNIFER ZOLDAK**

- The Spring Road project is complete ahead of schedule. They are wrapping up some restoration and touchup items but the road is open to traffic.
- The Dorset, Dunedeen and Bancroft project is also moving along. The side streets are done with the exception of a couple of driveway aprons. They are almost done with the south side of Dorset and this may be finished this week with the exception of the drives. There is about 300' left to do. The project is still on track to be completed in mid-August. She checked into the existing grade of the pavement versus the new grade of the pavement. The previous construction of the road included 2-3" of asphalt and so the new road will be lower. Now there will be a defined gutter, about 2" at the driveways. They've done several elevation checks and lowered the profile in a couple spots to ensure positive drainage. Everything will be pitched properly to the catch basins. There are two aprons that will be reconstructed because they are so close to the catch basin and the pitch needed to be corrected.
- Mr. Lasky inquired about the aprons on Dorset. Ms. Zoldak replied that they are planning to hand grade everything on the north side and the south side should be fine with half aprons. If there appears to be any issues they will address them.

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- The ODOT Granger Road project phases are moving along. The green light for Tuxedo was increased per the request by Service Director Blados and that has alleviated traffic stacking up at the light.
- At the next meeting we will have legislation for another ODOT Granger Road resurfacing project. They will be picking up where they leave off and continue the resurfacing to Garfield Heights. This project will be paid 100% by ODOT and it should take place in 2024.
- ODOT will not be doing any guardrail as part of this project. She suggests we hold off on our plan of replacing the guardrail until after the ODOT resurface project. Mayor Procuk asked how long the bid contract was good for and she replied about 60 days. She checked with ODOT and we can do our guardrail project and they don't believe they would disturb it and we could proceed. There is legislation tonight for the guardrail project to be considered or postponed.
- She did a base bid and an alternative bid for the guardrail project. Once she tallied up the quantity, she knew we would be over the \$50,000 and a total repair, from where ODOT finishes to the village corporation limit is around \$80,000. Mayor Procuk inquired if OUPS comes out for the guardrail and she responded yes. First Energy doesn't approve of strapping anything to their poles. We were going to put up the no engine brake signs temporarily but it would be best if we tie the sign placement when we do the guardrail project. Mr. Walsh asked when this can take place she responded that it would be this year. Mr. Lasky inquired if the guardrail project includes the damaged guardrail near the bridge on Lancaster and that was not a planned part of the project but can be added.
- ODOT was out on the 13<sup>th</sup> with their video equipment to inspect the underside of the Lancaster bridge. The official results were not available yet. The engineer's inspection did not show any structural issues. ODOT does see that the village is maintaining the bridge and they are going to program a full deck overlay within the next two years. In the meantime, it is best that we continue to maintain it.
- They are starting to put together the OPWC Issue One applications and the due date is September 15. If we want to consider doing a project she will put together the legislation.
- Mayor Procuk asked her the status of the partial slab on Dorset that is partly in Seven Hills. She responded she spoke to the Seven Hills Engineer and Service Director and they assured her they will take care of it. It will probably get done early next year.
- Mayor Procuk asked if she received a response from Jerry Zeitler at Die-Matic and she explained that she spoke with him and he is receptive to us setting the property lines and Mr. Zeitler was going to talk with the adjacent property owners about repairs.
- Mayor Procuk asked for an update on the Upper Park restroom. The order was officially placed and the invoice received. The install is in the queue and it can be up to eight months.

### **BUILDING DEPARTMENT / HOWARD SONENSTEIN**

**MOTION:** Berzins moved to pay Tire & Wheel Auto Service \$1,462.75 for repairs to the Building Department car. Seconded by Tommer. Motion carried 5-0.

- He's done many inspections and point of sales and wanted to thank Chief Meade and his officers for assistance on a couple issues where residents would not comply.
- There have been a number of complaints about 707 Brookpark. Calls imply that there is a party going on with loud music. The Fire Department initial inspection indicated that there was a party center was going in and alerted the Building Department. The owner assured both departments that there is no party center going in. The Police Department assisted going over to clear the facility where over 100 people were having a party. There are no permits in place for this. The Fire, Police and Building officials spoke to the owner and he said he had no knowledge of the

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party. Two occupancy applications were received and both were denied. One was for an event center and the other a car rental agency. There were also many safety issues on the floor and roof as noted by the Fire Department. A meeting is being scheduled with the owner. Mrs. Presot asked when the initial permits were pulled and Mr. Sonenstein answered that they were from 2022 but the owner never followed through. The work done is completely different than the permit. It was supposed to be offices and it is set up to be a party center.

- He is still waiting for a Records meeting. Someone was appointed to the Records Committee and he hopes to get the meeting set up so he can begin with the digital program.
- They continue to deal with people not pulling permits and it is an ongoing problem.
- He works with Mr. Blados on various trash policies, tree cutting, etc. He said the house on West Sixth Street is pretty well under control and the neighbors aren't calling anymore. Mayor Procuk asked if there was a number on that and Mr. Blados responded that they are tallying all work being done. It is just maintenance at this point.

### LAW DEPARTMENT / JERRY DOWLING

- He will be asking to go into Executive Session regarding Ordinance 71-2023.

### CLERK-TREASURER / AARON FRANK

**MOTION:** Lasky moved to pay Clemens Nelson for HR work in the amount of \$4,776.84. Seconded by Berzins. Motion carried 5-0.

**MOTION:** Presot moved to pay Attorney David Tates \$1,752 for professional services for the period January through June. Seconded by Walsh. Motion carried 5-0.

Mayor Procuk explained that this is for public defenders that we are required to provide for someone who is indigent and has to appear in Parma Court.

**MOTION:** Berzins moved to pay Lasting Impressions Event Rental \$1,518.50 for a tent, tables and chairs for the Upper Park Grand Opening event. Seconded by Tommer. Motion carried 5-0.

**MOTION:** Walsh moved to pay Angel Bug \$1,000 for face painting, balloon twisting, inflatable bounce house and other entertainment for the Upper Park Grand Opening. Seconded by Presot. Motion carried 5-0.

- The month of June we ended with a surplus of \$85,000 increasing our total variance at the surplus level of \$188,905 for the general year giving us a balance of 2.8 Million in the General Fund.
- We have \$288,000 in the SCMR Fund. We should be able to pull from this to handle the remaining incidental parts of the guardrail.
- This is the first time we did not transfer \$30,000 into the Economic Development Fund and there is still a \$726,000 balance. Final approval was just received to pay one of our local incentive rebates back in an amount just under \$60,000 which pays the firm for two years.
- They paid for the new bus out of the ARPA fund in the amount of \$127,000 and that balance is now at \$181,000 and some of that money will be used for the elevator repairs.
- He is working with the Assistant Law Director on the original ARPA money and that should be wrapped up by the end of the year.
- They also paid for the drone out of the Law Enforcement Fun in the amount of \$6,800. These funds are being used for the special things that come up.
- This was the first month of transferring \$30,000 into the Capital Fund which has a balance of \$887,000.

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- We are operating at approximately 1% under budget which is great considering all that we've been getting accomplished.
- The RITA report for June was very nice. We had \$795,000 and transferred \$119,000, which is the 15% transfer, into the Capital Fund plus the monthly \$30,000 transfer. Total of \$756,000 which is ahead of the last few years in July.

### MAYOR'S REPORT / MAYOR PROCUK

- \$756,000 is \$138,000 more than we planned. Year to date, we crossed the 5 million in receipts already. A little more than 5 million in July. This is about a million dollars more than the plan thought we would have at this point. As Aaron said, looking back over the previous years, we're almost 1.4 Million ahead of 2020.
- Council has taken my advice and consent, I guess in reverse. We started out at 5%, then 10% and now 15% of our revenue is being put directly into capital improvement. He wants Council to think long and hard about going to 20% maybe by the third quarter. We have put \$730,000 in to the Capital Improvement Fund just with the 15% and we're getting a lot of things fixed that needed to be fixed a while ago.
- We have a General Fund surplus balance right now at 2.8 million and there's going to be carryover for us to pay our bills next year so that would be my request is to look at that increase for the last quarter of the year.
- We are under budget, only by 6-7% but halfway through the year you've already paid all of your annual bills too.
- It's becoming very cumbersome to have to repeatedly tell residents that we don't allow overnight parking. We don't allow dogs in the park and we don't allow parking on the front yard. It has been publicized in our mailer, sent to every house, it's on the website and still we have to do it. The police put 28 warning citations on resident's cars parked overnight. He has been instructed to give them a citation and let them have the embarrassment of coming to Mayor's Court and paying a parking ticket. We work with our residents giving them permission under certain circumstances when the resident calls. He will be proud to set an example in Brooklyn Heights.
- Mayor shared that he's been asked many times for an exterior maintenance program and although not in place yet, it is on his to do list. Many properties have been cleaned up due to attrition, sales, renters, inspections, etc.
- There were a couple of complaints due to fireworks on July 4<sup>th</sup>. Almost every community in Cuyahoga County opted out of the state law (except Maple Heights). We had no incidents and no injuries. When our officers responded they basically said if they have to come back there'll be a problem. There were four entries that night.
- We had the Heritage Home Program in place for years and a few people responded to it but no one every proceeded with it so we discontinued it. A resident inquired recently and if you use it, you can get a loan for 2%. He worked a deal and talked them into giving us a six-month trial period and it has been advertised and the resident notified directly.
- The Chamber of Commerce participates in the 2023 Independence Magazine. They're always looking for surrounding communities to take out ads to raise funds. The smallest ad would be \$630 for an eighth of a page and up to \$2,615 for a full page color ad. We haven't done this before. He received the notice on July 17<sup>th</sup> and the deadline is the 20<sup>th</sup>. Hearing no interest, it is being set aside.
- He attended his first meeting with the Cuyahoga County Community Planning Workshop because the solar eclipse is going to be a very big event in Cleveland next year. It will last for about two minutes at 3:00 in the afternoon. In the City of Cleveland and area communities, hotels are already booked because the path is making Cleveland a prime viewing area. He will be attending the

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meetings and will find out if we will need traffic control or have road closures or detours. He will keep everyone posted.

- He received an email from the Cub Scouts requesting to camp in our park. Previously this request was denied by our Fire and Police Chiefs. He believes we can work with our sponsored Cub Pack and will respond after he has more details. It would be for September or October.

### **MAYOR'S COURT / MAYOR PROCUK**

Income for June	\$14,001.20
Victims of Violent Crimes	639.00
Drug Law Enforcement Fund	231.00
State Bond Surcharge	25.00
Seatbelt Violation	180.00
Child Restraint	00.00
State of Ohio	2,845.00
Indigent Defense Support	1,770.00
Indigent Driver Alcohol Treatment Fund	99.00
Bond Forfeitures	00.00
Regional Enterprise Data Sharing System	345.00
Brooklyn Heights	\$10,712.20

### **ADDITIONAL AUDIENCE COMMENTS**

Chelsea Kovar of 5079 West 5th requested to speak. She asked if the ODOT Granger Road project included a pedestrian or bike lane and if any trees would be in the median. The Engineer responded that ODOT is putting it back the way it was. Ms. Kovar felt it would be a good idea to get trees in the median to help our canopy cover. Mayor Procuk said the question could be brought before ODOT.

Ms. Kovar further questioned the status of the back area of the Upper Park since she read that we are in the finishing phases. Mr. Blados responded that in his eyes the park will never be finished. It is an on-going, constant improvement. We are finishing up the basketball and pickleball court phase. It is meant to be a sitting area and will be discussed when the current phase is completed. Ms. Kovar inquired about the lack of benches and what the plan is. Engineer Zoldak responded that Council approved \$20,000 for benches and we are waiting on a supply chain issue so they are looking at a different manufacturer. We are hoping to still get them installed this year. She further inquired why there are large mounds at the South Street entrance. Mr. Blados answered that this is part of the concrete program and will be a connection to the sidewalk. Another question from Ms. Kovar was in relation to the drainage ditches and if any landscaping will be installed to prevent kids from running through them. Ms. Zoldak responded that the bioretention areas provide a stormwater function. Possibly bushes or benches could be placed to create a gap. The bioretention are like cells and specifically designed to catch roof drainage and they have to be a certain footprint and a certain depth to catch a certain volume of water.

Ms. Kovar continued her questioning regarding why the former sidewalk between the hillside and the basketball court wasn't remediated. Ms. Zoldak explained that the hillside was determined to be stable. She doesn't see a need to take that sidewalk out and it adds to the stability. The stones were more of an aesthetic look. She further questioned the condition of the exercise equipment in the lower park.

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She further questioned the condition of the lower park work out equipment and if it has been addressed. Mayor Procuik asked her to explain and she responded that the padding is ripped off, some pieces don't work and since it's at the bottom of the hill, there's a sea of mud underneath. Her next question was in regards to the Dorset Mini-Park and she feels it needs attention and wondered if there will be a working group to update the park. She further shared that she felt the playground unit at the Upper Park is too small, smaller than the photos shown in early meetings. Mrs. Presot responded that the photo she is referring to was a concept drawing and not decided upon and that the unit in place can be expanded with additional units. She further answered that the park is always a work in progress and there will be a shade tree added for Arbor Day and they plan to put landscaping and benches around it. Ms. Kovar added that many people are disappointed in the playground equipment and other issues in the park. Mr. Walsh took issue to the comment and asked that they come to a meeting. Mayor Procuik shared that Council may want to address revamping the Dorset mini-park and he would be supportive. He mentioned that people asked if they could spread mulch and plant flowers, were told yes, and they ended up doing nothing. Summing it up, Mayor Procuik added that the park ended up being a half million dollar project including a phenomenal amount of grant money in addition to the foundation funds.

### **SAFETY COMMITTEE / AARON FRANK**

- Mr. Frank shared that Chief Meade requested a meeting to discuss the flock cameras due to the cost rising and if they lock in the deal they can save approximately \$500 per camera. A Safety Committee meeting is scheduled for August 1<sup>st</sup> at 6:45 pm to discuss the Fire Department truck prebuild and they will add the flock camera issue.

### **ORDINANCES & RESOLUTIONS**

#### **ORDINANCE 62-2023 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CONTRACT WITH KIMBLE COMPANIES FOR SOLID WASTE COLLECTION & DISPOSAL SERVICES**

Sponsor: Tommer

Second: Walsh

Yeas: 5 / Nays: 0

Ordinance 62-2023 is adopted 5-0

#### **ORDINANCE 63-2023 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CONTRACT WITH WASTE MANAGEMENT FOR SOLID WASTE COLLECTION & DISPOSAL SERVICES**

Sponsor: None

Second: None

Yeas: 0 / Nays: 0

Ordinance 63-2023 was dropped

#### **ORDINANCE 64-2023 AN EMERGENCY ORDINANCE TO AUTHORIZE THE CLERK/TREASURER TO PAY A 50% SUBSIDY FOR RESIDENTS AND 100% SUBSIDY FOR SENIOR, VETERAN AND DISABLED RESIDENTS FOR A RECREATION MEMBERSHIP TO THE SEVEN HILLS, OHIO REC FACILITY**

Sponsor: Presot

Second: Lasky

Yeas: 5 / Nays: 0

Ordinance 64-2023 is adopted 5-0



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**ORDINANCE 65-2023 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH OTIS SIGNATURE SERVICE**

Sponsor: Berzins

Second: Walsh

Yeas: 5 / Nays: 0

Ordinance 65-2023 is adopted 5-0

Discussion: The amount of the agreement is \$9,397.80 for annual maintenance.

**ORDINANCE 66-2023 AN EMERGENCY ORDINANCE AUTHORIZING THE CLERK/TREASURER TO MAKE PAYMENT TO CHAGRIN VALLEY ENGINEERING, LTD. FOR SERVICES RENDERED ON VILLAGE PROJECTS**

Sponsor: Lasky

Second: Tommer

Yeas: 5 / Nays: 0

Ordinance 66-2023 is adopted 5-0

Discussion: The amount of the invoice is \$22,690.75 and is an itemized invoice for several projects.

**ORDINANCE 67-2023 AN EMERGENCY ORDINANCE APPOINTING SCOTT MCRITCHIE AS A LABORER IN THE VILLAGE OF BROOKLYN HEIGHTS SERVICE DEPARTMENT AND AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER TO ENTER INTO THE MOU WITH SCOTT MCRITCHIE**

Sponsor: Presot

Second: Berzins

Yeas: 5 / Nays: 0

Ordinance 67-2023 is adopted 5-0

**ORDINANCE 68-2023 AN EMERGENCY ORDINANCE APPOINTING BRADLEY HARTER AS A LABORER IN THE VILLAGE OF BROOKLYN HEIGHTS SERVICE DEPARTMENT AND AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER TO ENTER INTO THE MOU WITH BRADLEY HARTER**

Sponsor: Presot

Second: Lasky

Yeas: 5 / Nays: 0

Ordinance 68-2023 is adopted 5-0

**ORDINANCE 69-2023 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH M.P. DORY COMPANY FOR THE GRANGER ROAD GUARDRAIL REPLACEMENT PROJECT**

Sponsor: Lasky

Second: Tommer

Yeas: 5 / Nays: 0

Ordinance 69-2023 is adopted 5-0

Discussion: The amount of this agreement is \$59,003.82.

**ORDINANCE 70-2023 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH M.P. DORY COMPANY FOR ADDITIONAL GUARDRAIL REPLACEMENT FOR THE GRANGER ROAD PROJECT**

Sponsor: Berzins

Second: Lasky

Yeas: 5 / Nays: 0

Ordinance 70-2023 is adopted 5-0

Discussion: The amount of this agreement is \$18,100.

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**ORDINANCE 72-2023 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH CLEVELAND RESTORATION SOCIETY**

Sponsor: Presot

Second: Tommer

Yeas: 5 / Nays: 0

Ordinance 72-2023 is adopted 5-0

Discussion: This agreement is so residents can utilize the Heritage Home Program.

**ORDINANCE 73-2023 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH LINCOLN FINANCIAL GROUP FOR THE PURCHASE OF LIFE INSURANCE FOR ELIGIBLE EMPLOYEES**

Sponsor: Berzins

Second: Walsh

Yeas: 5 / Nays: 0

Ordinance 73-2023 is adopted 5-0

**ORDINANCE 74-2023 AN EMERGENCY ORDINANCE AMENDING SECTIONS 33.01 OF THE BROOKLYN HEIGHTS CODE OF ORDINANCES**

Sponsor: Tommer

Second: Walsh

Yeas: 4 / Nays: 0 / Abstain: 1

Ordinance 74-2023 is adopted 4-0-1

Discussion: This is simply to address the fact that the Fire Chief and Assistant Fire Chief are not members of the Fire Association and is part of the Wage & Salary giving them the same increases of other employees.

**ORDINANCE 75-2023 JULY PAY ORDINANCE**

Sponsor: Lasky

Second: Berzins

Yeas: 5 / Nays: 0

Ordinance 75-2023 is adopted 5-0

**RESOLUTION 12-2023 AN EMERGENCY RESOLUTION AUTHORIZING THE VILLAGE OF BROOKLYN HEIGHTS TO SUBMIT AN APPLICATION AND EXECUTE A CONTRACT FOR THE RECEIPT OF FUNDING FOR THE ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM**

Sponsor: Walsh

Second: Presot

Yeas: 5 / Nays: 0

Resolution 12-2023 is adopted 5-0

**RESOLUTION 13-2023 AN EMERGENCY RESOLUTION AUTHORIZING THE APPOINTMENT OF POLICE OFFICER, LIZBETH MAGALLY BARNICA, TO A FULL TIME OFFICER OF THE VILLAGE OF BROOKLYN HEIGHTS POLICE DEPARTMENT**

Sponsor: All of Council

Second: Presot

Yeas: 5 / Nays: 0

Resolution 13-2023 is adopted 5-0

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**MOTION:** Berzins moved to go into Executive Session to a legal issue. Seconded by Presot. Motion carried 5-0.

### **ADDITIONAL AUDIENCE COMMENTS**

Mr. Vince Crawford of WM (Waste Management): "Obviously I am very disappointed in the outcome here. So I would just like to quickly read what was submitted in the bid that says the prices bid are based on the collection of disposal, non-hazardous, solid waste and recyclable collection, process and recyclables, as specified by the Village's bid specifications. That's not Waste Management, that's Kimble. That says that what you put on the bid spec is what they bid. That's what we bid. You made a decision on somebody saying, "Oh wait, we didn't bid on what you put out for bid, what we gave you was what we used to do. I hate to say this, but we really won that bid fair and square and it's disappointing to see that the bid process has not been followed, in my opinion. I can be completely wrong, I'm not a lawyer but I've done this enough to know that when we're 15% better, and we responded to the bid appropriately, that's not right. I would have totally understand if you said, You know what, we're going to throw the bids out tonight and re-bid it because you want to keep your vendor. I understand that. I want to be in that position every time. But we won this bid fair and square in my opinion, again, I'm not a lawyer but I think you were told something that's not what's on the paper. What's on the paper that was submitted was the bid was to the specifications. That's what's in writing. That's what counts."

Mayor Procuk: "So noted." The lawyer is right her is you have any specific questions for him or for Council.

Mr. Crawford: That's fine. Well then I would ask is that a part of the Ohio Revised Code, where, in a bid, you can stand up and say "Well no, we've done this." If you had a street bid and the vendor put in the streets that, you know what, I'm a little bit high but I'm going to throw in the sidewalks, would you then give that to them?

Law Director Dowling: I'm not going to...first of all, I wasn't at the committee meeting, which I understand both parties got to say what they needed to say. So, we're not going to have a rehash of that tonight, but it's lowest and best so that's...it depends on what, obviously, this group thinks.

Mr. Crawford: Thank you.

### **RETURN FROM EXECUTIVE SESSION**

**ORDINANCE 71-2023** AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER TO ENGAGE THE LEGAL SERVICES OF THOMAS LOBE AND ASSOCIATES TO REPRESENT THE VILLAGE OF BROOKLYN HEIGHTS

Sponsor: Berzins

Second: Walsh

Yeas: 5 / Nays: 0

Ordinance 71-2023 is adopted 5-0

**MINUTES OF A MEETING**

**HELD: July 18, 2023**

There being no further business to come before the Council, it was moved by Presot and seconded by Berzins that the meeting be adjourned.

Yeas: All

Meeting adjourned.



Mayor



Clerk/Treasurer