

# **COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS**

## **MINUTES OF A MEETING**

**HELD** December 1, 2015 **20**           

A meeting of the Council of the Village of Brooklyn Heights, Ohio was held on December 1, 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:	excused
	Fire Chief:	Stefanko
	Service Director:	Hatgas
	Bldg. Commissioner:	Monaco
	Comm. Service Dir:	Guilfoyle
	Recreation Dir:	excused

Mayor Procuk introduced Mrs. Eileen Pech with the CHS BEST (Building on Excellence and Success Together) Committee. She introduced Principal Matt Young who then introduced students Lexi Martin and Jordan Sturgill.

Lexi Martin, who is a tuition student, spoke on the merits of attending CHS and all of the opportunities it provides to be involved in its many activities.

Jordan Sturgill is a 4<sup>th</sup> generation CHS student and also is involved in several activities at CHHS. She likes that the teachers and staff encourage the students to be involved. Mayor Procuk asked Jordan her generational background and she said she is a Bacci.

Mr. Young said that he came from a larger school and that he really appreciates the community involvement that make up the school district.

### **AUDIENCE**

No comments

### **ORDINANCE & RESOLUTIONS**

**ORDINANCE 70-2015** - AN EMERGENCY ORDINANCE AUTHORIZING THE VILLAGE OF BROOKLYN HEIGHTS TO ENTER INTO AN AGREEMENT WITH CHAGRIN VALLEY ENGINEERING, LTD., WITH MICHAEL E. HENRY, P.E. AS MUNICIPAL ENGINEER, FOR ENGINEERING SERVICES FOR THE VILLAGE

Sponsor: Mr. Foote

Second: Mr. Selig

Yeas: Foote, Selig, Walsh, Hatgas, Black

Nays: None

Ordinance 70-2015 is adopted 5-0

**ORDINANCE 71-2015** - AN EMERGENCY ORDINANCE AUTHORIZING THE VILLAGE COUNCIL TO APPROVE THE CHANGE ORDER #1 FROM TC CONSTRUCTION COMPANY, INC. INCREASING THE AMOUNT DUE TO THEM FOR THE 2015 BROOKLYN HEIGHTS CONCRETE PROGRAM

Sponsor: Mr. Foote

Second: Mrs. Hatgas

Yeas: Foote, Hatgas, Black, Selig, Walsh

Nays: None

Ordinance 71.2015 is adopted 5-0

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### **ORDINANCE 72-2015** – DECEMBER PAY ORDINANCE

Sponsor: Mrs. Hatgas

Second: Mr. Walsh

Yeas: Hatgas, Walsh, Selig, Foote, Black

Nays: None

Ordinance 72-2015 is adopted 5-0

**RESOLUTION 17-2015** – A RESOLUTION APPROVING THE DECISION OF THE BOARD OF ZONING APPEALS GRANTING AN AREA VARIANCE TO PERMIT THE ACCESORY BUILDING (SALLY PORT) TO BE PLACED WITHIN FOUR-AND-OHE-HALF FEET OF THE PRINCIPAL BUILDING COMPARED TO THE REQUIRED 25 FEET FOR THE PURPOSE OF INCREASING CONVENIENCE AND SECURITY WITH A CONDITION

Sponsor: Mr. Walsh

Second: Mrs. Hatgas

*DISCUSSION: Mr. Walsh said that 2 years ago he was totally against this business moving into Brooklyn Heights but after touring the Blue Ash, Strongsville and Detroit facilities he feels very strongly that they have done their due diligence and after speaking with Chief Algeri he is sure it will be a safe situation for the community. This building has been vacant for eight years and this will be a good way to replenish our capital funds.*

### **AUDIENCE**

A resident asked if any other ICE facilities are in residential areas and Mr. Walsh said that both Blue Ash and Strongsville are in residential areas.

Mrs. Karen Berdysz asked if the village would have to pay RITA extra to collect the taxes and Mr. Clymer said no. RITA will handle this the same as any other business. She then asked if we will know if the taxes are being collected and Mr. Clymer stated that they will be on top of it.

Mrs. Berdysz asked how the residents will benefit from the taxes collected and Mr. Clymer said that the money collected will go into the general fund the same as all tax income and is used to operate the village and our services.

He explained that the taxes from this operation will help to keep us level.

Mrs. Berdysz feels that the council members don't listen to what the residents want.

Mr. Joe Solfkanics said that the building is an eyesore and a dump. He said the windows need cleaning, there is a box on the top of the building with a rusty door, the weeds have finally been cut but the parking lot needs to be replaced. He feels that the building owner does not care about the village so it doesn't matter to him who he puts in the building. He is concerned that we are putting crazy people on our streets.

Mr. Steve Peine stated that he heard several of the nearby businesses were upset with this. Mayor Procuk said he doesn't put any credence in rumors. Mayor Procuk also said that the CEO of the building next door, Mr. Korman, toured the Blue Ash facility and his only concern is with the appearance of the fence and how it is perceived by his employees.

Mr. Peine asked if they proved hardship to move into the village and Mayor Procuk said he had no idea.

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Mr. DeMarco responded to the question of concerns by other businesses. He said there are some concerns for safety especially by some of the women employees who may have to leave after regular business hours.

Mayor Procuik said he was not made aware of any concerns but if any of our business employees have safety concerns they most certainly can talk with Chief Algeri about them. He also said that building owner Ray Fogg was invited to all the meetings and did send representatives but these concerns were never brought up.

Tom Finley of OMNI spoke to his and his brother's record and integrity across twenty-seven communities that they have buildings in. He said that they have had positive results for over thirty years and that Brooklyn Heights is no different.

Gary Suchocki Complimented the council members for their diligence in this process and noted how difficult it is to make decisions that affect the entire community. He commended Mr. Walsh for his courage in studying this and admitting to changing his mind on the whole situation.

Mayor Procuik then called for a roll call on the resolution.

YEAS: Walsh, Hatgas, Foote, Selig

NAYS: Black

Resolution 17-2015 is adopted 4-1

**RESOLUTION 18-2015** – A RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS DENYING THE GRANTING OF AN AREA VARIANCE TO PERMIT THE ACCESSORY BUILDING (SALLY PORT) TO BE PLACED WITHIN FOUR-AND-ONE-HALF FEET OF THE PRINCIPAL BUILDING COMPARED TO THE REQUIRED 25 FEET FOR THE PURPOSE OF INCREASING CONVENIENCE AND SECURITY

*NOTE: This resolution need not be considered due to the approval of Resolution 17-2015.*

**RESOLUTION 19-2015** – A RESOLUTION APPROVING THE DECISION OF THE BOARD OF ZONING APPEALS GRANTING A TWO FOOT AREA VARIANCE TO PERMIT AN 8 FOOT HIGH ORNAMENTAL AND WIRE FENCE AROUND THE PREMISES COMPARED TO THE PERMITTED HEIGHT OF 6 FEET FOR SCREENING, PRIVACY AND SITE SECURITY WITH A CONDITION

Sponsor: Mr. Walsh

Second: Mrs. Hatgas

*Discussion: A questions was asked as to what "ornamental and wire fence" means.*

*Mayor Procuik said he believes that the fence in the front of the building would be ornamental and the other three sides would be chain link. This resolution is for the variance of the height of the fence.*

Yeas: Walsh, Hatgas, Selig, Foote

Nays: Black

Resolution 19-2015 is adopted 4-1

**RESOLUTION 20-2015** – A RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS GRANTING OF A VARIANCE TO PERMIT AN 8 FOOT HIGH ORNAMENTAL AND WIRE FENCE AROUND THE PREMISES COMPARED TO THE PERMITTED HEIGHT OF 6 FEET FOR SCREENING, PRIVACY AND SITE SECURITY

*NOTE: This resolution need not be considered due to the approval of Resolution 19-2015.*

# COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

## MINUTES OF A MEETING

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**RESOLUTION 21-2015** – A RESOLUTION APPROVING THE DECISION OF THE BOARD OF ZONING APPEALS REVERSING THE BUILDING COMMISSIONER'S FINDING AND NOW DETERMINING THAT THE 3,300 SQUARE FOOT SHORT TERM DETENTION CENTER AREA IS AN ACCESSORY USE TO THE MAIN USE CONSISTENT WITH THE VILLAGE CODIFIED ORDINANCE

Sponsor: Mr. Walsh

Second: Mrs. Hatgas

Yeas: Walsh, Hatgas, Foote, Selig

Nays: Black

Resolution 21-2015 is adopted 4-1

**RESOLUTION 22-2015** – A RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS WHICH REVERSED THE BUILDING COMMISSIONER'S FINDING THAT THE 3,300 SQUARE FOOT SHORT TERM DETENTION CENTER IS NOT AN ACCESSORY USE TO THE MAIN USE CONSISTENT WITH THE VILLAGE CODIFIED ORDINANCE

*NOTE: This resolution need not be considered due to the approval of Resolution 21-2015.*

**RESOLUTION 23-2015** – A RESOLUTION APPROVING THE DECISION OF THE BOARD OF ZONING APPEALS REVERSING THE BUILDING COMMISSIONER'S FINDING AND NOW DETERMINING THAT THE DETACHED SALLY PORT STRUCTURE IS AN ACCESSORY USE BUILDING UNDER THE VILLAGE CODIFIED ORDINANCE

Sponsor: Mr. Walsh

Second: Mrs. Hatgas

Yeas: Walsh, Hatgas, Selig, Foote

Nays: Black

Resolution 23-2015 is adopted 4-1

**RESOLUTION 24-2015** – A RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS WHICH REVERSED THE BUILDING COMMISSIONER'S FINDING THAT THE DETACHED SALLY PORT STRUCTURE IS NOT AN ACCESSORY TO THE MAIN USE CONSISTENT WITH THE VILLAGE CODIFIED ORDINANCE

*NOTE: This resolution need not be considered due to the approval of Resolution 17-2015.*

**MOTION: Mr. Foote moved to approve the minutes of the November 4, 2015 meeting. Second by Mr. Selig Motion passed 5-0**

### **CORRESPONDENCE**

Mayor Procuk read a thank you note on behalf of the Valley View Flag Football and Cheerleaders for the use of the Community Center for their awards ceremony.

Mayor Procuk read an email from Chief Algeri regarding his feelings on ICE moving into our community.  
*Attached*

Gary Foote, Trustee of the Foote Cemetery Association requested the use of the Community Center on January 10, 2016 for their annual Association meeting and that the fee is waived.

**MOTION: Mr. Walsh moved to waive the Community Center fee for January 10, 2016 for the Foote Cemetery Association. Second by Mr. Selig Motion passed 4-1 abstention  
Mr. Foote abstained**

Newburgh Heights Mayor Trevor Elkins is letting the world know that he is seeking election to the available RTA board seat and that Mayor Procuk has two votes.

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### **SERVICE DIRECTOR**

Mr. Hatgas let council know that the gas line project on Schaaf Road is nearing completion and the connections to the homes have been started.

ODOT is trying to get the project on Granger Road / Rt. 17 finished and cleaned up by mid-December.

### **FIRE CHIEF**

No report

### **POLICE CHIEF**

Chief Algeri was excused for this meeting and Sgt. Cassidy reported that the Mocktail Party fundraiser was held and our department won two awards. We won Best Tasting Drink and Crowd Pleaser. Sgt. Cassidy thanked the team of Chris Leahy, Tracy Harris, Dave & Karen Jablonski and Cody Alfen for a great job. He also thanked the many attendees from the village.

### **COMMUNITY SERVICES**

Mrs. Guilfoyle thanked the leaf raking volunteers.

The Remembrance Celebration will be on Dec. 2<sup>nd</sup> at 5pm.

The Project Hope Tree has a few tags left and the gifts will be distributed by mid- December.

Once again Mindy Armbrust has volunteered to hold a one-day Art in the Park on December 22<sup>nd</sup> from 12:30 to 2:30 pm at the Community Center.

We have received the Cuyahoga County Arts & Culture grant for \$1,125 for our Art in the Park program this summer.

Mrs. Guilfoyle said that the new bus has been ordered and will take 3 to 4 months to receive. We did receive a grant towards the bus.

### **ENGINEER**

Mr. Henry thanked council for the opportunity to work with the village for another year.

Mr. Henry told council that they opened the bids for the South Street water main replacement. Easton Leasing was the low bidder. Their bid was \$315,000 and the Engineers estimate was \$325,000.

He has applied for a Community Block Grant and we should hear something around the 1<sup>st</sup> of the New Year.

The concrete and asphalt program is completed.

### **BUILDING INSPECTOR**

Mr. Monaco ran down the list of current programs in the building department.

- 1500 Valley Belt – complete interior and exterior renovation
- 211 Hayes Dr – is now occupied
- 981 Keynote – Josiah House is now selling snacks and beverages
- 5400 Lancaster – the sidewalks and handicapped ramps are being replaced
- 800 Resource – parking lot repairs and curb replacement
- 990 Valley Belt – parking lot repairs and curb replacement
- 220 Eastview – new curbs
- 4544 Spring – Verizon installed six radios and replaced antennas
- 4605 Spring – North Coast installed a new spray booth
- 4869 Spring – Johnstone Supply added a new vestibule to help with the winter winds
- 239 Old Brookpark – Certified is installing a 525 gallon diesel fuel tank
- The building department will work on collecting the fees associated with the thirty or so temporary signs within the village.

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### **LAW DIRECTOR**

No Report – Mr. Dowling would like to call a special council meeting on December 29, 2015 at 6 pm to clean-up any pending legislation.

### **CLERK / TREASURER**

Mr. Clymer has no November numbers yet. RITA collections are up 3% over last year. The dental plan expires at the end of the year and council will need to make a decision by mid-month. A Wage and Salary Committee meeting is called for December 7<sup>th</sup> at 6 pm. Mr. Clymer will invite Mr. Biskind and the FOP rep.

### **RECREATION DIRECTOR**

Mr. Presot had surgery and is home recovering. Mayor Procuk read his report.

- The Basketball uniforms are being delivered to the coaches as are the schedules and the photo schedules.
- Mr. Presot thanked the village for the fruit basket.

### **ECONOMIC DEVELOPMENT**

Mayor Procuk said that the Power Brake building on Valley Belt Road has been sold.

Mayor Procuk thanked Councilwoman Nancy Hatgas for her service as she completed the unexpired term of the late Councilman Bruce Cichocki.

He also thanked Councilman Howard Selig for his time and dedication to the village during his term on council.

There will be a primary election on March 15, 2016 and the VFW will be soliciting signatures to have a Sunday Sales Liquor permit put on the ballot.

### **MAYOR'S COURT**

Income:	\$ 11,669.70
State of Ohio	( 1,589.00)
Indigent Driver & Alcohol	( 48.00)
Reg. Enterprise Data Sharing System	( 155.00)
Brooklyn Heights	\$ 9,877.70

Mr. Walter Allan spoke in favor of ICE.

**MOTION: Mrs. Hatgas moved to convene to Executive Session to discuss a personnel matter.  
Second by Mr. Foote.**

Yeas: Hatgas, Foote, Black, Selig, Walsh

Nays: None

Mayor Procuk invited Councilmen-elect Tom Lahiff and Mark Lasky to attend also.

Motion passed 5-0

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

Yeas: All

Meeting adjourned.

Mayor

Clerk/Treasurer