

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

MINUTES OF A MEETING

HELD _____ May 21, 2019 _____ 20 _____

A meeting of the Council of the Village of Brooklyn Heights, Ohio was held on May 21, 2019 at 7:30 P.M. with Mayor Michael Procuk presiding.

The Pledge of Allegiance was recited at this time.

Present at roll call:	Councilmen:	Blados, Foote, Lasky, Presot & Walsh
	Mayor:	Procuk
	Clerk/Treasurer:	Frank
	Law Director:	Dowling
	Engineer:	
	Police Chief:	
	Fire Chief:	Stefanko
	Service Director:	
	Bldg. Commissioner:	
	Comm. Service Dir:	Guilfoyle
	Recreation Dir:	

CORRESPONDENCE

- May 19, 2019- email from Mindy Armbrust on behalf of her parents Jim & Pat Lesnick with letter to the village regarding the Senior Lawn Cutting Program. *Attached*
- May 20, 2019 – Note from Rebecca Riser regarding the road salt consortium we belong to and the confirmation of the price of road salt for the upcoming winter season. Confirmed at \$63.41 per ton for 2019-2020 season.
- Email from Councilman Lasky with attached letter from Caleb Kurta-Graff regarding his job opportunity with Michael Kilton (Senior Lawn Cutting) *Attached*
- May 21, 2019 – three (3) emails from Michael Kilton regarding the lawn cutting program. *Attached*

ORDINANCE 39-2019- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER TO TERMINATE THE CONTRACT WITH CUYAHOGA PROPERTY MAINTENANCE, LLC

Sponsor: Mr. Blados

Second: Mrs. Presot

Discussion: Mr. Lasky asked about a plan "B". If the next contract runs from April 15, 2019 to November 15, 2019 are we paying a new contractor for the full season? Mr. Dowling said we are not and there are several legal options to amend the contract.

Mayor Procuk said he will not leave the seniors with no lawn cutting contract and that council has had this before them since March 19th.

Councilman Lasky said he is in favor of continuing the contract with Cuyahoga Property Maintenance.

Councilman Foote said that he expected a larger attendance here because of the chatter on something called Facebook. He said he doesn't want to leave the seniors high and dry but he has only received two phone calls between April and May. If someone has something to say he would love to hear it.

Shane Tommer asked why the village can't hire high school students to cut the lawns and earn Community Service hours.

Mayor Procuk said we had student summer help that we paid in excess of \$120k to paint and do odd jobs freeing up the Service Department to cut 120+ senior lawns for free. He stated that he doesn't know about community service hours but the village can't sanction that activity.

Mr. Tommer stated that he watched this company leave tire ruts in John Black's (neighbor) yard.

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Mr. Tommer then asked what the process is for hiring a company. He asked about background checks.

Mayor Procuik said that the Community Service Director solicits bids for the contract and she stated that she does a simple Google search and a court docket search.

Mr. Tommer said that's what he did and wondered about hiring someone with a docket like his.

Mayor Procuik said that all the information is then given to council.

Mayor Procuik then reiterated the last three months of negotiations with the contract.

Councilman Walsh that Mrs. Guilfoyle gave them all of the information and did tell council that she would like to have them hire All Pro Landscaping and that he council hired Mr. Kilton because his was the lowest bid. He now feels that they made a mistake and they need to correct it and move on. The service that is being provided is not satisfactory.

Mr. Tommer said that he understands that when the village was cutting 120 senior lawns it was not cost effective but now that there is only 40 would it be more cost effective if the village charged \$200.

Mayor Procuik said the current contract cost to the village is approximately \$3,000. Because the Service Department is working one man down since 2012 we would have to hire a man and that cost to the village would be approximately \$75,000 with the wages, benefits and equipment.

Pam Meyer asked who cuts the senior lawns in Cuyahoga Heights and Valley View. Mayor Procuik said he isn't sure but believes that their Service Department does. Ms. Meyer also said she applauds Matt Walsh for admitting they made a mistake.

Melissa Meadwell stated that she hopes that we learn from this, even after seeing his docket, that he was hired because he was the lowest bid.

Councilman Foote asked her to explain what she means by "his docket". He said he was not aware of any criminal offenses, only civil offenses. He said there is not a person in the room who has not made mistakes and he does not believe in a person being tried in "the court of Facebook" and found guilty by people without faces. At the same time he told Mr. Kilton that he underestimated the scope of this contract and, as Mr. Walsh stated, there is a long list of complaints, although the majority of the complaints are during the time of non-stop rain, as Ms. Meyers stated, everyone else cut their grass during this time. With this being said he would have to go back to his original vote for All Pro Landscaping. He wished Mr. Kilton the best going forward.

Mayor Procuik told Mrs. Meadwell that council looks at the bids each year and doesn't necessarily go with the lowest. This year they did go with the lowest and best. The village does not enter a contract with prejudice or discrimination. All of Mr. Kilton's documents (Worker's Compensation and Insurance) were presented and in order.

Mr. Kilton said he has a 5 star rating and was well aware of the contract. He will keep going and is obligated to maintain the lawns and he would maintain the contract for the next thirty (30) days.

Seniors were given the option of withdrawing from the program up to June 1st. As of today we have not issued any refunds.

Yeas: Blados, Presot, Foote, Walsh

Nays: Lasky

Ordinance 39-2019 is adopted 4-1

AUDIENCE

- None

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MAYOR'S REPORT

- To date we have collected approximately 18% more than R.I.T.A. predicted with the half percent tax increase which is about \$394,221 and as of June 1st we will be putting money into the Capital Improvement Fund.
- We will be in the Group Rating for reduced premiums for Worker's Comp for 2020 thanks to no lost day's injuries for 2018.
- NIDEC will be holding a ground breaking ceremony on June 12th and may use our Community Center for refreshments. If they decide to do this, they will complete the form and Mayor Procuk will ask council to waive the fee.
- As advertised in the Breeze and social media, the Fire Dept. will begin hydrant flushing on June 1st.
- Interviewed the first of eleven applicants for the two full-time Police department openings. He will interview six tomorrow.
- Tax Administrator, Greg Cingle, is working with Clerk/Treasurer Frank to collect the income taxes from some of the larger companies who are working as an LLC.
- The Building Department is working to make sure the properties are being used according to their zoning.
- The 2003 Ford Explorer – Building Inspector Car with 100k miles has a repair cost of \$800 to \$1,000. The Building Inspectors are using the Service Director's 2004 Dodge Dakota.

FIRE CHIEF

- The 2004 Ford Explorer (hand-me-down from Police) with 140,000 miles on it has died. The transmission went on Sunday and had to be towed to a transmission shop. The cost of a new transmission is \$3,000.
- The department needs a reliable first responder (chase car). It must be four wheel drive and would get about twenty (20) years of service from it. Cost would be about \$28,000.
- Currently using the 1997 Econoline Van as the chase car. Mr. Walsh asked if it could be used for a few months until they decide what to do. Mayor Procuk said he does not want to go into the winter using it as the chase car.
- Mr. Blados asked if there is a deadline for State Bid purchasing like there is for the police cars.
- Mr. Walsh suggested leasing but Chief Stefanko told him that once they put holes in the roof for the light bar that it could not be turned in.
- Mr. Lasky asked, other than the transmission, is the body in good enough shape that it could be used for the building car? Chief Stefanko said he asked the mechanic that question and was told you are rolling the dice.
- Mr. Walsh doesn't want to put the money into either vehicle until we figure this out.
- Mayor Procuk said that the Building Dept. needs a vehicle now since they are using the Service Director's 2004 Dakota and he is being paid mileage to use his personal vehicle.
- Mrs. Presot asked if the vehicle is part of the Building Inspector's contract and was told yes.
- Mr. Lasky asked how many vehicles are in the Service Department and if the men work in two man teams wouldn't there be a truck Mr. Hatgas could drive.
- Mayor Procuk reminded council that they voted to get rid of one truck which is currently underway.
- Mrs. Presot asked if anyone is interested in fixing either vehicle.
- Mr. Foote said he doesn't like the looks of the current Building vehicle so maybe fix the Fire car for the building department use. He was reminded that the fire car has 140k miles on it and is 15 years old.
- It was suggested that they have the vehicle towed back to the station and they will make a decision later in the year.
- Mayor Procuk said that the building department will continue to drive the Dakota and Mr. Hatgas can either use a village vehicle or turn in his mileage.

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Mr. Lasky said there is a Finance Committee meeting scheduled for 7 pm on June 18th.
Mr. Blados scheduled a Parks & Community Service Committee meeting for 6:30 pm on June 18th.
Mr. Lasky scheduled a Wage & Salary Committee meeting for 6 pm on June 18th to have Mr. Boynar from Oswald present medical insurance options.

Wage & Salary will meet on May 28th at 6pm to have Ted Biskind discuss VSP vision options since Union Eye Care closed their doors.

ORDINANCES & RESOLUTIONS

ORDINANCE 40-2019- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK-TREASURER TO ENTER INTO AN AGREEMENT WITH ALL PRO LANDSCAPING & SNOW REMOVAL FOR LAWN MAINTENANCE SERVICES PURSUANT TO THE VILLAGE SENIOR LAWN CUTTING PROGRAM FROM APRIL 15, 2019 THROUGH

NOVEMBER 15, 2019

Sponsor: Mrs. Presot

Second: Mr. Blados

Discussion: Mr. Lasky asked if the other bidders would be considered still in the race and was told no.

Yeas: Presot, Blados, Foote, Walsh

Nays: Lasky

Ordinance 40-2019 is adopted 4-1

ORDINANCE 41-2019- AN EMERGENCY ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES IN CONFLICT THEREWITH

Sponsor: Mr. Foote

Second: Mr. Walsh

Yeas: Foote, Walsh, Blados, Presot, Lasky

Nay: None

Ordinance 41-2019 is adopted 5-0

ORDINANCE 42-2019- AN EMERGENCY ORDINANCE AFFIRMING THE DECISION OF THE PLANNING COMMISSION GRANTING THE APPLICATION OF TREVOR EXTINE, REPRESENTING GEIS CORPORATION, TO ALLOW THE LOT SPLIT AFTER CONSOLIDATION OF PERMANENT PARCEL NOS. 531-15-007, 531-15-016, 531-20-001 AND 531-20-020 INTO NEW PARCEL NOS. 531-15-017 AND 531 -20-070

Sponsor: Mr. Walsh

Second: Mr. Lasky

Yeas: Walsh, Lasky, Foote, Blados, Presot

Nays: None

Ordinance 42-2019 is adopted 5-0

ORDINANCE 43-2019- AN EMERGENCY ORDINANCE REVERSING THE DECISION OF THE PLANNING COMMISSION GRANTING THE APPLICATION OF TREVOR EXTINE, REPRESENTING GEIS CORPORATION, TO ALLOW THE LOT SPLIT AFTER CONSOLIDATION OF PERMANENT PARCEL NOS. 531-15-007, 531-15-016, 531-20-001 AND 531-20-020 INTO NEW PARCEL NOS. 531-15-017 AND 531-20-070

NOTE: This ordinance is moot due to the decision on Ordinance 42-2019

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ORDINANCE 44-2019- AN EMERGENCY ORDINANCE AFFIRMING THE DECISION OF THE ZONING BOARD OF APPEALS GRANTING THE APPLICATION OF TREVOR EXTINE, REPRESENTING GEIS CORPORATION, FOR TWO VARIANCES IN REGARD TO SIDE YARD SETBACKS AND DENYING THE REQUESTED VARIANCE TO REMOVE CURBING

Sponsor: Mr. Foote

Second: Mrs. Presot

Yeas: Foote, Presot, Blados, Lasky, Walsh

Nays: None

Ordinance 44-2019 is adopted 5-0

Memorial Day Parade is set for 9 am Monday morning. Never had to be adjusted for weather.

MOTION: Mr. Walsh moved to go into Executive Session to discuss a legal matter. Second by Mrs. Presot

Yeas: Walsh, Presot, Lasky, Foote, Blados

Nays: None

Motion carried 5-0

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

Yeas: All

Meeting adjourned.



Mayor



Clerk/Treasurer

Mike Procuk

From: Mindy Armbrust <brattystarburst78@gmail.com>
Sent: Sunday, May 19, 2019 3:30 PM
To: Mike Procuk; Mark Lasky; Joe. Blados; les foote; Matt Walsh; jen presot
Subject: Senior Lawn Program
Attachments: lawn.jpeg; Lawn Letter.docx

Dear Mayor and Members of Council,

Due to a previous commitment my parents are unable to attend this week's council meeting. They have asked me to share the attached letter regarding the senior lawn program and photo with you and ask that their concerns be addressed at the meeting.

They know, as do I, that the village and it's administration is attempting to assist them with this service and that is why we are certain you would want to be made aware of the problem. Thank you for your assistance in this matter and please let me know if you have any questions.

Sincerely,
Mindy Armbrust

May 19, 2019

Dear Mayor and Members of Council,

We have been residents of Brooklyn Heights for 35+ years. This is the first time in those years that we have been so let down by our community services that we feel the need to address council regarding it.

We paid the \$275 fee to be a part of the senior lawn cutting program for 2019 (as we have in the past with positive results). As of today, May 19th (at 3pm), our lawn has been cut once for the season. Our neighbors who do their own lawns or use outside services have had theirs done 3-4 times.

We fully understand that the village uses an outside contractor for this service, but we kindly ask that you please address this issue with them. We have not even made it out of May yet and if this is what we have in store for the season we would rather receive our money back and pay a more dedicated neighborhood youth more money to assist us in a responsible way.

It is embarrassing to have our yard be an eyesore to our neighbors (and while neighbors and family have offered to cut it, that is not appropriate as we have paid for a service). Even worse, it is upsetting to know that a brief drive through the community could identify some of the senior members by the neglected lawns (by no fault of our own).


It is with confidence that we believe you will do all in your power to rectify the situation now that it has been properly brought to your attention.

Sincerely,

Jim and Pat Lesnick

291 Little Creek Parkway

Mike Procuk


 **From:** Mark Lasky
Sent: Tuesday, May 21, 2019 4:54 PM
To: Mike Procuk; Joe. Blados; les foote; Matt Walsh; jen presot
Subject: FW: Kaelib Graaf
Attachments: Kaelib Graaf.docx

Hello Everyone,

I just received this email today. Please take the time to read the letter written by Kaelib. Mayor, please read this into correspondence.

Thank you,
Mark

From: Graaf-kurta, Amanda [Amanda.Graaf-kurta@gianteagle.com]
Sent: Tuesday, May 21, 2019 4:17 PM
To: Mark Lasky
Cc: kaelibgraaf@gmail.com; andrewkurta@gmail.com
Subject: Kaelib Graaf

Mark,
This is what Kaelib sent me
 Thanks,
Amanda

Dear Council,

Good evening. I apologize that I can not attend the meeting this evening – I have my first baseball game of the season. I wanted to share my opinion and experience with Mr. Kilton. A few weeks ago I was cutting my neighbors grass and was approached by Josh about cutting grass with him and Mr. Kilton. I explained I was interested and was asked if he could talk to my parents. At that time my dad talked to Mr. Kilton.

Since working with Mr. Kilton, I have had a positive experience. He has taught me different skills and has been extremely flexible with school and after school activities. He has given me opportunities, just like Mrs. Presot gave me the opportunity to earn service hours to rank up in Boy Scouts and how Mayor Mike gave me the opportunity to start earning money by delivering village notices and becoming an umpire.

Mr. Kilton is trying to help a kid earn some money for a first car. There is no harm in that. He is cutting the seniors lawns in OUR village. He is also a village resident who has to provide for a family just like everyone else in society. Do we really want to be known as the village who turns on our fellow peers? Or do we want to be known as a village who is friendly and supportive of each other. What can we do to help support him?

Sincerely,
Kaelib August Graaf

Mike Procuk

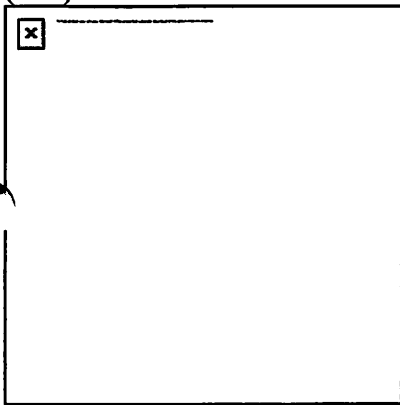
From: Michael Kilton <cuyahogapropertymaintenance@gmail.com>
Sent: Tuesday, May 21, 2019 5:47 PM
To: Mike Procuk; Mark Lasky; Matt Walsh; jen presot; les foote; Joe. Blados; Thea Guilfoyle
Subject: Recent Pictures of BH Senior Lawns

As Promised in last meeting that we would have everyone at an proper height and on track within 7-8 days weather permitting. This week we are at that level and have already started lawns in the village and again weather permitting



BH Photos 5-21-19.zip

--
Michael Kilton
Operations / Sales
(216) 244-4130



www.cuyahogapropertymaintenance.com

Mike Procuk

From: Michael Kilton <cuyahogapropertymaintenance@gmail.com>
Sent: Tuesday, May 21, 2019 5:54 PM
To: Mike Procuk; Mark Lasky; Matt Walsh; jen presot; les foote; Joe. Blados
Subject: Letter mailed to all Seniors on Lawn Cutting program
Attachments: EPSON087.PDF

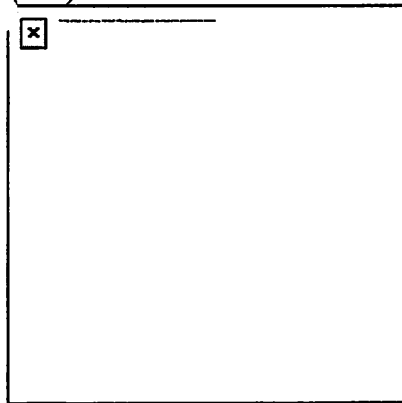
F.Y.I.

Since we only received the address of the seniors lawn to be mowed we wanted to let everyone know who we were and let them know what services we may be able to offer them and also an contact number to call us if needed. This letter went in the mail the first week of May and seniors have already called us as needed with concerns or other work needed to there properties. We are also offering them an discounted rate since they are on the lawn cutting program.

In the future it would be very helpful for an contractor to also have names and phone numbers with the address list so that we may keep in touch with them with any issues or delays. This would avoid a lot of calls to the village.

--

Michael Kilton
Operations / Sales
(216) 244-4130



www.cuyahogapropertymaintenance.com

Mike Procuk

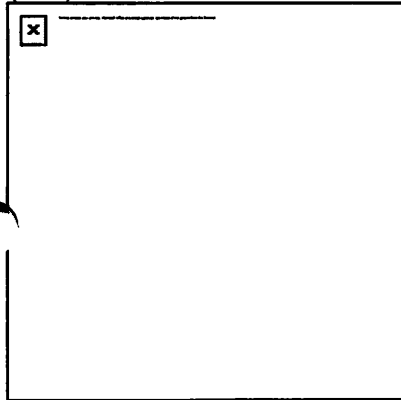
From: Michael Kilton <cuyahogapropertymaintenance@gmail.com>
Sent: Tuesday, May 21, 2019 5:58 PM
To: Mike Procuk; Mark Lasky; Matt Walsh; jen presot; les foote; Joe. Blados; Thea Guilfoyle
Subject: News Reports of crazy Spring and the effects it has have
Attachments: EPSON088.PDF

F.Y.I.

Wanted to share a few news stories on how this very rainy and wet weather has effected landscaping business all over the United States. We cant control mother nature and are doing our best to keep up without damage to customers lawns

--

Michael Kilton
Operations / Sales
(216) 244-4130



www.cuyahogapropertymaintenance.com



Cuyahoga Property Maintenance



Email: info@cuyahogapropertymaintenance.com
Website: www.cuyahogapropertymaintenance.com
Phone: 216-242-6400

Welcome To The 2019 Brooklyn Heights Lawn Cutting Program,

As residents of Brooklyn Heights we are proud and happy to have the contract to take care of your property. Spring has come and the mowing season is in full swing. We are currently learning your properties and getting things under control. We will cut your property at a healthy height of 3" to 3.5" to keep your lawn alive all season long. It is currently a slow and stressful start because of mother nature and the delay of the contract signing. This put us behind by a week and it has been raining non-stop. We do not want to damage your lawns, so we are trying our best to get them maintained when it is decently dry. We will get things back to normal in the coming weeks and be on a good weekly schedule soon as possible.

There has always been a need for relevant businesses and residences to maintain a certain standard when it comes to its image. Far too often, companies in our industry go about their routine without the input of the consumer forgetting that landscapes should be an extension of your personality. For this reason, we are setting ourselves apart to focus solely on personal attention and detail to each property. In addition to offering lower prices than the competition, we treat our customers as partners, providing a pleasing environment in all aspects.

Over these last couple of years, we have spent time educating ourselves, our associates, and clients in order to become more adept at our profession. We have upgraded our equipment and streamlined our processes, thus becoming more efficient in our operations, and allowing us the capacity to handle a greater multitude of work. We have even developed a way to allow our customers to build their very own package that will account for their individual needs.

During this Spring season, there are many services to offer. We can do them all, such as mulch, pruning, planting, and cleanups. We also do landscape design installs year round, such as patios, firepits, and walkways. If you would like any additional information on the services we offer or would like to have a free estimate for any service please contact us.

From The Owners At Cuyahoga Property Maintenance,
Brandon, Michael, Joshua, and Paul

Wet spring hampers lawn care, landscaping businesses

Business

May 20, 2011

By

• Dave Larsen, Staff Writer

Demand is returning to pre-recession levels, but the ground is simply too muddy to work.

NONE —

DAYTON — This spring's heavy rains have put local landscaping and lawn care companies as much as three weeks behind schedule, and kept customers away from area garden centers at the height of the traditional spring planting season.

Weekend business this month at Siebenthaler's Garden Centers in Centerville and Beavercreek is down more than 25 percent from May 2010, said Robert Siebenthaler, company vice president.

Siebenthaler's does a third of its annual retail sales during the six weeks between mid-April and mid-June. "Most of that time period has been rainy weekends and people staying inside," Siebenthaler said.

Landscaping service demand is returning to pre-recession levels, "but the weather has just dissipated that completely," Siebenthaler said. His crews have been hampered by persistent rains and muddy ground, he said.

"This is the toughest spring we've ever had," said Marty Grunder, president and chief executive of the Grunder Landscaping Co. in Miamisburg.

Grunder's crews are three weeks behind schedule and struggling to meet the demands of clients who want work completed before Memorial Day.

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"It's like having a retail operation that is closed Christmas Eve. There's a certain degree of that that you just lose," he said.


Buckeye EcoCare, a lawn care company based in Centerville, is more than one week behind for fertilizer and weed control applications, and two to three weeks behind for lawn seeding and sod repair, said Mark Grunkemeyer, president and owner.



Lawn care crews scheduled to work six days are averaging just two or two-and-a-half good days per week, Grunkemeyer said.

Heavy equipment such as a slice seeder or tractor can damage a water-saturated lawn. "It's just been too wet to work any ground here, just like the farmers," Grunkemeyer said.

Dayton saw 8.72 inches of rain in April, the second-highest rainfall total for that month on record, according to the National Weather Service Forecast Office in Wilmington.




May has seen 3.48 inches of rain to date, about one inch above normal, said Myron Padgett, a weather service meteorologist.

One benefit of the rain is "lawns are nice and green," Grunkemeyer said.

Similarly, garden center plants are "just gorgeous at this point," Siebenthaler said.

"All we need are a few sunny days to get customers out to buy it," he said.



Contact this reporter at (937) 225-2419 or dlarsen@DaytonDailyNews.com.



PRAIRIE VILLAGE, Mo. -- Lawn care companies are having a tough time staying on schedule.

Benjamin Brasel, the owner of Benjamin Lawn and Landscaping in Prairie Village, said business was great up until about two weeks ago when the region was hit with several inches of rain.

"If we have two or three rain days during the week, we get pushed back additional days," Brasel said. "I imagine everyone's pretty slammed right now."

Brasel, who has been in the lawn care business for 20 years, has at least five crews out during the week mowing grass. They average around 350 lawns a week.



RELATED STORY

New 'Uber for lawn care' app rolls out in KC metro, connecting crews and customers

When the weather puts a damper on their operation, it creates a backup and has a domino effect.

"It just piles up and pushes everything back," he said

Brasel said his line of work is schedule intensive, and being organized is key to being successful.

"We just try and stay ahead of [the weather]," he said. "We won't deliberately schedule anything on Fridays, so we have one makeup day for the week."

He added that keeping customers in the loop is equally important.

"We're able to send communication to our customers in bulk, so everyone that we skip, lets say on a Friday, can get a message that we know we missed their lawn and we'll be there on Saturday – or whatever the case may be," he explained.

With 2-5 inches of rain predicted in the next week, Brasel said staying on schedule will be a feat. But they're going to work hard to stay caught up.

"We appreciate all the patience you can give this time of year because it's tough," he said.

When asked how often someone should cut their grass, Brasel joked that it depends on how often your neighbor mows their lawn.

It really is a personal preference, but keep in mind you can be cited in most cities for letting your grass grow too tall.
