

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

MINUTES OF A MEETING

HELD May 7, 2019 20

A meeting of the Council of the Village of Brooklyn Heights, Ohio was held on May 7, 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:	Henry
	Police Chief:	Meade for Chief Algeri
	Fire Chief:	Stefanko
	Service Director:	Hatgas
	Bldg. Commissioner:	Sonenstein
	Comm. Service Dir:	Guilfoyle
	Recreation Dir:	Kryznowek

MOTION: Mrs. Presot moved to approve the minutes of the regular council meetings of April 16, 2019 and April 23, 2019 as distributed. Second by Mr. Blados Motion carried 5-0

CORRESPONDENCE

- Mayor Procuk read the minutes of the ARB meeting of April 23rd regarding the NIDEC / Geis property at Tuxedo and Granger. *See attached*
- Read a note declaring Anthony Perlatti as Director of the Board of Elections and Shantiel Soeder at the Deputy Director.
- Reminded council to RSVP to Kari if attending the upcoming Chamber State of the Schools meeting.
- Read a note from the Blue Wave Swim team requesting the village to continue their reimbursement of \$30 per swimmer. This will be either an ordinance or placed in committee meeting.
- Jill Paulson of the Cuyahoga County Arts & Culture program said they have been funding non-profits since 2007. *We have received several grants from them.*
- Reminder that the village will "light up blue" in honor of all police departments from May 8th – 16th.
- May 11th the Cleveland Water Open House will be held at the Baldwin water facility from 10a – 4p.
- Michael Kepchar asked to rent the Community Center marquee to advertise their fundraiser and Mayor Procuk said we cannot do this. The marquees are for village functions only. We can put a link on our website if that will help.

AUDIENCE

- Pam Meyer (Shady Ridge) asked to speak on the Senior Lawn Cutting but felt uncomfortable because Mr. Kelton was in attendance. Mayor Procuk said the topic will come up in Mrs. Guilfoyle's report.
- Ron Boynar of the Oswald Company asked council to consider a different way to manage the medical benefits. He would like to come back to talk to council about their options. Mr. Frank said Oswald Company was one of the other companies that he had invited to speak to council prior to council settling on American Benefits again.

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FIRE DEPARTMENT

ORDINANCE 37-2019- AN EMERGENCY ORDINANCE AUTHORIZING HIRING OF DOUGLAS GREEN AS A FIREFIGHTER/PARAMEDIC

Sponsor: Mr. Lasky

Second: Mrs. Presot

Yeas: Lasky, Presot, Blados, Foote, Walsh

Nays: None

Ordinance 37-2019 is adopted 5-0

- Mayor Procuik then swore in Douglas Green as a fighter/paramedic for the Village of Brooklyn Heights.
- Chief Stefanko told council that the department has lost two members in the last few months and we needed to fill the spot. Doug has been full-time with Parma for the last 1 ½ years and worked 5 years for Cleveland EMS. He will be an asset to our department
- Chief Stefanko let council know that the ordinance for the department clothing is up for consideration tonight. Each member receives an allowance of \$350.

ORDINANCE 34-2019- AN EMERGENCY ORDINANCE CONSENTING TO THE APPOINTMENT OF RODNEY GISZTL BY THE MAYOR, TO REPRESENT THE VILLAGE OF BROOKLYN HEIGHTS AS A MEMBER OF THE PARMA COMMUNITY GENERAL HOSPITAL ASSOCIATION

Sponsor: Mrs. Presot

Second: Mr. Lasky

Yeas: Presot, Lasky, Foote, Blados, Walsh

Nays: None

Ordinance 34-2019 is adopted 5-0

Note: The term begins June 1, 2019 and ends 2022. Strictly volunteer. Mayor Procuik thanked Rodney for getting involved.

Mr. Gisztl thanked Mayor Procuik for the appointment and Mr. Keller for the recommendation.

COMMUNITY SERVICES

- The new vehicle has been ordered through the NOACA Grant. Village contribution is \$7993.80.
- Older Americans Recognition lunch was today. Fifty-five (55) seniors were in attendance. Thank you to Mayor Mike, Councilman Foote, Councilman Lasky, Clerk/Treasurer Frank, Service Director Ed Hatgas for their help and to the Women's Service Club for their generous donation.
- Art in the Park will begin on June 17th in collaboration with Cuyahoga Heights.
- Transportation will be available for both Safety Town and Summer School. Both begin on June 11th.
- Forty (40) seniors are signed up for Senior Lawn Cutting. Even taking into consideration the rainy season it has been a very disappointing start.

Pam Meyers, resident of Shady Ridge Lane complained that her lawn was not cut until Sunday, May 5th and that the clippings were being dumped over the side of the hill onto private property. She stated that she had problems with this service over the last four (4) years. She said that when she called to complain that she was told he was an independent contractor and she felt no sympathy.

She suggested that council take the \$13,000 they will pay him and buy two (2) new lawnmowers for the Service Department and have them cut the senior grass.

Ms. Meyer also asked Mr. Kelton for no retaliation.

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Mona Sosahr of Shady Ridge Lane also spoke. She said she left on vacation April 25th and when she returned it still was not cut. Her grass was finally cut on May 5th also. She asked if Mr. Kelton knew what he was taking on when he bid on the contract. With thirty-six houses to cut it would take about 36 hours a week and she wondered if he understood that. She also said that the seniors in this village will speak up if they are unhappy with something. She said that in the spring the grass should be cut twice a week.

Ms. Meyer asked Mrs. Guilfoyle how many complaints were lodged and the answer was twenty-five (25) to thirty (30). She then said she would like to hear what Mr. Kelton has to say.

Mr. Kelton said he would like to see the twenty-five (25) complaints. He said he has spoken with about twenty (20) seniors and those seniors seemed to understand and they were happy with what has been done.

He stated that the contract was not signed until April 16th and he received the list on April 17th so the first week was lost. We had rain 13 of 14 days so cutting was delayed due to the weather and he doesn't want to put a 3000 pound mower on wet grass. He said he texted pictures of damaged lawns to Councilman Lasky.

He said that he could cut in the rain but then there will be complaints of damage to property. He said all lawns have been edged, trimmed and the grass was bagged. He said he dumps 5 to 10 yards a day. He has three (3) crews. One is residential with smaller mowers, one is commercial with 61" mowers and the third is a patio crew with no mowers. His son is 13 years old and has been to Walker College to be trained on the Walker mower he uses. His 16 year old employee is in training.

We have had an unusual April and the forecast for the entire summer is rain. He is committed to this contract and he apologized for the complaints.

The village is on his schedule for cutting on Tuesday, Wednesday and Thursday. He sent a letter to all seniors on the list and included his business card so they can call with concerns.

He also responded to Ms. Meyer that he will not retaliate. He said he is not like that.

Mr. Kelton was asked about the dumping of grass over the hill and he responded that the senior of the house they dumped behind gave them permission as well as one house on Schaaf Road and two on Dorset. He said he has receipts from Three-Z in Valley View where he dumps the clippings.

Ms. Meyer asked council what their expectation of the program is and Mr. Kelton said the contract reads to be "mowed as needed at a height of 3 ½ inches." He said he would rather wait and cut tall grass than damage property.

Mr. Dowling said the contract does not read 3 ½ inches but it says "including but not limited to the weekly mowing of lawns". He said that tells him the minimum is weekly but it doesn't say 3 ½ inches.

Mayor Procuk said the contract was signed on April 15th. And told Mr. Kelton to do the best job you can and adhere to the contract.

Councilman Lasky commended him for trying to get the lawns up to his standards and for hiring kids and teaching them hard work, dedication, dealing with the public and the value of a dollar. He asked how council moves forward? Mayor Procuk said council has done their job and now it is up to the resident to decide what they want to do. The weather has definitely been a factor. We have a contract and he is to adhere to the contract. Not everybody is going to be happy.

Mayor Procuk is proposing entertaining a voucher type contract before the snow plowing begins whereby the resident hires their own contractor and would present the paid contract to the village and the village would help offset the cost of the contract.

Mayor Procuk reminded Mr. Kelton that he stood on council floor and said that if he were awarded the contract that Brooklyn Heights would be a priority because he also lives here. Mayor Procuk said that may have carried some weight with the vote.

Councilwoman Presot was quite expressive in her concerns regarding this issue. She told him (Mr. Kelton) that he had the list on April 16th and he should have looked at the properties and prioritized them

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as to which needed the first cuts. She also stated that his mowing days (Wednesday & Thursday) that week were dry sunny days and asked why he didn't begin then. He answered that he had customers that had signed with him prior to our contract being signed and he took care of them.

Mr. Frank said that, going forward, council HAS to have this decision made prior to April 1st. You can't wait until April 15th to award the contract. Due to the mild winter the grass never went dormant and exploded early.

Mr. Kelton also reminded council that snow plowing bids will go out in June / July for the winter season.

Mayor Procuk asked council to look at the program and make changes in the way it is bid and paid for. He said he has asked the Building Inspector to refrain from notifying residents to cut their grass because forty of them may me on this program.

Mayor Procuk asked Councilwoman Presot what she would like and she responded to get out of the contract. Mr. Dowling said he could do that by drawing up an ordinance to give thirty days' notice. Councilman Foote said that the grass has been mowed and though this is not the best situation we have never had a contractor sail through a season with no complaints. He asked that Mr. Kelton please stay on top of it and continue to cut the lawns. He agrees with the Mayor that it needs to be looked at or get out of it altogether and let the residents get their own contractor.

Mr. Kelton said that the lawns are now at a manageable height and with the construction on Dorset, by law, he can't cut with the utility flags are.

Councilman Walsh said there are not enough votes to cancel the contract so let's get the job done.

Ms. Meyer said that council is listening to excuse after excuse and said "shame on you". You (council) have the opportunity to get out of the contract. Mrs. Presot asked why only half of Schaaf Road was done. He said he had no complaints there. He also said he won't answer his phone while cutting but he does respond to text messages and emails.

Mrs. Presot was told she could sponsor legislation and that council meets in two weeks. He also said that he is allowing senior cancellations until the first of June. He will allow them to get their \$275 back.

RECREATION DIRECTOR

- 185 total players for summer ball
- Thirteen (13) teams sponsored by:
 - Mayor Mike
 - Councilman Lasky – Lasky's Sluggers
 - Councilman Joe Blados
 - Clutch Land & Snow
 - Lucky's Beverage (2 teams)
 - Boyert's Greenhouse
 - Danny Boys
 - Presot Masonry
 - Dean Diversified
 - Power Buggy by INDY
 - AMSDOG- CPA
 - PASSKEEPERS

SOCCER

- Three weeks left to the season.
- Spring season ends on May 18th

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- Elk's Soccer Shoot-out is May 25th 10am to noon. Age as of January 1st.

POLICE – Lt. Meade

- **MOTION:** Mr. Blados moved to pay North Royalton Jail \$1,110 for March housing. Second by Mrs. Presot Motion carried 5-0
- **MOTION:** Mr. Walsh moved to pay Firehawk Automotive \$1,263.10 for a catalytic converter and oxygen sensor repair for the 2015 Ford Explorer (2311). Second by Mr. Blados Motion carried 5-0
- **MOTION:** Mr. Walsh moved to pay Advance Ohio \$3,453.48 for Plain Dealer and cleve.com police position advertising. Second by Mrs. Presot Motion carried 5-0
- The background checks have begun on the eleven (11) candidates.
- Park Security began on May 1st.
- Ms. Meyers asked if the police department carries NARCAN. The answer was yes but thankfully they have not had to use it very often as of late.

SERVICE DIRECTOR

- **MOTION:** Mr. Walsh moved to pay Ohio UST \$1,650 insurance for the three gas tanks at the service garage. (annual expense) Second by Mr. Foote Motion carried 5-0
- **MOTION:** Mr. Blados moved to pay Sirna Construction \$2,960 for street repair of water main break at 5th and North. To be reimbursed by City of Cleveland, Division of Water. Second by Mr. Walsh Motion carried 5-0
- Mr. Lasky asked if the City of Cleveland will still pay if we hire our own contractor and Mr. Hatgas told him yes. We are allowed up to \$25 per square foot.
- Mr. Hatgas told council that there will be another repair invoice from Specialized Construction for the same area due to the valve being broken. He will bring that to council when we receive it.
- Mayor Procuik thanked the volunteers who worked the Community Shred-It day on Saturday. It was very successful and the cost is paid for by the Cuyahoga County Solid Waste District Recycling Grant. There will be another day in September.
- Mr. Hatgas will attend the Tree City USA awards on Wednesday, May 8th. We will receive two awards. This is our 12th year and Brecksville is the host.

ENGINEER

- Thanked council for passing the ordinance last week authorizing Specialized to make the repairs along North Avenue and North will be chip-sealed beginning May 15th.
- Dorset work will take approximately 2-3 weeks in the village. He thanked Thea and Donna Algeri for getting the information out on the website. They will be directional boring to install the fiber optic lines. If they damage the sidewalks they will replace the full slab. Should be done by the middle of June.
- The concrete in the park is finished and the grass is coming in quite well with all the rain.
- The county is opening up the program for grant funding for the Master Plan revision which we will apply for again this year

BUILDING

- Two (2) residential point of sale inspections
- Will begin enforcing the new ordinance for RV's and trailers.
- Received the plans for the National Weather Service

LAW DIRECTOR

- The State Auditor wants to look at the possibility of a Community Improvement Corp.

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CLERK / TREASURER

- \$856k in General Fund at the end of April
- Through 33% of the year we have used 30.5% of the budget (under budget)
- RITA May 1st drop was \$455k
- The Clerk and the Tax Administrator will work with RITA of the Subpoena Program. In 2014 RITA collected \$10,000 of the \$20,995 delinquent taxes owed. Currently we have 423 delinquents in Brooklyn Heights.

ECONOMIC DEVELOPMENT

- Northcoast Composites Tool & Mold on Van Epps has procured a job that requires new equipment. They have worked out a compromise with the Building and Fire Department to install a large nitrogen tank and will add twenty (20) new employees.
- Condeni Building was built as a partnership (Smith & Condeni) so it is an open building. Joe Condeni wants to lease the second floor but there is no way to lock up separately from the first floor (only one stairwell). It is costly to put in an additional stairwell so they and our building department are working with the Department of Standards in Columbus to work out an agreement.
- NIDEC deal is signed, sealed and delivered. Anticipating a ground breaking ceremony in the middle of May. They hope to be in by Christmas.

MAYOR'S REPORT

- Reported that RITA predicted revenue income of \$2,035,315 thru the first drop in May, 2019. We have actually received \$2,335,954.
- Council will begin putting 5% into the Capital Improvement Fund beginning June 1st. Had we begun this in January we would have \$117,000 in the fund and \$183,000 added to the General Fund Surplus.
- We are anticipating several retirements in the Police Department in 2020 and will be paying out sick time.
- We will continue to hold quarterly finance committee meetings

MAYOR'S COURT

- | | |
|---------------------------------------|-------------|
| • Income for April | \$ 8,913.60 |
| • State of Ohio | (1,497.50) |
| • Indigent Driver & Alcohol | (34.50) |
| • Reg. Enterprise Data Sharing System | (105.00) |
| • BROOKLYN HEIGHTS | \$ 7,276.60 |

- Attended the Greater Cleveland Safety Council Annual Awards Breakfast. We received the prestigious 100% award for no injuries or accidents that resulted in a Work Comp case.
- May 2nd attended Prom Promise hosted by our fire department. It is a very moving event and this year they also focused on texting and driving as a cause of the crash.

ORDINANCES & RESOLUTIONS

ORDINANCE 28-2019- AN EMERGENCY ORDINANCE DELETING SECTIONS 1444.14, 1444.15, 1444.15(A),(B),(C),(D), 1444.16, 1444.16(A) (FEE SCHEDULES) FROM THE BROOKLYN HEIGHTS CODE OF ORDINANCES AND REPLACES IT WITH NEW SECTIONS 1444.14, 1444.15, 1444.15(A),(B),(C),(D), 1444.16, 1444.16(A) BUILDING
Sponsor: Mr. Walsh

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Second: Mr. Blados
Yeas: Walsh, Blados, Foote, Presot, Lasky
Nays: None
Ordinance 28-2019 is adopted 5-0

ORDINANCE 33-2019- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER TO ENTER INTO A CONTRACT WITH **SELECTIVE INSURANCE COMPANY**, HANOVER INSURANCE GROUP, TRAVELERS, CNA INSURANCE GROUP AND HUDSON INSURANCE COMPANY FOR INSURANCE FOR THE VILLAGE OF BROOKLYN HEIGHTS

Sponsor: Mr. Foote
Second: Mr. Walsh
Yeas: Foote, Walsh, Blados, Presot, Lasky
Nays: None
Ordinance 33-2019 is adopted 5-0

ORDINANCE 35-2019- AN EMERGENCY AMENDING ORDINANCE 2017-29 AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A **CONTRACT WITH BRAUN MOBILITY** FOR THE PURCHASE OF A MODIFIED MINIVAN FOR USE BY COMMUNITY SERVICES

Sponsor: Mr. Blados
Second: Mrs. Presot
Yeas: Blados, Presot, Foote, Lasky, Walsh
Nays: None
Ordinance 35-2019 is adopted 5-0

ORDINANCE 36-2019- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER TO ENTER INTO AN **AGREEMENT WITH NOVAK SUPPLY, FIRE STORE (WITMER), AND FIRE STORE FOR THE PURCHASE OF FIRE UNIFORMS** FOR THE BROOKLYN HEIGHTS FIRE DEPARTMENT

Sponsor: Mr. Walsh
Second: Mr. Lasky
Yeas: Walsh, Lasky, Foote, Blados, Presot
Nays: None
Ordinance 36-2019 is adopted 5-0

ORDINANCE 38-2019 – MAY PAY ORDINANCE

Sponsor: Mr. Foote
Second: Mr. Walsh
Yeas: Foote, Walsh, Blados, Presot, Lasky
Nays: None
Ordinance 38-2019 is adopted 5-0

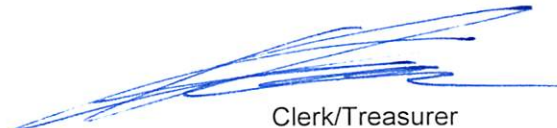
There being no further business to come before the council, it was moved by Mrs. Presot seconded by Mr. Walsh that the meeting be adjourned.

Yeas: All

Meeting adjourned.



Mayor



Clerk/Treasurer

ARCHTECTURAL BOARD OF REVIEW

The April 23, 2019 meeting of the Architectural Board of Review was called to order at 8:15 a.m.

The Secretary called the roll:

Present: Schultz, Zorc, Monaco, Henry, Sedlak, Baciak

Absent: None

*At 8:00 a.m., Nino Monaco explained that Trevor Extine, Architect, for GEIS Companies, submitted drawings for a new 67,000 square foot facility (NIDEC) at Tuxedo Avenue and Granger Road.

Trevor distributed a color board sample to each member. He explained the corresponding numbers as they portray to the building, window frame, etc.

Pam asked about a sign permit, and Trevor said that will be addressed at a later meeting. Trevor said that the colors of green and white were used as their logo colors.

Trevor mentioned that the drawings that were submitted will reflect NIDEC'S plan for the next 5-10 years. If they find the need to expand, they will do so by removing the West wall.

Trevor said that the windows designed near the top of the building are for lighting purposes. The building is designed as a 3-dimensional building, using painted pre-cast concrete panels in the entryway.

Mike asked about the lighting for the parking lot. He wanted to be sure that it was shielded from the residential area. Trevor said that LED lights were going to be used. He also stated that there is a landscape plan in place on the East elevation. Jeff suggested planting Blackhill Spruce trees on the mound. Nino indicated that he would like to get the opinion of the residents before landscaping is finalized regarding the placement of the trees. Mike suggested moving the red maple trees out of the swale, and put more on the mound.

Nino wanted it noted that if there were noise complaints from residents in the future, then NIDEC would investigate the installation of an acoustical fence. Trevor said that he believes only three trucks a week would be at the site.

Trevor said that there will be a recessed dumpster against the dock doors, but said that it is more than a football field away from the residential homes. Mike said that the area of the dumpster is approximately 15 feet below the elevation of the homes.

Mike asked that the concrete block wall separating the parking lot from our community center match with the building. Trevor said that the split face will match, most likely using the lighter color.

Mike asked about the ladder on the drawing that is currently placed on the front of the building. Trevor said that he will investigate if they can move it without needing a cage. He will check with Kevin to see if they can move the ladder on top of the fire pump room. Nino said that it shouldn't affect any building codes. Pam asked if the ladder could be coated to match the adjacent material.

Nino asked about the roof drainage. Trevor said that there will be internal drains in the high bay areas. And another drain will be added in the higher areas.

Pam suggested some type of cap on the high portion of the building. Trevor said that he can extend the metal capping down, and make it 6-8 inches wide.

Motion to approve, as modified, all in favor

- 1) Capping top
- 2) Coat ladder to match adjacent material
- 3) Privacy Trees (Blackhill Spruce)
- 4) Split face retaining wall to match building
- 5) Lighting in parking lot
- 6) Acoustical fence (future)

Meeting adjourned 9:15 a.m.