

# COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

## MINUTES OF A MEETING

HELD JANUARY 17, 2023 20       

A meeting of the Council of the Village of Brooklyn Heights, Ohio was held on January 17, 2022 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:	
	Assistant Law Director:	Marty Mason
	Engineer:	Zoldak
	Police Chief:	
	Fire Chief:	
	Asst. Fire Chief	
	Service Director:	Blados
	Bldg. Commissioner:	
	Asst. Bldg. Comm.	
	Comm. Service Dir:	Guilfoyle
	Recreation Dir:	
Soccer Commissioner:		

GUESTS: Ed Stepka, Shane Tommer, Tommer Family

Ordinance 02-2023 was read and passed 4-0. Mayor Procuk conducted the swearing in of Shane L. Tommer as a Member of the Brooklyn Heights Village Council.

### MAYOR PROCUK

- Mayor Procuk distributed the 2023 Committee Assignments as follows:

◇ Ad-Hoc Environment	Matt Walsh
◇ Building	Berzins
◇ Finance	Walsh
◇ Income Tax Board of Review	Tommer
◇ Industrial Development	Berzins
◇ Ordinance	Tommer
◇ Park, Playground & Community Services	Presot
◇ Safety	Presot
◇ Streets, Beautification & Utilities	Lasky
◇ Wage & Salary	Lasky

There are five council members and ten committees, so everyone is equally dispersed. Each person chairs two committees and all names appear on most committees. Traditionally, we all attend all of the committee meetings.

- He left the President Pro-Tem blank and asked if there would be discussion. The Charter names the Mayor as President of Council and the responsibilities are varied as well as the

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administration. The President Pro-Tem is the person that takes over should the Mayor be unable to do so. Mr. Walsh said they were going to discuss it in early February. Mr. Lasky inquired why the delay in discussion since a full Council has been seated. Mr. Walsh agreed and nominated Mrs. Presot for another term. Mr. Berzins seconded the nomination. Mr. Lasky reminded everyone that the Charter says that the President Pro-Tem can be changed at any Council meeting. Mr. Lasky asked if he could nominate himself, the reply was yes and he nominated himself, seconded by Mr. Tommer.

**MOTION:** Mr. Lasky moved to go into Executive Session for discussion on Council President Pro-Tem. Seconded by Mr. Tommer. Motion moved 4-1.

Council returned from Executive Session. There are two motions on the floor. The first motion was made by Councilman Walsh to put presiding Jennifer Presot as President Pro-Tem. That motion was seconded by Mr. Berzins.

**MOTION:** Mr. Walsh moved to approve Jennifer Presot as President Pro-Tem for another term. Seconded by Mr. Berzins. Motion carried 4-1.

### **CLERK-TREASURER / AARON FRANK**

- The minutes from the December 6, 2022 Council meeting were approved. At a subsequent meeting it was then realized that there was a mistake – Ordinance 109-2022 was listed as the November Pay Ordinance when it was actually the December Pay Ordinance. He asked if the word November could be crossed out and replaced with December and reposted on the website. Mr. Mason approved.

**MOTION:** Mrs. Presot moved to approve the December 6, 2022 minutes as amended. Seconded by Mr. Walsh. Moved 5-0.

**MOTION:** Mr. Blados moved to approve the January 3, 2023 Regular Council meeting minutes. Seconded by Mrs. Presot. Motion carried 5-0.

### **CORRESPONDENCE / MAYOR PROCUK**

- Received a letter from Nate Podell requesting the community center rental fee be waived for the Cub Scout Pack 28 to hold their Blue & Gold Banquet on Saturday, February 25.

**MOTION:** Mr. Lasky moved to waive the community center fee for Cub Scout Pack 28. Seconded by Mr. Berzins. Motion carried 5-0.

- Sam Wheelock's Eagle Scout Court of Honor is Sunday, January 29<sup>th</sup> at 2:00 pm at the Parma Elks. He will not be able to attend and it was passed to President Pro-Tem Presot.

### **ENGINEER / ZOLDAK**

- On January 13<sup>th</sup>, she contacted ODOT to inquire about repairs on Lancaster Bridge. After several conversations with several individuals at ODOT, they have informed us that the bridge repairs are "routine maintenance" and as such, are the Village's responsibility. She

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has followed up with ODOT as well as several engineers so we can put together a proposed plan for how to proceed and come up with pricing for how much the required repairs will take. She wanted to give an update even though she didn't have all the answers yet, in order to present the information, but she is working on it and will have another update next meeting. In the meantime, the Service Department did install some cold patch as a temporary measure. Also, keep in mind, is that the bridge is scheduled for ODOT inspection in April.

- Mr. Walsh inquired if she spoke to anyone at ODOT regarding the I-480 street lights that shine over Little Creek Parkway. Ms. Zoldak responded that she spoke to the Public Liaison and they are trying to identify the correct person for her to speak with. She will follow up.
- Mayor Procuk asked if the PIPE fee is handled and she responded that once the Ordinance is passed tonight she can submit for the reimbursement from the Sewer District.

### **CLERK-TREASURER / AARON FRANK**

- Engineer Zoldak provided a spreadsheet of the reimbursable funds from the Brookpark Road Project. Brooklyn Heights is the lead on this project, invoices have been issued and the check for almost \$1.2 Million was submitted.
- The Assistant Law Director researched the statutes of the approximately \$159,000 sitting in a fund relative to West Resource Drive. Assistant Law Director Mason stated that after checking with the state statutes it is clear that we can move those funds to the General Fund since it has sat, unchanged for over twenty years. The procedure includes the Village passing a Resolution declaring the necessity for the transfer followed by the Village's taxing authority submitting a petition to the tax commissioner. The tax commissioner would have thirty days to give a determination in writing. With approval, the money could be transferred. In the event the petition is denied, a written opinion would be included and we could resubmit the request. Mr. Frank concluded that once this step is completed, it will be determined where it can be transferred to and he will follow up on this.
- A deposit, from Opioid money, was received in our general fund totaling approximately \$2,000. He believes we have to make a special fund for it and it is highly restricted. It has to be used for Narcan training, supplies, etc. He will be working with the tax administrator to figure out exactly how to handle this.
- He is working with the Engineer and the Mayor and will be holding a preliminary capital budget meeting this Thursday. He is currently reformatting the budget so it is ready for distribution.
- The catalyst for the budget is the salaries and they are working through the negotiations. He is, however, ready to review the budgets with the department heads and start going line by line to create a preliminary budget for review.
- He had a meeting with Charles Harris to discuss our annual report and they should be sending rough drafts in the next few days. Ours will be reformatted to match theirs.
- He believes the annual audit should be closed very soon.
- He submitted all of the legislation that was passed to the county, everything was received and we received our necessary certificates and we are in compliance.
- He reported that we ended the year with 2.6 Million in the General Fund giving us a surplus in that account of \$692,000.

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- The Capital Fund is highly inflated due to money received for projects at approximately 1.3 Million. The almost 1.2 Million dollar check was written but we have about \$400,000 expected from the other cities and that will bring the Capital Fund right back up.
- The Economic Fund is plump and we will be working on that in the first quarter with some of our local businesses that have incentive funds to get that going.
- He noted that the Guarantee Deposit Fund has \$162,000 and at least \$100,000 has been identified as collecting dust and once the West Resource Drive fund is situated, Mr. Mason will be checking to see if we can unlock some of those funds.
- We are almost 6% under budget for the year.
- We received the second RITA drop today giving us a total of the month of \$738,000. The RITA report has been updated for 2023 and reflects year comparisons.
- Fifteen percent of the \$738,000 will be transferred into the Capital Fund.

### **MAYOR'S REPORT / MAYOR PROCUK**

- In 2021 we broke the record and crossed the threshold of \$7.1 Million in collections. This past year, we came in at \$7.5 Million. We continue to operate under budget.
- The 15% going into the Capital Fund gives us the flexibility to do more and more projects and if this level of collections continues, we will be putting \$1.1 Million into the Capital Fund.
- January brought in \$738,000 which is almost \$300,000 more than anticipated and it is \$67,000 more than what was collected in January, 2021.
- Shane Tommer had been appointed Chairman of the Village Planning Commission and Mark Lasky is the Council representative. Unless directed otherwise by the Law Director, we may leave this as is.
- Gary Samerigo's term on the Zoning Board of Appeals expired December 31<sup>st</sup>. We will check if he wants to continue or if someone needs to be appointed.
- The deadline for property tax bills has been extended until February 9, 2023. Brooklyn Heights still has the lowest property taxes in the county.
- He will be asking Council to go into Executive Session to discuss litigation and current negotiations.

### **COMMITTEE REPORTS**

#### **WAGE & SALARY / MARK LASKY**

- Reported that at the Wage & Salary Committee earlier this evening, the Community Services staffing was discussed and it was decided to reclassify the Clerical Administrative Assistant position from part time to full time.

#### **CHS BEST COMMITTEE / JENNIFER PRESOT**

- She reported that she will be attending the Best Committee meeting at the Primary School on Tuesday.

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### **ORDINANCES & RESOLUTIONS**

#### **ORDINANCE 02-2023 AN EMERGENCY ORDINANCE APPOINTING SHANE L. TOMMER AS A MEMBER OF COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS**

Sponsor: All of Council

Second: Mrs. Presot

Yeas: 4 / Nays: 0

Ordinance 02-2023 is adopted 4-0

#### **ORDINANCE 03-2023 AN EMERGENCY ORDINANCE TO REMIT FUNDS TO SCANWORKS FOR NECESSARY SCANNING OF BUILDING DEPARTMENT DOCUMENTS**

Sponsor: Mr. Walsh

Second: Mr. Berzins

Yeas: 5 / Nays: 0

Ordinance 03-2023 is adopted 5-0

#### **ORDINANCE 04-2023 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH TECHTRONIC OFFICE PRODUCTS SALES & SERVICE (TOPSS) FOR SOFTWARE AND NETWORK SERVICES FOR THE VILLAGE OF BROOKLYN HEIGHTS FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023**

Sponsor: Mr. Walsh

Second: Mrs. Presot

Yeas: 5 / Nays: 0

Ordinance 04-2023 is adopted 5-0

**Discussion:** We have been doing business with John Triner and his company for many years and he did not raise the rates at all this year.

#### **ORDINANCE 05-2023 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH SPECIALIZED CONSTRUCTION TO REPAIR PAVEMENT ON EASTVIEW DRIVE**

Sponsor: Mr. Tommer

Second: Mr. Walsh

Yeas: 5 / Nays: 0

Ordinance 05-2023 is adopted 5-0

#### **ORDINANCE 06-2023 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH CUYAHOGA SOIL & WATER CONSERVATION DISTRICT FOR IMPLEMENTATION OF THE PUBLIC INVOLVEMENT/PUBLIC EDUCATION (PIPE) PROGRAM**

Sponsor: Mr. Lasky

Second: Mr. Berzins

Yeas: 5 / Nays: 0

Ordinance 06-2023 is adopted 5-0

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**ORDINANCE 07-2023** AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO APPROVE THE CHANGE ORDER WITH OHIO PAVING & CONSTRUCTION CO., INC. FOR ADDITIONAL WORK FOR THE VILLAGE HALL DRAINAGE IMPROVEMENTS

Sponsor: Mrs. Presot

Second: Mr. Tommer

Yeas: 5 / Nays: 0

Ordinance 07-2023 is adopted 5-0

**ORDINANCE 08-2023** AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO APPROVE THE CHANGE ORDER WITH COOK PAVING & CONSTRUCTION CO., INC. FOR ADDITIONAL WORK FOR SEWER REPAIR ON SPRING ROAD

Sponsor: Mr. Walsh

Second: Mr. Berzins

Yeas: 5 / Nays: 0

Ordinance 08-2023 is adopted 5-0

**ORDINANCE 09-2023** AN EMERGENCY ORDINANCE AUTHORIZING THE EMPLOYMENT OF DAWN MARIE PULEO AS THE CLERICAL ADMINISTRATIVE ASSISTANT IN THE VILLAGE OF BROOKLYN HEIGHTS COMMUNITY SERVICES DEPARTMENT

Sponsor: All of Council

Second: Mrs. Presot

Yeas: 5 / Nays: 0

Ordinance 09-2023 is adopted 5-0

**ORDINANCE 10-2023** JANUARY PAY ORDINANCE

Sponsor: Mrs. Presot

Second: Mr. Berzins

Yeas: 5 / Nays: 0

Ordinance 10-2023 is adopted 5-0

**RESOLUTION 02-2023** AN EMERGENCY RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE VILLAGE OF BROOKLYN HEIGHTS ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS CAPITAL FUND FOR THE CT03Y / CT04Y, SPRING ROAD RECONSTRUCTION WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO

Sponsor: Mr. Walsh

Second: Mr. Tommer

Yeas: 5 / Nays: 0

Resolution 02-2023 is adopted 5-0



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**RESOLUTION 03-2023** AN EMERGENCY RESOLUTION AUTHORIZING THE VILLAGE OF BROOKLYN HEIGHTS TO SUBMIT AN APPLICATION TO THE OFFICE OF NATIONAL DRUG CONTROL POLICY (ONDCP) FOR THE 2023 HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA) GRANT

Sponsor: Mr. Lasky

Second: Mr. Berzins

Yeas: 5 / Nays: 0

Resolution 03-2023 is adopted 5-0

**RESOLUTION 04-2023** AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER TO ENTER INTO THE MOU WITH DAWN MARIE PULEO

Sponsor: Mr. Berzins

Second: Mr. Walsh

Yeas: 5 / Nays: 0

Resolution 04-2023 is adopted 5-0

**MOTION:** Mr. Berzins moved to go into Executive Session to discuss to litigation, negotiations and a personnel issue. Seconded by Mrs. Presot. Motion carried 5-0.

### **RETURN FROM EXECUTIVE SESSION**

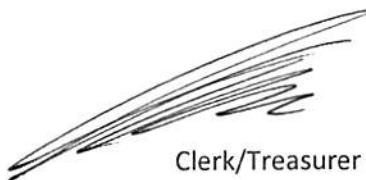
There being no further business to come before the council, it was moved by Mr. Walsh and seconded by Mrs. Presot that the meeting be adjourned.

Yeas: All

Meeting adjourned.



Mayor



Clerk/Treasurer