

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

MINUTES OF A MEETING

HELD _____ May 4, 2021 _____ 20 _____

A meeting of the Council of the Village of Brooklyn Heights, Ohio was held on May 4, 2021 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, Lahiff, Lasky, Presot & Walsh
Mayor:	Procuk
Clerk/Treasurer:	Frank
Law Director:	Dowling
Engineer:	Henry
Police Chief:	Meade
Fire Chief:	Stefanko
Asst. Chief:	Lasky
Service Director:	Hatgas
Bldg. Commissioner:	
Asst. Bldg. Comm.	Sonenstein
Comm. Service Dir:	Guilfoyle
Recreation Dir:	Krzynowek
Soccer Dir:	Shadd
GUESTS:	Janie / Wickert Insurance, Chelsey Kovar Joseph Plas FF Cadet FF. Mihal FF. Lader FF. Kraus

CORRESPONDENCE

- E-mail from Tim Cosco / Cuyahoga County City Mayors and Managers – *attached*.
- E-mail from Bryan McManus regarding the position of Clerk / Treasurer - *attached*
- E-mail from Ted Biskind and FormFire – *attached*

ORDINANCE 34-2021- AN EMERGENCY ORDINANCE AUTHORIZING THE HIRING OF FIREFIGHTER, JOSEPH PLAS

Sponsor: All of Council

Second: Mr. Lahiff

Yeas: Lahiff, Blados, Presot, Lasky and Walsh

Nays: None

Ordinance 34-2021 is adopted 5-0

Joseph Plas was then sworn in to the Brooklyn Heights Fire Department and introduced to the council members via ZOOM.

Council then congratulated and thanked Joseph Plas.

FIRE DEPARTMENT

- MOTION: Mrs. Presot moved to pay Underwriters Laboratories for the annual hydraulic testing on Ladder 49 & Engine 47 at a cost not to exceed \$2,000. Seconded by Mr. Blados Motion carried 5-0
- Asst. Chief Lasky thanked the Building Department for working alongside the Fire Department on inspections and Occupancy Permits.
- Chief Stefanko thanked Council and Mayor Procuk for their support and hiring Joe Plas.

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ORDINANCES & RESOLUTIONS

ORDINANCE 30-2021- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH STRYKER MEDICAL CORPORATION TO PURCHASE TWO LIFEPAKS FOR THE VILLAGE OF BROOKLYN HEIGHTS FIRE DEPARTMENT

Sponsor: Mr. Lasky

Second: Mrs. Presot

Yeas: Lasky, Presot, Lahiff, Blados, & Walsh

Nays: None

Ordinance 30-2021 is adopted 5-0

ORDINANCE 32-2021- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A PURCHASE AGREEMENT WITH PENN CARE, INC. FOR A 2020 FORD F550 XL AMBULANCE #VIN1FDUF5HN9MEC74735 FOR USE BY THE VILLAGE OF BROOKLYN HEIGHTS FIRE DEPARTMENT

Sponsor: Mr. Walsh

Second: Mrs. Presot

Yeas: Walsh, Presot, Lahiff, Blados & Lasky

Nays: None

Ordinance 32-2021 is adopted 5-0

ORDINANCE 31-2021- 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. Blados

Second: Mr. Walsh

Discussion: Broker Janie from Wickert spoke about the renewal. The premium was \$61,143 and with inflation, addition of three vehicles and increase in number of employees the new premium will be \$64,884.

Yeas: Blados, Walsh, Lahiff, Presot & Lasky

Nays: None

Ordinance 31-2021 is adopted 5-0

AUDIENCE

- Ms. Kovar asked if a Park Ad Hoc committee could be called and an update on the park given at this time and Mayor Procuk said not at this time.

POLICE CHIEF

- Park Patrol began working on May 1st. As in the past they will work evenings and weekends
- Twenty-five (25) have taken the NTN test. The deadline for the test is May 24, 2021
- Nothing new on the body cams or the eTicket.
- Jamie Meder will finish his FTO by the end of June
- All work on the highway is being done within the construction zone.

SERVICE DIRECTOR

- MOTION: Mrs. Presot moved to pay Best Truck \$1,754.53 for repairs to the SCAG mower. Seconded by Mr. Blados Motion carried 5-0**
 - Mr. Blados asked what the repairs were and Mr. Hatgas said the wheel motor, related repairs and service tune-up.

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- Mr. Hatgas told council he sent the specifications for the north side of the Municipal Building drainage repairs to four (4) companies and only DiFranco Contracting Group bid the job at a cost of \$15,110.
 - Mr. Hatgas sent the specifications to Cleveland Waterproofing, Mayer Plumbing and Neptune Plumbing. He followed up with a phone call to each and asked if they would be bidding. He was told by each that they would bid but as of the deadline on Friday, May 7th none of them had submitted bids.
 - Mayor Procuik said to have Mr. Dowling draw up an ordinance for the next meeting and let council make their decision.
- Mr. Hatgas met with Mr. Presot regarding the island and it will be done in time for the potential Memorial Day Parade.
- Mr. Lasky asked for an update on the new truck and was told as of last week there is no update.

COMMUNITY SERVICES DIRECTOR

- Plans for the summer Art-in-the-Park are underway. They will utilize the grant from last year.
- They will apply for the 2022 grant as they award the grant a year in advance
- Senior lawn cutting has sixty-six (66) seniors on board
- May is Older Americans Month and Mrs. Guilfoyle is working on recognizing our senior citizens.

SOCCER COMMISSIONER

- Soccer season will end on May 23rd.

RECREATION DIRECTOR

- Baseball, T-ball and softball practices begin this week.
 - There are 132 players
 - Thanked four (4) sponsors on the ZOOM call: Clerk/Treasurer Frank, Councilman Blados, Councilman Walsh and Councilman Lasky for their support.
 - Mayor Procuik added that South Hills and Lasky Landscaping are also sponsors.
 - Mr. Kryznovek said he also has Cuyahoga Valley Heating & Air Conditioning and Presot Masonry as sponsors.

BUILDING DEPARTMENT

- Issued a number of Point of Sale Inspections
- Issued a Certificate of Occupancy to 1240 Valley Belt Rd. The company distributes shrubs.
- 925 Keynote will receive their Certificate of Occupancy in the next few days.

ENGINEER

- ODOT will be resurfacing Brookpark Road from I-480 to W. 130th in 2023.
 - They pay 100% for villages but they do not pay for any additional work above the resurfacing.
 - The other three (3) communities involved in this project are Cleveland, Brooklyn and Parma. They, along with Brooklyn Heights, are in discussion to apply to the Ohio Public Works Commission (OPWC) for the balance of that work. OPWC pays 80% and the city is responsible to pick up the balance so the four (4) cities are planning to submit an application for the 80% in September, 2021. Brooklyn Heights will prepare the application and the other three (3) cities will reimburse BH for the cost.
 - If we don't get the grant we would apply again in the next fiscal year but the work won't take place until 2023.
- W. 5th Street will have the base repair done and then the Chip and Seal will be done at the end of May. Temperatures have to be at 55 and rising.

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LAW DIRECTOR

- NO REPORT

CLERK / TREASURER

- Tested positive for COVID so will not have the month end done for a while.
- Transferred 5% (\$25,403) from Municipal Funds into the Capital Account
- Transferred \$30,000 into the 204 account
- The first R.I.T.A deposit for May was \$710,483. Mr. Frank will look into why it was so large.
- Attended a webinar regarding the American Rescue Plan and it looks like we can expect a check on May 10th and then twelve (12) months later.
- Received the ambulance financing plan from KeyBank and will discuss this with Chief Stefanko and Asst. Chief Lasky.
- Mr. Lahiff asked about the Memo of Understanding with the Police Department regarding hospitalization and the deductible. The MOU expires on June 30, 2021 when the insurance expires and they will get a new MOU signed.

MAYOR'S COURT

• Income for April	\$16,698.00
• State of Ohio	(2,568.00)
• Indigent Driver & Alcohol	(84.00)
• Reg. Enterprise Data Sharing System	(315.00)
• BROOKLYN HEIGHTS	\$13,371.00

MAYOR'S REPORT

- The R.I.T.A. drop today is the largest to date and gives us a boost in funds. To date, through the first drop in May, we have collected \$2,735,202 which is about \$100,000 more than we anticipated through the same period last year.
- In a web conference with the Governor today, they asked that a directive be put out regarding parades, park pavilions, etc. and Mayor Bacci's outlook is "plan for everything, expect nothing".
 - Mayor Procuik expects to have some sort of Memorial Day celebration or parade.
 - Mayor Procuik expects to issue park permits
 - He is holding off on opening the restrooms because it is not in our best interest to have someone cleaning and sanitizing them every two hours.
 - We are selling pool passes and have sold one (1) so far.
- Mayor Procuik addressed Ms. Kovar's earlier question regarding the park and potential Ad Hoc Committee meeting.
 - We are working on the plans that have been discussed to remove the equipment at the south end of the upper park and will work with the results of the survey.
 - There is a resolution on the agenda tonight to apply for an ODNR grant.
 - We are working through some donations and a current grant.
 - An Ad Hoc Committee meeting will be called because there will be decisions to be made.
- Tonight we will be seating the Charter Review Committee. When the ordinance passes Mayor Procuik will send them the information and will set up their first meeting to get the process started.

ECONOMIC DEVELOPMENT

- Nino and Howard have been working diligently with the Haugland Learning Center on Resource Drive and it is a go.
- They've also worked with Apprenticeship Local 3 at 1414 E. Schaaf Road and it is also a go.
- At the end of this week we will have advertised twice for the land sale on Van Epps Road.

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ORDINANCE 33-2021- AN EMERGENCY ORDINANCE APPOINTING THE CHARTER REVIEW COMMISSION

Sponsor: Walsh

Second: Presot

Yeas: Walsh, Presot, Lahiff, Blados & Lasky

Nays: None

Ordinance 33-2021 is adopted 5-0

ORDINANCE 35-2021 –MAY PAY ORDINANCE

Sponsor: Mr. Lahiff

Second: Mr. Blados

Yeas: Lahiff, Blados, Presot, Lasky & Walsh

Nays: None

Ordinance 35-2021 is adopted 5-0

RESOLUTION 03-2021- AN EMERGENCY RESOLUTION AUTHORIZING THE ENGINEER TO PREPARE PLANS/SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR THE 2021 ASPHALT PAVING PROGRAM AND THE 2021 CONCRETE PAVING PROGRAM

Sponsor: Mr. Lasky

Second: Mr. Blados

Yeas: Lasky, Blados, Lahiff, Presot & Walsh

Nays: None

Resolution 03-2021 is adopted 5-0

RESOLUTION 04-2021- AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER OF THE VILLAGE OF BROOKLYN HEIGHTS TO APPLY TO THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE NATUREWORKS GRANT

Sponsor: Mrs. Presot

Second: Mr. Blados

Yeas: Presot, Blados, Lahiff, Lasky & Walsh

Nays: None

Resolution 04-2021 is adopted 5-0

RESOLUTION 05-2021- AN EMERGENCY RESOLUTION AUTHORIZING THE ENGINEER TO PREPARE PLANS/SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2021 GUARDRAIL REPLACEMENT ALONG GRANGER ROAD

Sponsor: Mr. Lasky

Second: Mr. Lahiff

Yeas: Lasky, Lahiff, Blados, Presot & Walsh

Nays: None

Resolution 05-2021 is adopted 5-0

- Mr. Lahiff asked the cost of the land sale advertisement and Mr. Frank said it is \$370.45
- Mayor Procuk told Rec. Dir. Kryznowek and Soccer Commissioner that if we get more that the needed number of summer sponsors he will roll them over to sponsor fall soccer.
- Mr. Henry texted that Chagrin Valley Engineering will sponsor a team.

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

Yeas: All

Meeting adjourned.


Mayor


Clerk/Treasurer

Thea Guilfoyle

From: Mike Procuk
Sent: Tuesday, May 18, 2021 11:36 AM
To: Thea Guilfoyle
Subject: FW: Cuyahoga County Mayors Update - City Health Districts Follow Up
Attachments: Legislative Report Cuy Apr 2021 Report (002).pdf

2/3 may 4 correspondence.

mm

From: lisa.barno@ccmcma.org [mailto:lisa.barno@ccmcma.org]
Sent: Friday, April 30, 2021 1:18 PM
To: lisa.barno@ccmcma.org
Subject: Cuyahoga County Mayors Update - City Health Districts Follow Up

Please see the note below from Tim. I have also attached his powerpoint from yesterday's meeting. Thank you, Lisa

As a follow up to our discussion yesterday with Terry Allan, providing a quick update on the issues. The state budget (HB 110), which is pending in the Senate, contains language requiring a study of potential mergers of health districts in cities with populations over 50,000. The language also contains language requiring the Director of Health and the State Auditor to develop criteria in determining whether a merger is advisable. A city would be required to conduct an evaluation using the resulting criteria. Terry Allan has raised some issues related to potential impact on those cities with populations below 50,000. We will be following up with Terry and provide updates as they develop.



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45 Offices in 20 Countries

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#US

Thea Guilfoyle

From: Mike ProcuK
Sent: Tuesday, May 18, 2021 11:37 AM
To: Thea Guilfoyle
Subject: FW: Treasure

[3/3 may 4 correspondence.](#)

mm

From: Bryan McManus [mailto:bryanmcmanus1@gmail.com]
Sent: Tuesday, April 27, 2021 9:36 AM
To: Mike ProcuK
Subject: Treasure

Mike,
I hope everyone at the Village services is doing well. I am reaching out today about the Village Treasure. When the position was last open we spoke and it sounded like a very interesting position and a great way to use my business and finance skill set to better the community. At the time, I did not think it was right for me to take the position as I wouldn't have been able to devote enough time to do the job right. Now however things have lightened up and I have more availability and flexibility.

I realize the position is currently filled but should that change, I would appreciate the opportunity to fill it.

Have a good day!

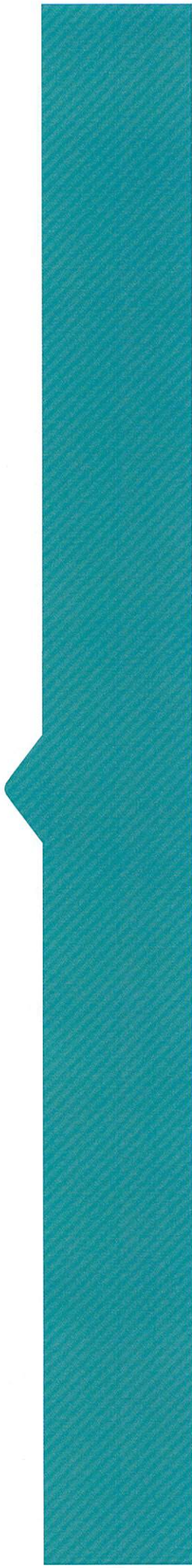
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Bryan McManus

Cuyahoga County Mayors and City Managers Association

Ohio Political & Legislative Report

April 29, 2021



State Budget: FY 22-23 Update

Mid-Late April: Standing Senate committees hold informal budget hearings

April 20: HB 110 reported out of House Finance committee with changes (*omnibus*)

April 21: HB 110 clears House chamber by a vote of 70-27

April 26: Senate enters second week of hearing testimony on HB 110

Budget: Sub. House Bill 110

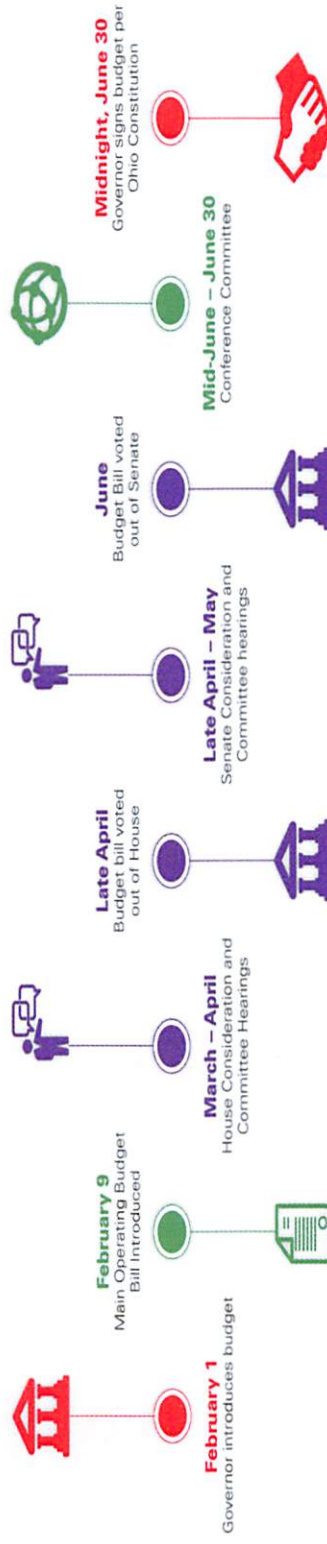


- Income tax cut – 2% across-the-board
- School funding reform – Cupp-Patterson plan
- Investments in job creation and workforce development
- Broadband expansion – \$200 million
- \$74.7 billion in General Revenue Fund appropriations
- \$162.8 billion in all-funds appropriations

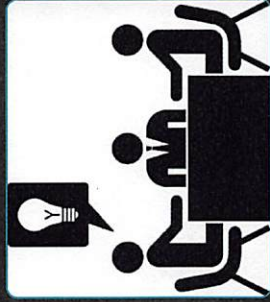
Sub HB 110: Local Government

- **The House made no changes to the Governor's LGF proposal at 1.66%, \$425 million in FY 22 and \$440 million in FY 23, based on revenue estimates**
- The budget continues to support police transparency by expanding body camera accessibility, and assisting local agencies in the recruitment and hiring of new peace officers
- Provides \$1.5 million each year to support the MARCS fee offset for local governments to help defray cost of telecommunications for local agencies across Ohio
- Requires studies of potential mergers of health districts in cities with populations under 50,000, rather than abolishing them
- Maintains local government audit support fund
- Extends remote meetings flexibility through the end of 2021

Ohio Budget Process: FY 2022-2023



134th General Assembly: Calendar

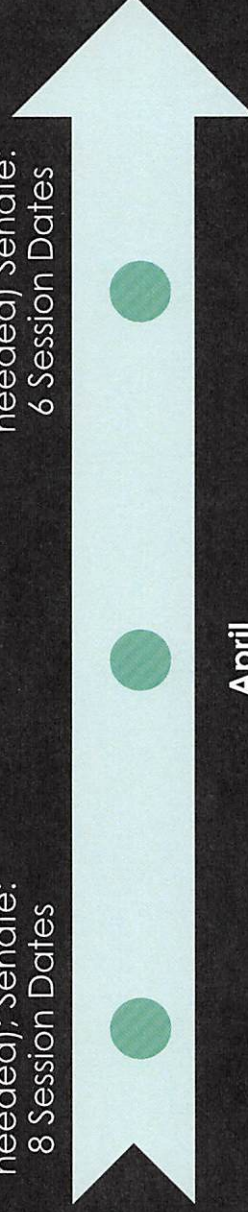


March

House: 6 Session Dates, 2 (if-needed); Senate: 8 Session Dates

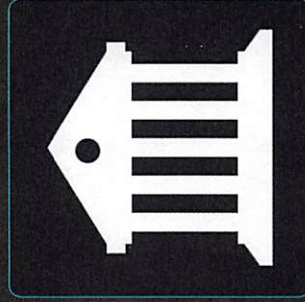
May

House: 6 Session Dates, 2 (if-needed) Senate: 6 Session Dates



April

House: 4 Session Dates, 2 (if-needed) Senate: 3 Session Dates



House Bill 157: Municipal Taxes (Edwards/Jordan)

- Would modify municipal income tax employer withholding rules for COVID-19-related work-from-home employees
- Re-introduced on Feb 25; has had five hearings in **House Ways and Means** committee
- Substitute bill accepted on April 13 and included a date change which would sunset HB 197 provisions
- On April 20, Ohio Mayors Alliance, Greater Ohio Policy Center and several municipalities including Cleveland and Parma testified in opposition, requesting more time for cities to work with employers on what a post-pandemic world will look like
- No hearing scheduled for this week

Update: Municipal Tax Litigation

- On April 27, the Franklin County Court of Common Pleas dismissed the Buckeye Institute's lawsuit, *Buckeye v. Kilgore*, which challenged the constitutionality of Section 29 of HB 197
- This is the temporary COVID-19 withholding provision instructing municipalities to continue withholding municipal income tax at a taxpayer's place of work, even if the taxpayer is currently working from home in a different local jurisdiction due to the COVID-19 pandemic
- Buckeye Institute has already filed an appeal in *Buckeye v. Kilgore* in Ohio's 10th District Court of Appeals
- Other cases – *Schaad v. Hadler* in Hamilton County, *Curcio v. Hufford* in Lucas County, and *Morsy v. Dumas* in Cuyahoga County.

House Bill 228: Municipal Net Profit Taxes (Roemer)

- Requires Ohio Department of Taxation (ODT) to create a web portal to securely exchange information with municipalities
- Requires ODT to notify municipalities via the portal when a taxpayer opts into or out of the state administration of the municipal net profits tax, as opposed to taxpayers being required to notify ODT and all municipalities where they do business
- Requires ODT to make available to all municipalities via the portal a list of taxpayers who have opted in
- Makes the withholding penalty for a municipal corporation's failure to comply discretionary
- Enables the tax commissioner to carry forward a credit account balance or issue a refund of a credit account balance to a municipal net profit taxpayer
- It also specifically excludes municipal net profit tax overpayments from being used to offset any tax other than the municipal net profit tax
- HB 228 had its second hearing (proponent) on April 20; Greg Saul, Director of Tax Policy for the OSCPA testified in support

Senate Legislation: Local Government

SB 97 Municipal Taxes (Roegner)

- Legislation was re-introduced on February 24th to modify municipal income tax employer withholding rules for COVID-19 related work-from-home employees
- It was referred to the Senate Ways and Means Committee on March 3rd, **no hearings have been held**

SB 9 Regulations (McColley/Roegner)

- A regulatory bill to ensure regulations are not overly burdensome by trimming state's administrative code
- Passed out of the Senate on party line vote (25-8) on March 10th
- Referred to House Government Oversight Committee, **no hearings have been held**

HB 2– Broadband Services (Carfagna/Stewart)

- Broadband expansion legislation was introduced by House leadership; HB 2 is a reintroduction of HB 13, a similar proposal, which stalled in the Senate last GA
- HB 2 passed out of the House Chamber on February 18th by a vote 88-5 with an emergency clause
- Fourth hearing (IP) in Senate Financial Institutions and Technology on March 23rd
- Reported out of committee amended on April 27th

COVID Legislation: Additional Federal Funding

Appropriation bills in House and Senate set to distribute federal pandemic relief funding from December 2020

- HB 167- Provides Rent, Utility Assistance (Oelslager) **Reported out Senate Finance, April 27*
- HB 168- Provides Grants, Businesses, Fairs, Child Care, Veteran Homes (Frazier/Loychik) **Passed out of House, April 15, referred to Senate Finance*
- HB 169- Provides Grants, Bars, Restaurants, Lodging Industry (Cutrona/Swearingen) **Passed out of House, April 15, referred to Senate Finance*
- HB 170- Provides School Financial Assistance (Bird/Richardson) **Passed out of House, April 15, referred to Senate Finance*
- SB 108 – Pandemic Relief – Bars, Restaurants, Lodging (Huffman/Romanchuk) **Passed Senate 33-0, March 17, re-referred to Rules committee*
- SB 109- Pandemic Relief, Business, Child Care and Veterans (Manning/Rulli) **Passed Senate 33-0, March 17, re-referred to Rules committee*
- SB 110 – Rent, Utility Assistance (O'Brien/Wilson) **Passed by Senate 33-0, March 17, referred to House Finance*
- SB 111 – Pandemic Relief – Schools (Blessing, Brenner) **Passed by Senate March 24, referred to House Finance*

Gun Violence Prevention Proposal (Sen. Dolan)

Intent is to prevent individuals who suffer from mental/emotional illness or addiction and also demonstrate violent behavior towards themselves or others from having access to guns

Guns are removed from the individual only after a prescribed process by both medical evaluation and a legal determination with full due process

Senate Bill 22 (Public Health Orders): Veto Override

SB 22 vetoed by Governor Dewine
on March 23

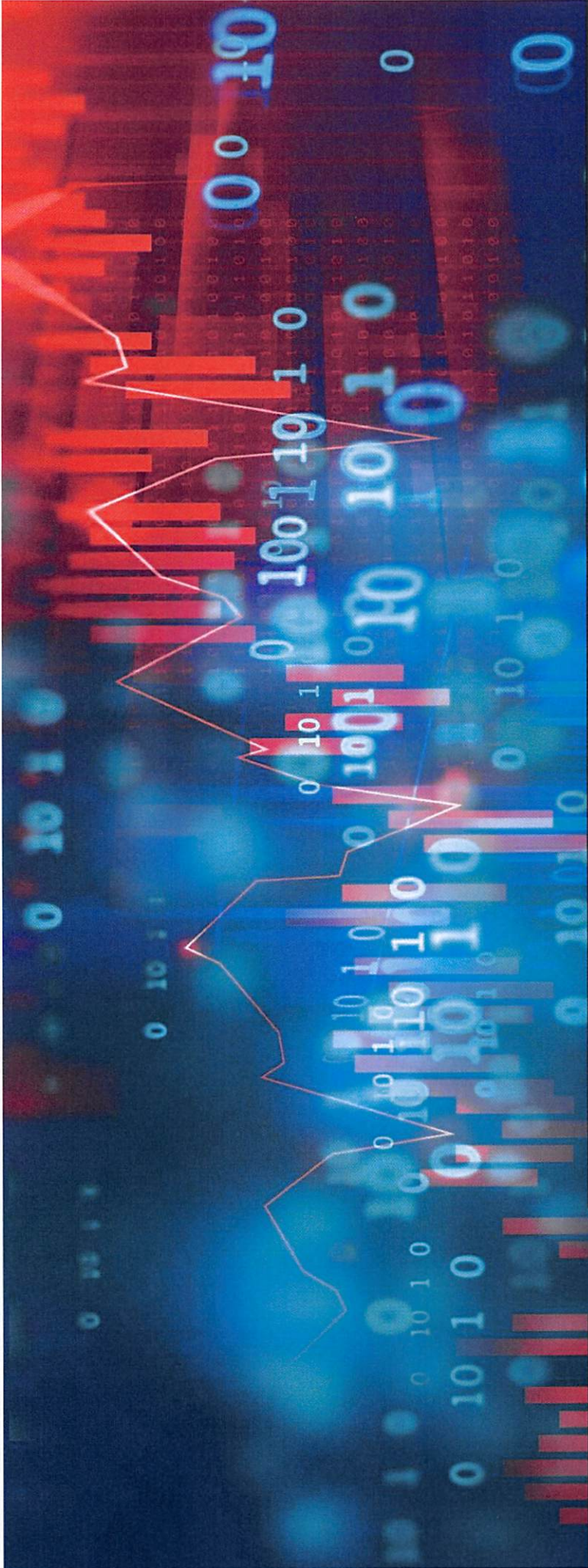
Senate override 23-10

House override 62-35

23 Mar.

24 Mar.

24 Mar.

The background of the slide is a dark blue and black abstract composition. It features a series of red and white bar charts of varying heights, some of which are partially obscured by a white line graph that trends upwards from left to right. Scattered throughout the background are glowing blue and white binary digits (0s and 1s), giving it a high-tech, digital feel.

Census Results

Ohio's U.S. House delegation will shrink from 16 to 15 members based on results released Monday

Results from the 2020 census show Ohio's population for congressional apportionment purposes growing to about to 11.81 from about 11.57 million in 2010. The growth rate of about 2% was well under the 7.4% nationwide rate for the decade, despite the latter being the second-lowest in U.S. history.

Federal: American Rescue Plan Act of 2021

The \$1.9 trillion Biden Administration COVID-19 proposal:

- Provides direct funding to local governments
 - **\$5.7B to State of Ohio**
 - **\$5.4B to Local Governments**
 - **Total of \$11.1B**
- Department of Treasury (DOT) regulations have not been released
- DOT has until May 10th to file rules

American Rescue Plan Act: Ohio

- Money is generally being allocated according to population; the funding model separates the state's "metro cities" from other incorporated cities and villages
- An additional \$2.3 billion is being distributed to Ohio's 88 counties
- Money is able to be spent on COVID-19 needs; investments in local small businesses and nonprofits; offering premium pay to local "essential workers"; and infrastructure projects, such as water, sewer, broadband improvements
- Relief dollars cannot go toward funding pensions or to pay for tax cuts
- Half of the money is being distributed later this spring and the other half will be allocated a year from now; funding for non-metro communities is capped at 75% of their respective total budgets