

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**January 22, 2018**

**7:00 p.m.**

Present: Meg Ryan Shockey  
Andy Celcherts  
Kathy Pucci  
Mary Balbier  
Kevin Tanski  
Barb Paulitzky  
Ron Van Kirk

Absent: None

Pledge of Allegiance.

#### **APPROVAL OF MINUTES:**

-Dec. 11, 2017. Councilwoman Pucci made some corrections in a few places. **MOTION** by Pucci, second by Tanski to approve as amended. **VOTE RESULTED: To approve as amended:** Yes: Pucci, Balbier, Tanski, Paulitzky, Van Kirk. Abstain: Ryan Shockey, Celcherts. No: None. **(APPROVED, as amended)**

-Dec. 18, 2017. **MOTION** by Tanski, second by Van Kirk to approve. **VOTE RESULTED: To approve:** Yes: Pucci, Tanski, Paulitzky, Van Kirk. Abstain: Ryan Shockey, Celcherts, Balbier. No: None. **(APPROVED)**

-Dec. 28, 2017. **MOTION** by Pucci, second by Van Kirk to approve. **VOTE RESULTED: To approve:** Yes: Pucci, Tanski, Paulitzky, Van Kirk. Abstain: Ryan Shockey, Celcherts, Balbier. No: None. **(APPROVED)**

President Van Kirk said he'd like to amend the Agenda to add a further discussion on the Rules of Council, the request from the Senior Center has been pulled, and the last Ord. on the Agenda says 2018-8, it is 2018-6. **MOTION** by Van Kirk, second by Celcherts to amend the Agenda. Councilwoman Pucci asked why Council wasn't advised of the further discussion before now. Pres. Van Kirk said he just wanted further discussion before legislation is completed. **VOTE RESULTED: To amend Agenda:** Yes: Ryan Shockey, Celcherts, Tanski, Paulitzky, Van Kirk. No: Pucci, Balbier. **(AGENDA amended)**

Pres. Van Kirk said Councilwoman Paulitzky wanted to say something about a resident that passed. Councilwoman Paulitzky offered condolences to the Tenaglia family on the loss of June Tenaglia. Her son Mark and daughter Paula worked for the city, as does her grandson Mark. It was a personal loss as she was her cousin.

Pres. Van Kirk updated from the Jan. 11, 2018 Organizational mtg:

- Elected Council President: Ron Van Kirk
- Elected Council President Pro-Tem: Andy Celcherts
- Elected the following representatives:
  - Recreation Board: Kevin Tanski
  - Domestic Violence: Meg Ryan Shockey
  - Economic Development Committee: Andy Celcherts
  - Planning Commission: Ron Van Kirk
- Public Works Committee: Councilmembers Celcherts, Pucci, Tanski
- Public Safety & Environmental Committee: Councilmembers Balbier, Ryan Shockey, Van Kirk
- Finance Committee: Councilmembers Paulitzky, Pucci, Van Kirk
- Legislative Update: Councilwoman Balbier
- Sustainability Committee: Councilman Tanski
- School Board Liaison: Councilwoman Paulitzky
- Volunteer Fire Dependents Board: Councilmembers Pucci, Balbier
- Fair Housing Rep.: Councilwoman Ryan Shockey

**PUBLIC SESSION:**

None.

**REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:**

Public Safety & Environmental Comm. (Councilwoman Van Kirk): At the conclusion of the Council mtg. the Comm. will meet and select a chairperson, then proceed with the Public Safety & Environmental Comm. mtg. to discuss the Parma Regional Dispatch contract.

Board of Zoning Appeals (Commissioner Kulcsar): The Board met Jan. 18<sup>th</sup> and approved a request from M. Rashed for 6-ft. variance to maximum allowable size for a wall sign at 7006 Biddulph Rd. The next Bd. mtg. is Feb. 15<sup>th</sup> at 6 p.m. in the Conference Room.

School Bd. Liaison (Councilwoman Paulitzky): The Board met Jan. 17<sup>th</sup>, the School District/City announced a strategic planning forum, and asking for input from the community, with small group mtgs. to the end of January, conducted by resident stakeholders. If interested (but have not been contacted), call her at 216-671-6777 or City Hall and ask where a meeting will be held.

Planning Commission (Councilman Van Kirk): The Commission will meet Feb. 1<sup>st</sup> at 6 p.m. in the Conference Room for requests from: Copperstone Catering for portable electric changeable sign at 4630 Ridge; P. Napoli for internally illuminated wall sign for NO Canes Baseball at 8707 Memphis; M. Hayes for freestanding sign for Hayes Equipment, Inc. at 3600 Ridge Rd.; Francys Quinones for internally illuminated wall sign for Like Home Childcare and Educational Center at 7003 Memphis; Menard, Inc. for site approval for Menards Retail Business at 7700 Brookpark Rd.; Fang Zhao for new sign package for an Arby's remodel at 5160 Ridge; and any other business.

Finance Committee (Councilman Van Kirk): The Comm. met with a large agenda: Dir Schaeffer gave items to close out 2017. We were planning on and budgeted a deficit spend of \$1.5M in 2017; due to expense cuts and higher revenue than anticipated, we gained \$1,337,000. Ord. 2017-87, Authorizing Capital Improvement Plan for 2018; an Ordinance establishing Clerk of Council on 2<sup>nd</sup> reading; Ords. 2018-5 and 6 are for AFSCME, on 1<sup>st</sup> reading for some more work; Ord. 2018-7 and 2018-8 are for the Northern Ohio Patrolmen's Benevolent Assn., Jailers Unit for 2017 (#7) and 2018-2020 (#8), with an executive session prior to voting on them. A guest from North Shore Energy discussed upcoming contracts for electricity, for a short term contract for the Rec Center until they are plugged into Cleveland Public Power.

**REPORTS OF COUNCIL:**

**Meg Ryan Shockey:** Thanked all the residents who reached out to her for congratulations and encouragement for her appointment on Council; she's excited for the next two years. –Thanked Chief Mielke for a tour of the Police Station and jail today, and meeting officers on duty. Looks forward to meeting other city employees, and to tour the Service and Fire Depts.

**Andy Celcherts:** The final regular season Brooklyn High School hockey game is this Thursday at the Rec Center. They're 9-0 in league play, and having a good season. Please support them. –Music Boosters have a fundraiser at Chipotle on Monday the 29<sup>th</sup> from 4-8 p.m. (inform the cashier you are there to support them). –Congratulated the wrestling team, and members Andrew Zarins, Carl Ramser, Jeff Rosin and Seth Majowski for various honors.

**Kathy Pucci:** Offered condolences to the Tenaglia family, in her thoughts and prayers. –Thanked Dir. Schaeffer for providing end of year reports. –Safe Routes to School mtg. was Jan. 10<sup>th</sup> for review of revised travel plan, and identified information to be completed. –There is a Resolution of Support on the Agenda for the revised travel plan, to go to ODOT before applying for another infrastructure grant; it includes a letter of support from Council. An Ordinance will follow to authorize the application. The City is required for this funding to be the fiscal agent for the infrastructure grants. –The 5<sup>th</sup> Annual Support Our Schools spaghetti dinner will be Feb. 24<sup>th</sup> from 4-7 p.m. Please support their fundraiser. –Asked Dir. Kulcsar about the

baseball facility on the Planning Comm. public notice; where do we stand with their violation of building exterior that is outstanding from when they got their permits. Dir. Kulcsar replied they never finished; he added it's a new tenant taking over the space, and this is a permanent sign for the facility. Councilwoman Pucci asked if they'll be under the same requirement as the previous tenant; Dir. Kulcsar said we cannot hold them to that. Councilwoman Pucci said she will speak with him about it tomorrow.

**Mary Albier:** Reminded everyone it's flu season, which could last until May. The CDC urges everyone to get the vaccination and issued a severe warning this year. She gave shared statistics and symptoms relating to flu, and provided places flu shots are still available. Her family in medical field strongly suggests the shot, especially for the elderly. –One of Senior Center's great programs is the free income tax services from AARP, Mondays and Wednesdays until the April deadline; call 216-635-4222 for information (no age restriction or AARP membership required). –Brooklyn Boosters and Post Prom are sponsoring Night at the Races March 3<sup>rd</sup> at the Local 1005 UAW Hall on Chevrolet Blvd. She'll be donating and helping, and encourages City Council to do so. –Coats for Kids is Feb. 3<sup>rd</sup> from noon-5p at Brooklyn Reformed Church on Biddulph. Mr. Bunaisky is in charge. There are coats, hats, gloves for the needy (does not have to be a Brooklyn resident). Please encourage someone in need to come.

**Kevin Tanski:** Gave an update on the solar farm at the landfill. The County, Cleveland Public Power and IGS Solar signed a three-part power purchase agreement Dec. 29<sup>th</sup>, giving the project the go ahead to begin. There are 30,000 solar panels coming and racking systems. The engineering portion should take about six weeks, with construction set for sometime in March, lasting four to five months. Ribbon cutting at the site is yet to be announced. He'll update when details come in. Brooklyn and CPP agreed on a route for power line extension: CPP substation in Cleveland to the landfill, with both underground section, with CPP taking existing poles for power distribution. Everything will be Ohio made or financed for this project (other than the contractor installing the panels).

**Barb Paulitzky:** Thanked the Service Dept. for an outstanding job keeping our streets safe. –Thanked Councilwoman Albier for the update on the flu. Added people 65 or over, or have respiratory problems, should also consider a pneumonia shot; often complications from the flu end up being bacterial pneumonia.

**Ron Van Kirk:** The City Council will meet in a joint work session with the Board of Education at 6:30 p.m. Feb. 1<sup>st</sup> in the Council Chambers; the public is welcome.

### **MAYOR'S REPORT:**

Mayor Gallagher: The State of the City will be Feb. 8<sup>th</sup> at noon with the Chamber of Commerce (at the Senior Center, contact them or the Chamber if interested in the lunch), and also at 7 p.m. (it will be posted on the City's website). –Thanked the three residents for volunteering to be on the Fair Housing Board for the city (it was posted a couple weeks ago): Marc Bukszar, Michael Changeri, Ron Campbell.

### **DIRECTORS REPORTS:**

Finance Dir. Schaeffer: Pres. Van Kirk gave overview of 2017 financial package. Reiterated we ended 2017 in the black. Highlighted that from 2016 to 2017 General Fund revenue dropped \$2,361,000; reflective of major employer, and also we planned for it by building up the rainy day fund, and reducing General Fund expenditures, and avoiding cuts to service. –The drop in General Fund expenditures was the result of several budget work sessions and options to do it (thanked Council for their cooperation on the early process). He'll be sending communications for the 2019 budget, following the same timeline. –Updated several pieces of legislation in Feb. and March, he will send an e-mail with the schedule. Contact him with questions.

Bldg. Comm. Kulcsar: Gave an overview of the past busy construction year: The amount tripled since 2016 with total project valuations at almost \$29M (\$20M more than 2016). Biggest projects: Ryder Truck (invested \$5.5M in additions and new facility on Brookpark); Brooklyn Pointe project started (\$11M); renovations to old American Greetings with newest tenants Inogen, HKM, HMI, National Safety Apparel (over \$1M in construction); Auto Zone close to completing new regional store/mega retail distribution store at former Staples on Brookpark; Carnegie Body purchased by Peterbilt; Sam's Club remodel (over

\$700,000). The residents of the city have totaled over \$3.5M in their projects for single family homes (40% increase from 2016). It's all promising. –Property maintenance: 494 violation notices sent; 200 for tall grass (16 cut by the city). Rental dwelling licenses up from 2016 at 275 (houses, buildings that rent out) to 349 for 2017. This report should be on the city's website in a week. If anyone has questions, call him.

Councilwoman Pucci asked where the State of the City will be in the evening. Mayor Gallagher said both at the Senior-Community Center.

### **REQUESTS:**

Request for a liquor permit transfer from Biddulph Beverage. Councilwoman Pucci asked if this is adding another shareholder; Chief Mielke said he believes so, and he has no problems with it. **MOTION** by Pucci, second by Celcherts for a position of no objection. **VOTE RESULTED: No objection:** Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky. Abstain: Van Kirk. No: None. **(NO OBJECTION)**

Request from Mayor Gallagher for a Council Confirmation for appointment to the Domestic Abuse Commission: reappointment of Robin Lawrence, Joanne Maroulis, Ruth Scabro, term is for three years. -**MOTION** by Pucci, second by Paulitzky to reappoint Robin Lawrence. **VOTE RESULTED: To confirm:** Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **(CONFIRMED)**  
- **MOTION** by Pucci, second by Celcherts to reappoint Joanne Maroulis. **VOTE RESULTED: To confirm:** Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **(CONFIRMED)**  
**MOTION** by Pucci, second by Paulitzky to reappoint Ruth Scabro. **VOTE RESULTED: To confirm:** Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **(CONFIRMED)**

Request from Mayor Gallagher for a Council Confirmation for appointment to the Economic Development Committee of Jeffrey Suhay, branch manager of PNC Bank, to fulfill the appointment of one member of the business community. **MOTION** by Pucci, second by Paulitzky to appoint Jeffrey Suhay. **VOTE RESULTED: To confirm:** Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **(CONFIRMED)**

### **LEGISLATION:**

**ORDINANCE 2017-87**, Authorizing the Capital Improvement Plan for 2018. **MOTION** by Pucci, second by Celcherts to adopt. **VOTE RESULTED: To adopt:** Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **(ADOPTED)**

**ORDINANCE 2018-3**, Establishing the full-time position of Clerk of Council. The Law Dir. provided updated wording in the legislation. **(SECOND READING)**

**RESOLUTION 2018-1**, In support of the Brooklyn Safe Routes to School Initiative and the revised school travel plan. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED: Suspend the rules:** Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **To adopt:** Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. **(ADOPTED)**

**ORDINANCE 2018-5**, Authorizing the Mayor to enter into a contract with the AFSCME Ohio Council 8 AFL-CIO Local 3218 Clerical Employees for 2017. **(FIRST READING)**

**ORDINANCE 2018-6**, Authorizing the Mayor to enter into a contract with the AFSCME Ohio Council 8 AFL-CIO Local 3218 Clerical Employees for 2018-2020. **(FIRST READING)**

Pres. Van Kirk said the next two Ordinances will be discussed in executive session, then come back to vote on them by emergency measure, due to a timing issue. After that, Council will continue their brief discussion on Rules of Council, and then conclude the meeting.

Mayor Gallagher added that the most significant change in the contracts is the wage increases; they matched what the patrol officers already agreed to – 0% for 2017, 1.75% for 2018, 2% for 2019, 2% for 2020.

**MOTION** by Van Kirk, second by Paulitzky to adjourn to executive session for the purpose of labor negotiations with the Mayor, Finance and Law Directors. **VOTE RESULTED:** *To adjourn to executive session:* Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **(ADJOURNED TO EXECUTIVE SESSION)**

Reconvened.

**ORDINANCE 2018-7**, Authorizing the Mayor to enter into a contract with the Northern Ohio Patrolmen's Benevolent Assn. – Jailer's Unit for 2017. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the rules:* Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. *To adopt:* Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. **(ADOPTED)**

**ORDINANCE 2018-8**, Authorizing the Mayor to enter into a contract with the Northern Ohio Patrolmen's Benevolent Assn. – Jailer's Unit for 2018-2020. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the rules:* Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. *To adopt:* Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. **(ADOPTED)**

**RESOLUTION 2018-1**, Rules of Council discussion:

Pres. Van Kirk said he'd like to continue discussion on the Rules of Council; legislation is being worked on and will have for the next Council mtg. There was lengthy discussion at end of mtg. and suggested by Councilwoman Pucci to put in the Rules that if a member writes a letter using City Council that they get the approval of City Council. There was back and forth. He's thought about it, and talked with Dir. Butler, and other Councilmembers, and is not comfortable putting this into the Rules. There could arguably be Constitutional issues with violation of freedom of speech, and he thinks it's unnecessary. It is based upon a letter he wrote during the campaign, which was political material. Said it has nothing to do with Rules of Council, and it's unnecessary and inappropriate.

Councilwoman Pucci expressed it was rude not to give a heads up it would be discussed. She had spoken with Dir. Butler about making sure it was worded appropriately. She asked if he had looked into it. Dir. Butler said he indicated he was waiting to see language of the proposed rule before weighing in. Said he has concerns as to Constitutionality in view of First Amendment, but has not done the research. Councilwoman Pucci clarified her suggestion and intention was to have wording that before something goes out and distributed under the heading Brooklyn City Council that a majority of Council supported it. Ex., if she writes a letter to someone, she can say 'Councilwoman Pucci', 'Council at Large', etc., but not Brooklyn City Council (impression it is something from the body of Council or a majority).

Councilman Tanski asked Dir. Butler if there's an avenue for a Councilperson if they feel it's unethical or not their way to file charges with other entities. Dir. Butler clarified the question, that something could be viewed a speaking on behalf of all Council, is there recourse other than Council Rules? He addressed it when the particular letter was discussed – the Ohio Elections Comm. exists for this, and they can file with them. When asked, he is not aware of anything filed on any campaign in Brooklyn, since he's been Law Dir., thought he wouldn't necessarily know.

Councilwoman Ryan Shockey mentioned the support letter for Safe Routes, from all of Council. Can it be said, unless all Council approves, the use of city letterhead, as a compromise? Pres. Van Kirk said every letter the Mayor writes has Council listed on it, so it would need approval. He said it's all because of his letter written during the campaign, that it's the same logo he's used since on Council. He said it wasn't from Council, nor said it was from Council. He read it, showed it, and has not had one person call him about it, except those at the podium and some Councilmembers. It was a political letter, and he'll continue to use it.

There was further discussion. Councilwoman Balbier said she doesn't feel it's right. She was offended by it because it said Brooklyn City Council, and she was uncomfortable with it. She said not use Brooklyn City Council. Councilwoman Ryan Shockey said she made sure her campaign literature said 'for Brooklyn City Council', would she not be able to use that? She questioned the fine line, asking if she can advertise she is on Council. Referred to the letter they all signed again. Councilwoman Pucci explained the letter is because Council voted to pass the Resolution for Safe Routes to School, it goes with the Resolution. She added the

terms 'for', 'elect', 're-elect to'. She wanted to be clear the letter (Councilman Van Kirk's) said at the top Brooklyn City Council. Councilman Van Kirk said to be clear, it was under his name, which was in bold. He said he stands by what he did. Councilwoman Balbier asked Dir. Butler's opinion, if he was her attorney and she came to him with this that she was offended by it. Dir. Butler said he is not her attorney, he represents the city government only. He can't give private legal advice on private remedies. His general view, and prevailing case law, is that in political speech it receives the maximum protection afforded by the First Amendment. He said a political speech (versus commercial speech) can even be misleading (stressed he's not saying anyone here was misleading or entering that debate), and it's protected by the First Amendment. He added this is not even a borderline question. Someone has letterhead that says Brooklyn City Council and they are a member of Brooklyn City Council, they are allowed to put that on their paper. Anyone up here can do that. It doesn't mean you can make slanderous or unprotected speech; but there is no mistruth or issue with it. It's protected by the First Amendment. He hasn't researched yet if Council can impose its own rule of decorum on its own political speech; he was waiting to see the language of the rule amendment was. He's not confident Council can impose a rule against otherwise protected political speech on its members. So he hasn't made that opinion yet. **MOTION** by Van Kirk, second by Ryan Shockey to omit the proposed rule change be omitted from the Rules of Council legislation. **VOTE RESULTED: To amend/omit proposed rule:** Yes: Ryan Shockey, Celcherts, Tanski, Paulitzky, Van Kirk. No: Pucci, Balbier. **(AMENDED)**

There being no further business, **MOTION** by Van Kirk, second by Tanski to adjourn. **VOTE RESULTED: To Adjourn:** Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADJOURNED)**

---

Clerk of Council

---

President of Council

Minutes approved: 2.26.18