

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**June 11, 2018**

**7:00 p.m.**

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

Absent: Ron Van Kirk

Pledge of Allegiance.

President Pro-Tem Celcherts chaired the meeting in the President Van Kirk's absence.

Opening Prayer was offered by Pastor Jim Debalde of the Brooklyn Reformed Church.

Pres. Pro-Tem Celcherts read the Agenda, most to be explained as it comes up. Requests: bid approval for traffic safety lighting; RFP approval for pool filters; Ord. 2018-17, authorizes ground lease approval with Enerlogics Solar for solar-powered electric generation facility at portion of 9400 Memphis (Dir. Butler will speak on it); Ord. 2018-49, repeals ordinances relating to CRA tax agreements with 4476 Ridge Rd. Holdings and ClevelandTech Solutions (childcare facility at old library); Ord. 2018-52, amends Sect. 967.12 of Codified Ords. "Forestry Program, Orders" (Councilwoman Pucci will explain); Ord. 2018-53, establishes fee ranges for participation in teams and leagues through the Recreation Dept.; Ord. 2018-54, authorized a Job Retention and Creation grant agreement with TRG Studios.

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

-May 29, 2018. **MOTION** by Pucci, second by Ryan Shockey to approve as previously amended. **VOTE RESULTED:** *To approve, as amended:* Yes: Pucci, Balbier, Tanski, Paulitzky, Ryan Shockey, Celcherts. No: None. (**APPROVED**)

#### **PUBLIC SESSION:**

None.

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

Finance Committee (Councilwoman Pucci, acting chair): The Comm. met and recommended: bid approval for traffic safety lighting (from Signal Service for \$65,994); approve agreement with Skoda Const. for pool filter system for the Natatorium's indoor pool (\$189,814); approved revision to CDBG request to purchase properties on Memphis Ave. (as opposed to a Tiedeman property, due to LMI status); for 3<sup>rd</sup> reading/adoption: Ord. 2018-17, authorize agreement with Enerlogics Solar LLC (Dir. Butler will report later, we'll get \$400,000 up front, for remaining 30 acres at unused landfill); Ord. 2018-49, repeals CRA Tax Agreement with 4476 Ridge Rd. Holdings (childcare facility in former old library bldg., will no longer move forward with planned addition, so rescinding agreement for tax abatement); Ord. 2018-53, fee ranges for registration and participation in youth, adult, senior teams/leagues (consolidates relating to teams and leagues); Ord. 2018-54, authorizes a Job Retention and Creation Grant agreement with TRG Studios (plan to move in to space in old American Greetings, with commitment of 12 years, maximum grant of \$56,250 over three years, with investment of \$1.160M in the facility).

Recreation Board (Councilman Tanski): Summer basketballs courts are open to the public 8 a.m. to 12:30 p.m. and to residents from 1 p.m. to 8 p.m. through August, weather permitting (residents first stop at Rec Center to show proof of residency and get a wrist band for the day, their accompanying guest pays \$2 for court use, with a wrist band).

Domestic Abuse Commission (Councilwoman Ryan Shockey): The next Comm. meeting is June 14<sup>th</sup> at 6:30 in the Community Room at the Fire Dept. They'll approve May minutes, discuss information about the Greater Cleveland shelters, domestic and elder abuse, teen dating, community partnerships, and other items.

Board of Zoning Appeals (Comm. Kulcsar): The meeting scheduled for June 21<sup>st</sup> has been cancelled due to no applications before the Board.

Economic Development Committee (Councilman Celcherts): The Comm. met at 5:45 p.m. today and reviewed/made recommendations on Ord. 2018-54, for Job Retention and Creation Agreement with TRG Studios, Inc. They're moving into the Amer. Greetings facilities, upgrading 56,000 sq. ft. of lease space with IT and tenant improvements for approx. \$1.160M, to commence July 1, 2018 and complete Dec. 31, 2018. The Comm. recommended approval to the Finance Comm. and Council. Also reviewed proposed application to CDBG, with different properties, and recommending approval to Finance Comm. and Council.

Public Works Committee (Councilman Celcherts): The Comm. met at 6:15 p.m. today and revisited conversion to LED street lighting on main roads. Looked at cost savings proposed by First Energy. The Comm. proposed to Finance Comm. and Council to go with the NOPEC grant to pay for lighting on Ridge, Tiedeman (American Way-Brookpark) and Biddulph (Tiedeman-Ridge), covering approx. 180 fixtures, at a cost of \$301/light fixture head, using the NOPEC grant and the city contributing \$16-17,000.

### **REPORTS OF COUNCIL:**

**Kathy Pucci:** Thanked the volunteers at the Big Creek Cleanup on June 2<sup>nd</sup> (including the Boy Scouts who always assist). Thanked Ms. Rybka of Soil and Water and Ms. Stasek from Friends of Big Creek, and Brooklyn Marco's for donating pizza for volunteers. –There's been publicity on the news about problems relating to recycling and the contamination of it being presented. Non-recyclable items are being put in with recycling, and creating serious situations at recycling plants (spending time/money to sort those items that can't be recycled). Cleveland will be fining residents \$100 if not recycling appropriately, after a two-year education initiative to ensure residents aware of proper recycling. There is concern recycling places will shut down or refuse to take recyclables from places with high rate of contamination. We are tied to Cleveland; it's where we take our garbage/recycling. If residents have questions, contact someone in the city; it's important non-recyclables are not placed in recycling. –Ord. 2018-52, for the Forestry Program orders, there could be situations between neighbors that the city couldn't do, as it's a civil matter; this legislation could allow for a legitimate concern with tree/shrub that becomes a menace or hazard to the public (including abutting neighbors), this gives the city some more authority to step in and, if the owner doesn't take care of it, remove it and bill them for the cost. It won't help in all matters of these disputes, but some areas it could help, it is a tool for the city to use. Appreciates her colleagues support for it; and thanked Dir. Butler for his assistance. –Congratulated graduates at all levels, and their families.

**Mary Balbier:** Commented on a problem some people have in the state, the Payday Loan situation. The borrowing rate was capped at 28% in 2008; but after that a loophole was found that Legislators didn't close. A Constitutional Amendment was going to be placed on the ballot in November to correct the problem; but HB 123 was just passed Thursday, as a Payday Reform Bill, closing the loopholes. There will be reasonable limits on interest, fees, collection charges, etc. Hopefully the State Senate goes along with it. –Thanked Pastor Debalde for opening prayer, as a member of the Brooklyn Reformed Church. Reminded people that the Christ's Cupboard Ministry is run there by Mr. Bunaisky, and there will be a giveaway on July 21<sup>st</sup> with clothing, a light lunch. In October will be another one, and one at the Brooklyn Acres. –The Brooklyn Library has Lunch for Children, ages 18 and younger, 11:45-12:30 Monday through Friday, until Aug. 10<sup>th</sup>. 22 children were fed today. Food is from Cleveland Foodbank. If interested, call 398-4600. It's open to everyone.

**Kevin Tanski:** Ord. 2018-17, for the ground lease with Enerlogics Solar, LLC for the solar powered electric generation facility. The Sustainability Comm. had asked Dir. Butler to continue negotiations for additional rent monies. An agreement has been reached, with rent being \$20,000/year pre-paid for the 20 year duration of the operations, base rent, plus additional rent, pro-rated for megawatts over 2.5 megawatt additional dcp. Base rents due within 30 days of commercial operation date in amount of \$400,000. He read further from the section relating to rent. Thanked Dir. Butler for his aggressiveness in getting more

rent income for the city. Since he established the Sustainability committee, they have recommended over \$750,000 rent monies to the city on unbuildable landfill. Thanked the Administration, especially Mayor Gallagher, for their effort and support working with him and the Committee to make this Ordinance a reality. Urges Council to approve Ord. 2018-17, as amended. Asked Dir. Butler for anything he has to add about fees. Dir. Butler said he did not have anything on fees, and will give in his report additional background.

**Barb Paulitzky:** Last year on Memorial Day the Laurel Garden Club purchased and dedicated Blue Star and Gold Star Markers for Veterans Memorial Park. Thanks to businesses and individuals for monetary donations and working on details, and Mr. Rini and Service Dept. for installing the markers and site prep. She and Ms. Harris were co-chairs. Many residents, dignitaries and others were present. The Club received four awards at the Garden Club of Ohio Convention on June 7<sup>th</sup> for: Blue Star Memorial (2<sup>nd</sup> place), Blue Start Landscaping (1<sup>st</sup> place), Gold Star Memorial (1<sup>st</sup> place), Gold Star Landscaping (1<sup>st</sup> place), and a \$75 check to the Club. The Laurel Garden Club was the second in the state to dedicate a Blue and Gold Star at the same time.

**Meg Ryan Shockey:** Encouraged residents to get involved in the City of Brooklyn, with a variety of boards, commissions and groups throughout the city, and independently run, that allow residents to get involved and meet neighbors, using your skills or talents for the benefit of our community. Brooklyn is great because of the small town feel around the urban center of Cleveland. She encourages residents to meet a new neighbor or stop by a mtg. or event in Brooklyn. –A great resource for recycling is [www.cuyahogarecycles.org](http://www.cuyahogarecycles.org), with information, and a Facebook page for what is recycle curbside for the county.

**Andy Celcherts:** Became aware in the last few days, the Zarins family in Brooklyn lost their mother on Thursday (son Andrew was a wrestler for Brooklyn,); leaving behind five kids. The older son, Austin, and Andrew were going to go to college, but will forgo it. On Facebook is a fund to help them along, please support if so inclined. Bob Hennings is here, and people can give their donation to him, for that purpose.

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

**Mayor Gallagher:** Thanked the residents who came for the Big Creek Cleanup, and cleaning up Memorial Park (especially Boy Scouts Troop 319 for their service every year cleaning out the Kingdom). While cleaning in Memorial Park, she notice there wasn't too much to do, which speaks volumes to the city employees (Recreation and Service Dept); thanked them for what they do daily to keep the parks clean. –Congratulated the 2018 High School graduates. She was the ceremony, which is always great, with the kids getting more scholarships and to college, and the AVID program sets them apart and ready to go to college. –Coffee with the Mayor was last Friday, with a good turnout. She's taking it on the road for the next neighborhood meeting at 4617 Tiedeman on June 20<sup>th</sup> at 7 p.m. She has a series of other meetings scheduled and on the city's newsletter and Facebook, and flyers will be dropped in the particular areas. –The Citywide Garage Sale is June 23<sup>rd</sup> and June 24<sup>th</sup>; there's still time to sign up if you want to host a garage sale. You can pull a permit at City Hall or on-line and fill out or e-mail Dawn Neal in the Bldg. Dept. ([dneal@brooklynohio.gov](mailto:dneal@brooklynohio.gov)) and she will send a form electronically. –Great news, the city was awarded a 2018 Master Plan Update. It hasn't been updated since 2006, and this \$50,000 grant will help update the Master Plan. Thank you to Meg Ryan Shockey who wrote up the application for the award, and Andi Udris for putting additions in it. She looks forward to rolling it out and seeing what residents are looking for. When we were talking about a City Center Plan, that was mainly built off the concept of the 2006 Master Plan. So if we see what residents are looking for now, the residents have changed since that initial planning stage, so she's anxious to see how this update will work out.

### **DIRECTORS REPORTS:**

Law Director Butler: Alerted that HB 478, which was passed earlier this year in Ohio General Assembly, goes into effect later this year, modifies what municipalities may do with respect to the regulations of their rights-of-way, as they relate to small cell facilities (towers erected by telecommunications providers for more robust broadband wireless infrastructure). He said the city has to enact legislation for a comprehensive

right-of-way ordinance and design guidelines, applicable to our public rights-of-way. There is a draft ordinance in the works which will be introduced at the next mtg.; and then will continue to work on design guidelines throughout the summer, then present after the summer break, and be considered at that point. This is important, because without these local regulations in place, the State law doesn't do much to protect municipalities from overbuilding of the infrastructure in the public right-of-way, and there will be all sorts of new towers and poles where they were not before. –Councilwoman Pucci asked if our moratorium is still in effect; Dir. Butler said it is expired. She asked if we need these in place before the August 1<sup>st</sup> date it goes into effect; Dir. Butler said no, they need to be in place before the time period that an application would be due to be approved or rejected, which will get us through the summer. If necessary we can have a special Council mtg., but he thinks we will be fine in the meantime.

**REQUESTS:**

Request from Police Chief Mielke for bid approval for traffic safety lighting. One bid was received and reviewed from Signal Service Co. in the amount is \$65,994. Work anticipated to start within 30 days of approval, and no more than 60 days to complete the work. **MOTION** by Pucci, second by Balbier and Ryan Shockey to award the bid to Signal Service. **VOTE RESULTED:** *To approve:* Yes: Pucci, Balbier, Tanski, Paulitzky, Ryan Shockey, Celcherts. No: None. **(APPROVED)**

Request from Service Dir. Verba for RFP approval for installation of filtration and recirculation system for the Natatorium's indoor pool. A proposal was received, after advertising a couple of times, from Skoda Construction for \$189,814 (\$214,500 was budgeted for pool boilers and filter project). **MOTION** by Pucci, second by Paulitzky to award approval to Skoda Const. **VOTE RESULTED:** *To approve:* Yes: Pucci, Balbier, Tanski, Paulitzky, Ryan Shockey, Celcherts. No: None. **(APPROVED)**

**LEGISLATION:**

**RES. 2018-4,** Adopting the Tax Budget for Fiscal Year 2019. **(SECOND READING)**

**ORD. 2018-17,** Authorize the Mayor to enter into a ground lease with Enerlogics Solar, LLC for the development, design, installation, and operation of a solar powered electric generation facility on a portion of land located at 9400 Memphis Ave. Dir. Butler read the amendments made since introduction (added third Whereas clause, inserted Section 2; and also in the lease amended Sec. 8 and Sect. 11(a).) **MOTION** by Pucci, second by Tanski to amend as reflected in the Ordinance and lease. **VOTE RESULTED:** *To amend:* Yes: Pucci, Balbier, Tanski, Paulitzky, Ryan Shockey, Celcherts. No: None. **MOTION** by Pucci, second by Tanski to suspend the rules, as amended. **VOTE RESULTED:** *To suspend the rules:* Yes: Pucci, Balbier, Tanski, Paulitzky, Ryan Shockey, Celcherts. No: None. *To adopt, as amended:* Yes: Pucci, Balbier, Tanski, Paulitzky, Ryan Shockey, Celcherts. No: None. **(ADOPTED, as amended)**

**ORD. 2018-49,** Repealing Ords. 2014-4 and 2011-67 as they relate to the Community Reinvestment Area Tax Agreements with 4476 Ridge Rd. Holdings, Inc. and ClevelandTech Solutions, LLC. **MOTION** by Pucci, second by Celcherts to adopt. **VOTE RESULTED:** *To adopt:* Yes: Pucci, Balbier, Tanski, Paulitzky, Ryan Shockey, Celcherts. No: None. **(ADOPTED)**

**ORD. 2018-51,** Amended Annual Appropriations. **(SECOND READING)**

**ORD. 2018-52,** To amend Section 967.12 of the Codified Ords. of the City of Brooklyn entitled "Forestry Programs. Orders." **(FIRST READING)**

**ORD. 2018-53,** Establishing fee ranges to registration for participation in youth, adult and senior teams and leagues through the Brooklyn Recreation Dept. **(FIRST READING)**

**ORD. 2018-54,** Authorizing the Mayor to enter into a Job Retention and Creation Grant Agreement with TRG Studios, Inc. We hope to pass this next mtg. **(FIRST READING)**

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Councilwoman Pucci added thanks to Pastor Debalde from Brooklyn Reformed Church, for leading the meeting in prayer, and also staying for the entire meeting.

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

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Clerk of Council

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President of Council

Minutes approved: 6.25.18