

MINUTES OF A SPECIAL MEETING

BROOKLYN CITY COUNCIL

April 27, 2017

7:00 p.m.

Present: Mary Balbier
Kevin Tanski
Barb Paulitzky
Ron Van Kirk
Tony DeMarco
Debbie Tomusko
Kathy Pucci

Absent: None

Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION by Pucci, second by Van Kirk to approve the minutes of March 27, 2017. **VOTE RESULTED:** *To approve:* Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko. Abstain: Pucci (absent) No: None. **(APPROVED)**

Council President Van Kirk reviewed –Agenda items: request for authorization to continue with salt consortium; bid approval for Rodoan Rd. Improvement Project. –Old business: Res. 2017-6, In support of the City of Brooklyn's Planned Unit Development (PUD) District overlay zoning measure (Issue 3) on the May 2, 2017 ballot; Ord. 2017-29, Amend Rule 14 of Rules of Council, Order of Business, codified pursuant to Sect. 121.22 of the Codified Ordinances; Ord. 2017-30, Authorize contract modification (Change Order 7 and 8) with Eclipse Co. LLC for Tiedeman Rd. Project for \$32,147.08; Ord. 2017-32, Amend Sect. 2 of Ord. 2006-53, "Establishing a city ice time and admission rate for persons using city ice for figure skating purposes only"; Ord. 2017-33, Amend Sect. 1 of Ord. 2006-19, "Providing for fees for a summer figure skating program at the Recreation Center"; Ord. 2017-35, Expressing consent of the City of Brooklyn pursuant to Section 4933.16 of the Ohio Revised Code for Cleveland Public Power to construct distribution facilities within the City of Brooklyn and granting a non-exclusive franchise to CPP to provide electricity services to customers in Brooklyn, providing that the requirements of all applicable code and any related agreements are met; Ord. 2017-36 (2nd reading), Authorize purchase of a Toolcat 5600 G Series from Bobcat Co. for \$52,866.92 through Govt. Contract; Ord. 2017-38 (2nd reading), Authorize sale of certain city owned vehicles through Greater Cleveland Auto Auction and GovDeals for the purpose of disposing of city vehicles and equipment at public sale; Ord. 2017-40 (2nd reading), Amend certain sections of Ord. 2004-45, 'Establishing fees for admission and use of facilities at Recreation Center'; Ord. 2017-41, Amend Sect. 1(b) of Ord. 2011-15, 'Establishing Parma Hts. Community Partner Rates at John M. Coyne Rec. Center and Natatorium'. –New business: Ord. 2017-42, Authorize Mayor to enter an agreement with Davey Resource Group to provide services to the City of Brooklyn; Ord. 2017-43, Authorize and approve purchase and installation of security cameras and ancillary items for use of Community-Senior Center through State Contract; Ord. 2017-44, Amend Sect. 1345.01 'Permit Fees' of Codified Ords.; Ord. 2017-45, Amend Ch. 1361 'Occupancy Permits' of Codified Ords.

PUBLIC SESSION (Agenda items only):

None.

Council Pres. Van Kirk was sent a letter from a resident unable to attend, which he read, from Vin Manfredi of 10232 Harmony Ln. In part: He had walked through the park with his wife, and many people also in the park (walking, little league game, picture taker, listening to music on headphones, small groups of kids hanging out...), how the park road used to be open to cars, disrepairs to lower park and bridge, families and kids on playground area, the basketball courts (open Memorial to Labor Day 9a-9p and rules). It doesn't say in Issue 3 Ord. the park will be replaced or expanded, and would make them sad if we lose the park.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Domestic Abuse Commission (Councilwoman Paulitzky): The next Commission met April 17th at the Fire Station community room. Two members were ill at the March mtg. they updated those members of the March mtg. and handed out information from the guest speaker. The Commission will meet again after the summer break and try to do more in the community.

School Liaison (Councilwoman Paulitzky): March 2nd Dr. Gliechhof spoke to the Ohio House of Representatives Finance Comm. for Primary and Secondary Education, to request fair funding for our school district. Brooklyn's budget is negatively impacted by the phase out of tangible personal property tax reimbursement and that we are a capped district (State believes we're an affluent community). The revenues have been capped and non-public schools receive more than Brooklyn City Schools. We should receive \$3.4M but only received \$1M in 2016. Non-public schools (*in Brooklyn*) receive \$1200/pupil and Brooklyn receives \$600. Hopefully the Commission listened to Dr. Gliechhof and will do something about it.

REPORTS OF COUNCIL:

Mary Balbier: Res. 2017-6 is on 3rd reading (PUD). She's gone door to door, listening to people's opinions on it. She maintains she is not totally against it, but wants it extended to November when everyone knew details and facts and questions answered. Attended a mtg. at Senior Center with people with questions, mostly losing the park. People are afraid. They don't know details, as there aren't many facts. Cities (Independence, Hudson) have taken a year or more to figure it out, with mtgs. and residents to help write it. We must know something that we could pass it so fast, or (*be*) geniuses. It could conceptually (*be*) a good thing, but there is potential of losing a park. She's married to a lawyer and heard a lot, and when someone says 'trust me', 'trust City Council', they might not all be up here at time of voting for things. How can you trust everyone up here without all facts and not listening to everyone and taking it into consideration. Other cities have taken time and many mtgs. for residents to understand. No disrespect to Mr. Bloam, she just asked why it couldn't be on November ballot to have discussed it longer. –Ord. 2017-29 for rules of Council. She's a practicing Catholic. Praying lifts her mind and spirit to God. She can't vote on this without a mtg. of the entire body to see where everyone comes from and how to approach it. She can't bring her God into this kind of an arena. –Reminded people when driving in Brooklyn it's against the law to be on cell phones. Beware and be careful.

Councilman DeMarco interjected he thinks there was confusion in terms of the public session and what people could address Council with. He noted a resident wishes to speak regarding the PUD, and would **MOTION** that we allow him to speak regarding it. Second by Van Kirk. **VOTE RESULTED: To re-open Public Session:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. (**RE-OPEN PUBLIC SESSION**)

PUBLIC SESSION (Agenda items only):

Steven Herbick of 4402 So. Amber, re-read comments made at a previous mtg. The idea for this was to retain a large employer threatening to leave Brooklyn, holding us hostage if we didn't build a new Class A building in a park setting. He spoke with Pres. Van Kirk yesterday, asked if he met with the company's decision makers regarding staying in Brooklyn; the answer was he hadn't spoken to any employer in Brooklyn. He requested from the Mayor and Dir. Udriš yesterday for dates, times, names, titles of the decision makers they spoke to regarding their requirements, and he hasn't received a response yet. If they haven't spoken with them, the premise for the PUD is a lie. He asks for the documentation of any discussions with this company prior to the vote. He's disappointed we didn't have the feasibility study prior to the vote, and asking people to vote blindly. Also, sad city leaders are asking city employees to door to door campaign for the Issue 3 passage, as it's written. It's a political trick; kudos to the Mayor for pulling it together. He spoke with the Elections Commission, Atty. Richter said while it's legal to use city employees to go door to door, it's borderline unethical and not right to do. He cautions the city to not remove his literature while canvassing and he has volunteers on streets watching with camera phones for such illegal activity (or remove signs at polling locations Tuesday). They'll be watching. The best source of information

is the Ordinance. Read it. Most of the stuff being told is fantasy. Cited a section in Ord. that says no less than 7.5% can be saved of the park, or 92.5% of the park can/will be developed. He mentioned other sections of the Ord. (size of apt. bldgs., box stores, parking lots). Vote no on Issue 3 and force a re-write of the Ord. and put in more protections and revisions for the residents. They asked residents to hand them a blank check and trust them; there's too many variables to trust, and it needs to be in writing in the new Ord. It was rushed to the ballot in three weeks. Said Pres. Van Kirk e-mailed Councilmembers offering congratulations for adding it to the ballot and changing the face of Brooklyn. Said it's not changed yet – there is democracy and will of voters.

Earl Bloam of 4720 Forest Edge, encouraged support of Issue 3 PUD rezoning. He believes it's important for the city. It's only a zoning issue, allowing the city to update the dates Zoning Code, with flexibility for mixed uses. Allows combined zoning. It's a restrictive process, allows Mayor and Council, and massive input from citizens, to control and limit and proposed development within the PUD. There is city approval and control of every step. It will add to the tax base for city and schools and generate new income. He thought the presentation on the TIF was informative. This zoning code would apply to the American Greetings area. An opportunity to bring new life into the city and attract people to move here. Many surrounding and competing communities have, or are adding to their code, and we need to adopt the PUD to be competitive. Issue 3 doesn't okay or guarantee the construction of the City Center (it's only a potential idea). City Center is a concept in the talking stage, and can't go forward for consideration without the PUD approval. It's a future development idea, with extensive vetting by administration and citizens before anything can be done. If we ever build a City Center it would generate new revenue for city and schools. Encourages all to support Issue 3.

Laurie Kelly of 9203 Morton, was pleased to have a question answered during the TIF explanation about abatement and money for infrastructure and repair. It seemed to her the money wouldn't go back to the General Fund for possibly 30 years (with increments). She might not have understood, but it's a concern; where will we be in 30 years. She was glad that density was brought up. How do we do impact studies if we don't know density? It will impact traffic, roads; it impacts her where she lives and is concerning. Four-story buildings or single family or row housing are all very different. It was said 105 housing units, with 3.5 people, two cars/unit is a lot. These are concerning things people need to think about. She said she's not opposed to it, but wants to see it done properly. She prefers more time and be more informed to make a good decision when she votes.

COUNCIL REPORTS (cont'd)

Kevin Tanski: Issue 3, on traffic. He's concerned where traffic comes in and out of the city. If we do a City Center it will come down Rodoan to Biddulph to the highway, or down Ridge Rd. He's been pushing to get the 71 exit back on the agenda (past Brookside Park down Ridge), and asked the Mayor to talk about where we're at with it. The on and off ramps could move traffic there. So traffic is major. –The Sustainability Advisory Comm. met March 23rd and unanimously voted to recommend to Council Ord. 2017-35, Expressing consent of the City of Brooklyn pursuant to Section 4933.16 of the Ohio Revised Code for Cleveland Public Power to construct distribution facilities within the City of Brooklyn and granting a non-exclusive franchise to CPP to provide electricity services to customers in Brooklyn, providing that the requirements of all applicable code and any related agreements are met. The benefits to the city includes a rent payment of \$18,000/yr for 20 years and cheaper electricity for city owned buildings; and allows residents to choose between Cleveland Public Power or First Energy. It opens the door for possibility in the future of adding more panels to power our own city buildings. He urges Council to support Ord. 2017-35. –Final stages for sign-up for Youth Opportunities program for ages 14-24 to find summer jobs. Information and requirements are available at www.youthopportunities.org. Registration closes May 1st at 5 p.m.

Barb Paulitzky: April 19, 2017 the Fire Dept. proved how fortunate we are to be in a small town versus a big city. The Firemen's quick response at Sam's Club and Burger King flooding may have saved lives and calmed fears of many of the flood victims. Thanked the Chief and staff for being a credit to Brooklyn. She hopes a solution can be found for flooding problem so it doesn't happen again.

Tony DeMarco: Commented on public mtgs. held the last few weeks on Issue 3 and PUD. Impressed with level of questions residents had; they have done their homework. He's happy they're engaged in what's

happening with the city. This issue is important for the future of Brooklyn. Was disheartened by comments by administration that if it doesn't pass services will be removed, employees threatened with job loss. That's not the leadership Brooklyn should have. There's ways to tackle financial issues facing the city; threatening with reductions in services or jobs is unfortunate. He won't tell anyone how to vote, it's a personal decision, and a significant decision. An entire new chapter to a zoning code is significant. Thanked residents that came to the public meetings, the administration for answering the residents' questions, and we'll see what happens next Tuesday.

Debbie Tomusko: It's the last mtg. before the official vote. As it's a zoning overlay she supported putting it on the ballot because she thinks it gives the city flexibility for future growth and opportunities. But the City Center in the planning stages, and to iteration 8 with Geiss; the people that came to meetings, there were good questions and a lot of concern. People love this city, it's home to them, and they want to protect their home. She appreciated when people disagreed; in general it was done pretty professionally. A few got out of hand and was not appropriate behavior. She's always said people need to do their research and make up their own mind. Don't listen to other sources or rumors. Read the ordinance and vote based on that. At the special mtg. before this mtg. the developer and Econ. Dev. Dir. were showing an update on the feasibility study and the progress to date; Council had not had a formal presentation. Told that Geiss wasn't ready to present, Councilwoman Pucci (with strong support of herself and Councilman DeMarco) called for a special mtg. so Geiss could share as far as they are, so they would know as a Council, and people could hear, before the important vote that could change the future/face of Brooklyn. She asked about the development on the upper ball field, and was told there would be development, but also it could be single-story cluster to four-story row house apartment. She thinks it's a dramatic difference for what kind of housing. In reading and studying more, in this kind of development, there is a lot of uncertainty. The developer rep said they like to keep a lot of flexibility, so as it develops over time it depends what people are buying (office, apartment, homes). She would like more office, for more payroll taxes. As Dir. Udris had said, it's going to come down from trust. Voters have to trust the administration that what will be proposed will be best for the city and positive growth; based on comments from the mtgs., in many cases there isn't trust, it's not there. In her mind there's been a lot of duplicity connected with the project, and it concerns her. As long as she's on Council, she will defend to not completely obliterate Memorial Park (the Kingdom isn't a replacement for it). She pledges to do her best. But she's one vote, there's no guarantee in years she will still be on Council. – Try to read and understand as much as you can and vote with gut and heart in terms of what you believe is best. She won't tell anyone how to vote. She'll interpret, get facts out, but make up your mind. –This weekend the Rec Center has the ice show, Friday and Saturday nights.

Kathy Pucci: Gave a report for Brooklyn Comm. Improvement Corp. As secretary she signed the annual report to submit to the Auditor. There's no change from last year's report (land with assessed value of \$440,000 – CIC *property* by Tiedeman/Plain Dealer and two parcels). –Thanked residents for coming tonight, and PUD related mtgs. She felt it was important for these meetings tonight to come about, to update residents prior to the election. Though feasibility study not quite finished (and the developer does have more time to complete), she wanted to keep their word to update the residents to the point we are at. Thanked Dir. Udris, Mr. Hermenes and Mr. Stuczynski for their part in pulling this together quickly. She understands frustrations we don't have all the answers. When the feasibility study is complete there will be more answers; but we won't know exactly what will be there and what won't. It will give us if it's feasible and next steps going forward. It's controversial because of Memorial park involvement; people value our green space, which is a value she shares. She's skeptical how it will work, but it is a concept right now. She does support Issue 3, which adds the Chapter to the Zoning Code to allow the possibility of mixed use development; and feels it's an important step in attracting the type of jobs we need to replace some lost revenue at American Greetings. We don't know if the City Center project is feasible yet; but if the PUD passes it gives the city much more authority and control over any PUD (*development*) in the city than we currently have. We've seen where we cannot prevent a developer from developing their property when they follow the building codes; as an example is Ridge Park Square as they further developed (we lost in court because they own the property). She shares concerns about the density; but again, keep in mind it's just a concept, ~~or~~ (*doesn't*) mean there will be 105 row houses. We just don't know right now. Again to be clear, this is adding a chapter to the zoning code that would allow it in the future. –Important for residents to get the facts and make up their own mind. But if there's a question, contact a Councilmember, Dir. Udris, Law Director... They're not going to lie. –It's important as residents of the community that we have respect for those with an opposing view. Everyone has to make up their own mind. –Please consider supporting the school permanent improvement renewal and additional half mill. It's originally from the 70s, and not had

an increase. It's the only levy that goes for permanent improvements (capital items with long term value). It cannot go for operating expenses or salaries. The school has a plan how the monies will be spent short and long term; please contact a School Bd. member or superintendent to answer any questions. She personally supports it, and feels it's important for the community. –A clarification regarding Ms. Kelly's question on the TIF, because it's municipally owned land there are not taxes being paid. If leased to a developer the value of the land now, vacant, would produce tax revenue for the schools and other entities (library, Metroparks, county...) and result in an increase for the schools. Payments in lieu of taxes would pay for the public infrastructure improvements, and when it drops off all taxing authority will collect the full value. – Mr. Tanski's question about the I-71 issue; when Big Creek Connects didn't get the funding for the study, this is something 30-40 years out. While she supported it, and hopes we continue to explore it and find other funding sources, it won't help us in the short term. –She's been to many ice shows, and will attend Saturday night at 7 p.m. (it is Sunday at 7 p.m. also.) They do a fabulous job.

Ron Van Kirk: Mr. Bloam couldn't read what he wanted to because there was no regular mtg. (he read his comments). His comments are that he encourages support Issue 8, the permanent improvement levy for the schools. It's in need of major maintenance and improvements (the high school, with major leaking roof issues). Certain areas need immediate attention. Lighting is old and inefficient. The .5 mill addition will add \$17.50 per year. –There's been a lot of discussion and false information, coupled with dishonest and misleading statements, regarding Issue 3. Most was confined to social media, but now it has taken printed form and being distributed to residents in the city. It's misleading and false. If someone wants to speak to him about this issue, please do. But one false statement pertains to him- that all seven Councilmembers said the PUD was rushed, not analyzed, vetted properly before approval. He never said that. It was analyzed at several public Council meetings and at numerous discussions. In a previous face to face mtg. with the individual behind this paper regarding false statements, he was assured it wouldn't happen again – but it has. He has no problem with someone being against the PUD, or their campaigning against it; he has a problem with being lied about, and it being spread. He's asking that the fliers be destroyed and corrected, then redistributed, if desired. He just asks that people be honest. –Spoke as a fellow resident: A vote for Issue 3 is a zoning issue, not for any particular project, City Center or other. The PUD and City Center are separate items. The Geiss study is set to be completed shortly, contracted at first of June, presented to Council for a full review. It's just a feasibility study. If the PUD passes it's no guarantee of a City Center project. Said voting for the PUD does not even mean you support the City Center project. He supports the PUD ordinance, but is not necessarily in favor of the City Center project – they are separate. Zoning in portions of the city are antiquated and needs to be changed. The PUD is over 10 pgs of detailed cans and cannots for future projects and sets parameter of what a mixed use developer can/cannot do, with numerous checks and balances set up. He studied the issue in detail. As a resident he sees, 1- \$1.5M shortfall, with a shortfall next few years without significant changes; 2- top employer leaving city unless they obtain class A office space (they are not holding us hostage, they want to stay in our city but don't have office space to do that); 3- we have aging buildings, in particular our police station, and large underutilized pieces of land that could bring revenue in many ways. He based his decision on these facts. Nothing is ever guaranteed, but we need to do something to improve our city; this PUD allows the flexibility to do it. He chose to move here, raise his family, is employed here, ran for Council to make a positive difference. –A comment was made regarding an e-mail he had sent out (read his e-mail to Council about the passage of the PUD ordinance) which included him saying the voters of the city can weigh in on the future of their town now. –Councilwoman Pucci addressed the questions about TIF. Once the feasibility study is done and we have a developer is when the impact study will be done. He told Ms. Kelly he will read and respond to her questions by e-mail. –Ord. #29 amends Council Rules, Order of Business, by adding prayer to the Agenda for the start of each mtg. He e-mailed Council with the idea and received positive feedback (Councilwoman Tomusko recommended inviting one member of clergy from the churches per mtg. to open the mtgs. in prayer.) Then Councilmembers wishing to participate can invite their choice of person to do the same. Once the rule is passed Council mtgs. will begin with prayer, followed by the Pledge of Allegiance. As a community of faith, opening mtgs. asking for God's blessing/wisdom is appropriate and necessary. Councilmembers are not required to participate. He thanks his fellow members for their support.

MAYOR'S REPORT:

Mayor Gallagher: Told Councilman Tanski that Big Creek Connects is the group that spearheaded the I-71 corridor study, partnered with Cleveland, Brooklyn and NEORS. Two and a half years ago they asked NOACA for funding to move to the study's next phase to see what could be realized, and it was an extended period of time (about 15 years, after the study took place). They introduced the concept again, to Brooklyn and Cleveland, to go back to NOACA for the study money again. The city said they'd like to contemplate looking at in the future. –Tuesday she went to Columbus with Mayors and Managers Assoc., heard good news that the House passed their version of Gov. Kasich's budget, taking some things out vital to our community, such as the centralized collection aspect and the throwback tax. It now moves to the Senate, and things could change, but it's a good sign for all communities in our area. –Told Ms. Kelly she hopes Dir. Udris can answer all her questions in a timely manner. The tax exemption for St. Elias has been brought up before. A tax exempt entity that turns into a revenue generating source becomes taxable. –As mentioned, the tenant we've spoken about in expediting the PUD process, is a great corporation, and she hopes they are here for years. She doesn't want them demonized, or take all the anger of people in opposition and in support and blame this company. It's not them. They didn't make the decision to push this Issue 3 or PUD forward, it was the choice of the administration. They're a great corporate citizen trying to work with us. She commends them for meeting as many times to try and work out a plan to stay in Brooklyn. So there is no blame for this corporate citizen wanting to stay. She wants that clear. If you want to fault someone for the timeline, fault her, fault the administration. The corporation isn't holding us captive for anything, but trying to work with us. We cannot afford another huge loss in this community. –Comments about public meetings and employees and threatening – the videos are taped, she urges people to watch them and determine what was said.

DIRECTORS REPORTS:

Econ. Dev. Dir. Udris: In regard to the ordinance for Davey Resource Group, he's asking for consideration for emergency rules. In the contract we want to look at what is the proper re-use of the property we have on Tiedeman and 15 acres around it (former IKEA location). To see what can be developed there we need to do our own delineation study and part of it is a topographic study. The contract amount is \$37,240 – the additional amount is due to changing weather conditions now in foliage. If passed by emergency we can save \$3,960 on the contract. The longer it takes, the leaves get larger and harder for them to do the studies – they need a line of sight to determine how high everything is. We weren't aware of this in early wintertime discussions. If it's not passed by emergency, that's fine, but we would have to pay the extra \$3,960. He wanted Council aware of that.

REQUESTS:

Request from Fire Chief Zemek to accept a donation of \$1,000 worth of smoke/carbon dioxide detectors from Wal-Mart to hand out to needy residents. **MOTION** by Pucci, second by Tanski to authorize accepting the grant. **VOTE RESULTED:** *To accept the grant:* Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(APPROVED)**

Request from Service Dir. Verba for authorization to continue with salt consortium (with Cargill, Inc. and Brecksville consortium) from Nov. 1, 2017 through Oct. 31, 2018. Pres. Van Kirk read the terms. Councilwoman Pucci asked the difference if it has to be blown in; Dir Verba said \$3.50/ton. **MOTION** by Pucci, second by Van Kirk to authorize the agreement. **VOTE RESULTED:** *To authorize the agreement:* Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(APPROVED)**

Request from City Engineer Courtney to request bid approval for the Roadan Road Improvements Project. Pres. Van Kirk read results of five bidders. The Engineer's estimate is \$2,138,355. CATTS Construction, Inc. submitted the lowest and best bid for all sections of the project work at \$2,234,541.75 which is 4.5% above the estimate. Projected June 10th start date and 150 days to complete (early November 2017). Councilwoman Pucci asked for the full tabulation of the bids, they were not attached. **MOTION** by Pucci, second by Tanski to authorize approval of the bid of CATTS Construction. **VOTE RESULTED:** *To approve the bid:* Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(APPROVED)**

LEGISLATION:

RESOLUTION 2017-6, In support of the City of Brooklyn's Planned Unit Development (PUD) District overlay zoning measure (Issue 3) on the May 2, 2017 ballot. **MOTION** by Tanski, second by Paulitzky to adopt. Councilwoman Pucci said she will abstain; she supports the PUD but encourages residents to get facts and make up their own minds. Councilwoman Tomusko said she won't be voting for it because she doesn't feel it a necessary or appropriate ordinance. It's up to the voters to decide; she doesn't want to tell them how to vote. **VOTE RESULTED: To adopt:** Yes: Tanski, Paulitzky, Van Kirk. No: Balbier, DeMarco, Tomusko. Abstain: Pucci. None. **(NOT ADOPTED)**

ORDINANCE 2017-29, Amending Rule 14 of Rules of Council, Order of Business, Codified pursuant to Sect. 121.22 of the Codified Ordinances. **MOTION** by Van Kirk, second by Paulitzky to adopt. Councilwoman Pucci said when e-mailed by Pres. Van Kirk she said the proper venue to discuss this was at a continuation of the Organizational mtg. Rules were never discussed. There were unresolved issues, since resolved, from the Organizational mtg.; but Rules of Council discussion has to be continued. After a vote one ordinance usually incorporates all changes to the Rules. This takes one person's idea for a small section, without other's ideas. She said she will abstain and hopes we get a continuation of the Organizational mtg. Pres. Van Kirk said he reached out to Council after the previous mtg. to set up and meet, and it did not work. He said Council can present an ordinance at any time to change rules. We've had two Organizational mtgs., both adjourned prior to completing the agenda. Councilwoman Tomusko commented this will start the mtg. with prayer. When Councilman Van Kirk suggested it and sent the e-mail, she thought it was a great idea, and we need to keep prayer; but since she's spoken to residents and Councilmembers, and her pastor at STM, and had other ideas. She'd like to hold off for more opportunity to discuss it and other ideas. And there are other ideas about issues of how we conduct Council meetings (order taking things, etc.) and concurs to have it wait and do one general ordinance. They only got as far as Council President in the Organizational meetings, running late and long and contentious. Pres. Van Kirk clarified that in the meetings we also elected Councilmembers to committees, commissions and boards, then it was adjourned. Councilman DeMarco said regarding the rules, as the leader of Council, if members aren't available when the date suggested is, suggest alternates until there is a mtg. Being on Council for eight years, it's never gone into May still not having completed Organizational mtg. and discussed changing rules. Pres. Van Kirk said the previous two mtgs. were voted to adjourn. Councilman DeMarco said a date was given in March and Council couldn't get together; there have been no other invitations to complete this mtg. He added he finds it unacceptable. Pres. Van Kirk said Councilmembers can send him any other changes for Rules and Council will meet. To this point he's heard nothing from any Councilmembers of what they want to change. He tried to present a meeting and was unable to do that. Councilwoman Pucci said the mtgs. were adjourned because they needed more information from the Law Director on an issue, where he then got a ruling from the Ohio Ethics Comm. She doesn't believe it's in the best interest to piecemeal send things to be change. The same procedure has been followed since Rules have been established: sit at Organizational mtg., discuss Rules, reach a consensus on any changes. She suggests to have Mary-Jo e-mail and poll Council's availability over the next few weeks to schedule the resumption of the Organizational mtg. Mayor Gallagher said the Mary-Jo tried to schedule after this Monday mtg. was cancelled and only received one response. She accepts Council can organize mtg., such as tonight's; but there is a Clerk of Council that does do this actively and constantly, and not one person responded – and then a notice that three people want to organize a mtg. She needs people to respond. Frequently over the last two years she' had more and more trouble with Council people responding to e-mails to set these up. She understands Council has full-time jobs and are busy and have to get to the e-mails, but it has to be a group effort. **VOTE RESULTED: To adopt:** Yes: Tanski, Paulitzky, Van Kirk. No: Balbier, DeMarco. Abstain: Tomusko, Pucci. None. **(NOT ADOPTED)**

ORDINANCE 2017-30, Authorize contract modification (Change Order 7 & 8) with Eclipse Co. for the Tiedeman Rd. project for \$32,147.08. Councilwoman Pucci asked Dir. Verba if the further work from an e-mail will result in this going higher or included in the scope of agreement. Dir. Verba said there will be one more change order, estimated at \$20,000. It's all things that were design problems they encountered. Councilwoman Pucci said we have no choice but to pay this, it's for the widening of Tiedeman Rd. in front of the Plain Dealer turn lane. **MOTION** by Pucci, second by Tomusko to adopt. **VOTE RESULTED: To adopt:** Yes: Balbier, Tanski, Paulitzky, DeMarco, Tomusko, Pucci. No: Van Kirk. **(ADOPTED)**

ORDINANCE 2017-32, Amending Sect. 2 of Ord. 2006-53, 'Establishing a city ice time and admission rates for persons using city ice for figure skating purposes only'. **MOTION** by Pucci, second by Tanski to adopt. **VOTE RESULTED: To adopt:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2017-33, Amending Sect. 1 of Ord. 2006-19, 'Providing for fees for summer figure skating program at Rec Center'. **MOTION** by Pucci, second by Tanski to adopt. **VOTE RESULTED: To adopt:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2017-35, Expressing consent of City of Brooklyn pursuant to Sect. 4933.16 of Ohio Revised Code for Cleveland Public Power to construct distribution facilities within the City of Brooklyn and granting a non-exclusive franchise to CPP to provide electricity to certain customers in Brooklyn, provided they meet all codes and any related agreements. **MOTION** by Pucci, second by Van Kirk to adopt. **VOTE RESULTED: To adopt:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2017-36, Authorize the purchase of a Toolcat 5600 G-series Bobcat from Bobcat Co. for \$52,866.92 through Government Contract. **(SECOND READING)**

ORDINANCE 2017-38, Authorizing the sale of certain city owned vehicles through the Greater Cleveland Auto Auction, Public Auctioneers and GovDeals, for the purpose of disposing of city vehicles and equipment at public sale. **(SECOND READING)**

ORDINANCE 2017-40, Amending certain sections of Ord. 2004-45, 'Establish fees for the admission and use of facilities at the Recreation Center.' Read changes in the legislation. **MOTION** by Van Kirk, second by Pucci to suspend the rules. **VOTE RESULTED: To suspend the rules:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **To adopt:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2017-41, Amending Sect. 1-B of ord. 2011-15, 'Establish Parma Hts. rates at the Recreation Center and Natatorium.' Read changes in the legislation. **MOTION** by Van Kirk, second by Pucci to suspend the rules. **VOTE RESULTED: To suspend the rules:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **To adopt:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2017-42, Authorizing the Mayor to enter into an agreement with Davey Resource Group to provide services to the City of Brooklyn. Dir. Udris repeated the reasons why this needs to be done, and passed by emergency. Councilwoman (Pucci) added, since the property is owned by the CIC, *there are* tasks and document review and other items that will take place with this. She added it's wise to spend this money so we know if that area has potential for future development. **MOTION** by Pucci, second by Tanski to amend by adding 'and other services' to Sect. 1, line two, after 'permitting'. **VOTE RESULTED: To amend:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **MOTION** by Pucci, second by Tanski to suspend the rules, as amended. **VOTE RESULTED: To suspend the rules:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **To adopt, as amended:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(ADOPTED, AS AMENDED)**

ORDINANCE 2017-43, Authorizing and approving the purchase and installation of security cameras and ancillary items for use at the Brooklyn Community-Senior Center through State contract. **(FIRST READING)**

ORDINANCE 2017-44, Amending Section 1345.01 "Permit Fees" of the Codified Ordinances of the City of Brooklyn. **(FIRST READING)**

ORDINANCE 2017-45, Amending Chapter 1361, "Occupancy Permits" of the Codified Ordinances of the City of Brooklyn. **(FIRST READING)**

Pres. Van Kirk read a Public Notice that the Planning Commission has scheduled a mtg. for Thurs., May 4th at 6 p.m. in the conference room at City Hall to hear: request from Riverstone Company for preliminary site approval at 4800 Idlewood; request from Riverstone Company for lot consolidation and lot split at 4800 Idlewood; request from M. Weber, PE for preliminary site plan for a four-story, 85 room hotel on Tiedeman; request from M. Weber, PE for conditional use for a four-story, 85 room hotel on Tiedeman; request from M. Weber, PE for lot consolidation approval at Tiedeman; and any other business.

Mayor Gallagher said there is a budget mtg. coming up, but she can't access her phone with the date. Councilwoman Pucci asked if it was confirmed, she didn't get an e-mail on it. Mayor Gallagher replied that six people confirmed. Councilman DeMarco said he will let Mary-Jo know. Another e-mail will go out. The Mayor said the Finance Dir. threw out four dates over the last two e-mails and we need to get something on the books with majority of Council we can start moving forward with conversations with Capital items. The directors have all been spoken to already about Capital items.

Councilwoman Pucci thanked the residents who hung in for both meetings; it was a long evening. Thanked them for their interest in the community.

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

Clerk of Council

President of Council