

Brooklyn City Council
January 28, 2019 @ 7:00 p.m.

Roll Call

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

ABSENT: None

Pledge of Allegiance.

Opening prayer was offered by Pastor Jack Beaver, Assistant Pastor of Cleveland Baptist Church.

Approval of Minutes of January 7, 2019. **MOTION** by Van Kirk, second by Celcherts to approve. **VOTE:** To approve: Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **(APPROVED)**

PUBLIC SESSION:

Victor Ardito of 7439 Outlook Ave. commented on the government shutdown. Questioned why Congress and Senate still get paid while others don't. –Spoke about guardrail heights and questioned how low they are. –Asked if the sidewalk plows are working.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Recreation Board (Councilman Tanski): A new program called Zumbini (created by Zumba) is being offered for ages 0-4 years old to stimulate learning inspired dance and movement and strengthening the bond between caregiver and child. Information from Connie Loftin at 216-346-0728 or email at connielofting90@gmail.com or zumbini.com for class information. –The next Rec Board mtg. is Feb. 20th at 7 p.m. in the Rec Center mtg. room.

Finance Committee (Councilman Van Kirk): The Committee met at 6:30 and discussed: information that Dir. Raguz send to Council on funds; recommended to adopt Ord. 2018-92, Establishing Brooklyn Mutual Homes, Inc. (Community Partner) rates for membership and programs at the John M. Coyne Recreation Center (would provide to Cleveland residents of Brooklyn Acres community partner rates like Parma, Parma Hts., Linndale); Ord. 2018-93, same ordinance which adds some things and includes the Senior Center, (allows Cleveland residents at Brooklyn Acres to pay resident rates at Rec Center/Natatorium and for member swipe cards at the Senior Center) Councilwoman Pucci said she would drop the key swipe portion. There was no recommendation for adoption; Ord. 2018-94 is the Tobacco21 legislation will be held in abeyance for the Law Dir. to address some criminal code sections; Ord. 2019-1, requested adopted by emergency, Amends Ord. 2018-55, establishing Linndale Community Partner rates at the Recreation Center (this adds employees of Linndale to receive the rates). New legislation: Res. 2019-1, relates to issues in the trails in Memorial Park with some erosion issues and fallen creek sides, recommended to pass by emergency; Ord. 2019-2, adopts the Solid Waste Management Plan for the County Solid Waste District (updated plan); Ord. 2019-3, Amends Sect. 151.03 of Ch. 151 of Brooklyn Codifieds for the Community Improvement Corp. (adjusts per the By-Laws the date their meeting will take place); Ord. 2019-4 relates to the contract for electric rates at the Rec Center/Natatorium (the CPP/CEI lawsuits puts us on hold at this time, so this is a six month contract with the lowest/best bidder for the electric rates with MP2 Energy for 5.078/kwh, saving \$12,800 in the interim); Ord. 2019-6, authorizes actions necessary to accept the NOPEC Energized Community Grant (same contract from the 2017 grant, for the amount of \$37,148 and earmarked for improving lighting at the Rec Center).

Domestic Abuse Commission (Councilwoman Ryan Shockey): The Comm. met. Jan. 23rd and discussed current news, mostly about the government shutdown. The shutdown made the Violence Against Women Act expire, and made organizations around the country worry about paying bills, as they rely on federal funds to stay open and provide services related to domestic abuse. With the shutdown ended yesterday, Congress extended the Violence Against Women Act through Feb. 15th. –Committee members left the meeting with homework with bathroom posters they created last year and had printed for distribution. They'll reach out to area businesses to put the posters in bathrooms for information and resources for residents and public. –The Comm. meets Feb. 12th at 6 p.m. in the Fire Station Community Room.

Public Works Committee (Councilman Celcherts): There was a Joint Public Safety & Environmental and Public Works meeting prior to the Finance Comm. regarding the gabion wall replacement in the park. 110 cubic feet needs replaced. The gabion wall is no longer recommended. There is an Ohio EPA 319 Grant as recommended by the Engineer, NEORS, West Creek Conservatory and Big Creek Connects to apply for under a Clean Water Act to address the problem, and prevent it from occurring again. It would allow the creek to go back to its natural flow. It would remove the trail next to the creek and add a footbridge on the eastern portion to connect the remaining trail together. It would eliminate the ford to allow for better movement, restoring the flow for fish and wildlife, reinstating the natural sediment and nutrient flow. The footbridge will be \$50-100,000 depending on the quality, with interest from Eaton Corp. to subsidize the work and payment for the bridge as part of the process. The Ohio Dept. of Natural Resources has another Trail Fund available that the West Creek Conservatory would write in conjunction with the city and NEORS, to allow for the removal of the ford and connect Roadan and western south portion of the trail and add a trail from the Historical Society parking lot to the eastern edge of the trail. Both Committees recommended approval of the Resolution to Finance and Council.

School Board Liaison (Councilwoman Ryan Shockey): The Board met a few times. Student achievement group members were recognized. Additional clubs will be added. –Dr. Gleichauf reported on career readiness and First Ring Collaboration (Ohio Means Jobs collaborating with them). He discussed school choice, in which Brooklyn is performing well. He announced the annual spaghetti dinner on Feb. 23rd from 4-7. –The treasurer gave the finance report, including 5-year forecast, levy options, and moving to an interest bearing account at Dollar Bank. At the Jan 2nd mtg. (she was unable to attend) the Board approved putting a levy on the May ballot. They also passed the 2019-2020 school calendar (on school website).

Planning Commission (Councilman Van Kirk): The Commission will meet Feb. 7th at 6:30 p.m. to hear a request from: Benderson Development Co., LLC for site plan approval for new 10,000 sq. ft. shopping center at 7414 Brookpark; from M. &J. Park for lot split and consolidation at 4716 Sunny Ln.; from Adam Signs for new freestanding sign for the plaza on the existing foundation at 6910 Biddulph; from OLIO Development Group for preliminary approval for Raising Cane's Rest. at 5180 Tiedeman Rd.; from OLIO Development Group for conditional use for Raising Cane's Rest. at 5180 Tiedeman Rd.; Medical Mutual of Ohio for an outdoor dining patio and new entry at 1 American Rd.

REPORTS OF COUNCIL:

Barb Paulitzky: On the news this morning learned there was a 36-inch water main break near Bagley, with many communities with low to no water pressure. With the extreme cold coming, experts suggest opening cabinet doors by pipes with outside walls, increase heat, and let water trickle from faucets. At noon she heard they were advised to boil water until further notice. –She thanked the Service Dept. for their hard work last weekend, and dedication to keeping everyone safe and get to needed destinations. –Visited Polaris Jan. 17th for a tour – impressed with their renovations. Lunch at Mise En Place in the Career Training Center must be tried (most Wednesdays, Thursdays and Fridays). Call 440-891-7685 for reservations. While touring saw police cadets in training, dental lab, medical tech training center (also teaching medical code). –Upcoming school fundraisers: spaghetti dinner Feb. 23rd, 4-7; Night at the Races sold out, email Kelly Supek at dolphy2939@att.net; Taste of Brooklyn is April 6th from 7-10 p.m. at Lavelle Banquet Center, 11500 Brookpark Rd.

Meg Ryan Shockey: Ord. 2018-92 and 93: she believes it's great to create community rates to our Rec Center, but also we have to keep living in Brooklyn competitive, and for people to move and live here. –The temperatures will drop very low this weekend, reminds to not leave pets outside too long, and check on neighbors who might be elderly, sick, or need assistance.

Andy Celcherts: Metrohealth released a new YouTube video of what the new hospital will look like, including an animated look at interior/exterior, slated to open in 2022. –Brooklyn Hockey currently in first place in Blue South division. –Night at the Races, there are a few horses still available. –Thanks to Dir. Verba and staff for winter weather cleanup last weekend, it's appreciated.

Kathy Pucci: Thanked Service Dept. and first responders for their efforts during the challenging storm this past weekend. –Ord. 2019-93 memorializes what we've been doing, and a longstanding practice at Rec. Center by permitting Cleveland residents of Brooklyn Acres to join at resident rates. The Acres are physically located partly in Brooklyn and Cleveland. We are looking to expand the number of people using our recreation facilities; our resident participation is low. When it came to the Law Director's attention and he researched, finding we could continue it by justifying their importance to our city. She has said it's an important part and has given examples of how they've worked to make our community a better place, including a recent one of temporary living for a fire displaced resident. It would also allow them to receive the Senior Center swipe card for free, as residents do. As it doesn't appear she will have Council support for this, so in spirit of compromise she's willing to amend it to eliminate the swipe provision for the seniors at the Senior Center. –There was a proposed joint mtg. with the City Council and School Board last fall relating to the Hurricane Alley project, collaborating on fields, that was cancelled (she does not know why), but believes it's important to get both bodies together to have frank and open discussion about this from everyone. It's the only way to know if collaboration on fields will be able something to look at in the future for feasibility. Since we're updating our Master Plan, this is information the Master Plan Committee could have. She asked Pres. Van Kirk to contact the Board Pres. and see when a meeting can be scheduled when everyone from both groups (including Mayor, some directors, superintendent, treasurer and others) are available. There are rumors and innuendos and everyone has to be in the room at the same time. –Encourages people to go to the spaghetti fundraiser, it's the only fundraiser they have to support the schools (with raffles, baskets, door prizes...) –Asked Dir. Verba to address the sidewalk plowing at his turn.

Mary Balbier: Welcomed and thanked Pastor Beaver for his prayer. –With the frigid weather coming, has tips for seniors or anyone: keep thermostats at 68, don't use oven to heat house, check smoke and CO detectors, keep batteries on hand, be aware of where shutoff valves are, let water dribble to outside faucet. If a senior need a simple emergency run (prescription, bread, milk...) the Senior Center will assist with that. –Fundraisers coming up for schools, she encourages her constituents on Council to donate baskets, etc. to support the schools (hers are ready). –Ordinances about Brooklyn Acres. They seem like one body, and it's like they're (Cleveland side) a victim unable to participate in the Brooklyn side. It's a perfect example of expanding our membership at our Rec Center. She thinks it's a nice gesture as they do a lot of nice things there (coats for kids, food baskets).

Kevin Tanski: Thanked Dir. Verba and workers on a job well done on last week's major snowstorm. –Expressed condolences to the family of Jim Habarak, who passed away recently, a longtime Brooklyn resident and friend.

Ron Van Kirk: Replied to Mr. Ardito that he wondered the same thing, why during the government shutdown why the politicians still get paid when the employees don't; it's because it's legislated that way. Some Republicans proposed a change, but it didn't go anywhere. He's glad the government is back up and running for the employees affected. –School mtg.: he's always willing to sit and talk with anyone anytime. He will contact them again, but doesn't know if anything else will come of it. He is open to attempting it again. –Ord. 2018-92, finds it odd there's been so much conversation about it. All it does is extend the same rates to Cleveland residents as to our other Community Partners; we're not punishing anyone, just extends those rates across the board for non-Brooklyn residents. It's unfortunate they are in Cleveland, but they are in Cleveland. So we're offering a Community Partner rate that we don't offer to any other resident of Cleveland. Trying to help enrollment, and this is a longstanding thing, but enrollment is as few as five people from the Cleveland side, so he doesn't know that it will improve enrollment. He's in favor of #92 offering the partner rate for them which is more legislation than we currently have for it; and he's looking forward to having them as Community Partners, like for residents in Parma, Parma Hts., and Linndale.

MAYOR'S REPORT:

Mayor Katie Gallagher: Good news, the city received the NOACA grant for enhancement of mobility for seniors and individuals with disabilities, an award of \$53,504. It will be used to purchase another senior van, and hope to expand services. Last year the van by University Hospitals in Parma was discontinued, and it helped assist people get to medical appointments. We continue to hope our seniors use it and this affordable way to go to doctors, grocery stores, Senior Center, and expand to plays and other involvements. We'll get rid of our older van that needed a lot of work, so we will then have two updated vans for use. –We

received a grant from NOPEC for \$37,000 as was mentioned; we will use it for updating the lighting in the Recreation Center that was already slated in our Capital budget. –She just received in the last day or so the Master Plan's Steering Committee's current conditions report. The Committee will meet tomorrow at the Fire Station Community Room at 6:30 – all are welcome to attend. They'll discuss current conditions of the city, and some tips from the survey that went out a couple years ago, and some preliminary results from the current survey. She encourages people to participate if you weren't selected for the committee. She also recommends Council to attend if they can, because, though she identified some errors in the current conditions report, and hopes there is not a lot more as she reads it more thoroughly. –Will be holding her State of the City on Feb. 14th at noon at the Senior Center, hosted by the Chamber of Commerce. If interested in coming, please do; but if you want the lunch you have to register ahead of time by calling the Senior Center or the Chamber of Commerce. –Coffee with the Mayor is the following day at 9 a.m., with a re-cap of the State of the City, and allows residents to ask questions of directors who participate. –Every winter she does a rotation through the different apartment bldgs. in the city; Feb. 20th at 6:30 she will be at the Westbrooks, Feb. 27th at 5 p.m. she will be at the Terraces. She had scheduled at the Acres, but they cancelled after the last mtg.; the Board didn't feel she made the appropriate decision on a personnel matter, which is unfortunate. She and the Law Dir. looked at the matter (as they do all personnel matters) and did what's legally right for the city. She'll continue to be offering one for the Brooklyn Acres as well, which would be off-site, in early March. She'll also invite the Police Chief and Service Dir. who were going to be at the original meeting. –Hurricane Alley: she would love to continue that conversation. She and Dr. Gleichauf spoke about this the last couple weeks, potentially moving this meeting again. There were different meetings between the two entities behind closed doors in executive sessions about contracting and money, and there's the go between between her and the superintendent. She doesn't know where things went awry, but the reason for the cancellation was because only one School Bd. member planned on attending the mtg. She would love an open dialogue with the School Bd. and City Council, but everybody has to be present. And to hash it out everyone has to be on the same page as far as getting it all out. Everyone doesn't always have to agree, but in order to have a conversation you have to be at the table. –The weather will be fiercely cold this week and she worries about the residents and the seniors, more specifically. To reiterate, if you have an elderly neighbor check on them. Our Senior Center will do as much as possible; our Fire Chief and Service Dir. are looking to keeping the Senior Center as a warming place. If something happens to your house please let the city know; we'll find someplace for you to go, and during the day you're welcome to come to the Senior Center, possibly extending those hours. We'll let everyone know.

Councilwoman Paulitzky asked Councilwoman Pucci if she was going to revise the ordinance. Councilwoman Pucci said she will when it comes up.

Councilwoman Pucci reiterated what some said regarding the meeting about Hurricane Alley, that everyone from both groups must all be together at the same time to frankly discuss their positions and thoughts on the collaboration of the fields. We've never had everyone all at once discuss it, and because it's the potential purchase/sale of land it can be discussed in executive session. It's the only way to know if there's a possibility of moving forward with it.

DIRECTORS REPORTS:

Service Dir. Verba: Clarified to all residents why the sidewalks were not done during this last storm. Sunday night and Monday they tried two different times and the bombardier, which has a V-blade, almost tipped over. The amount of snow was too thick for the bombardiers to get through. After people did their own plow work and piled up over two feet, they couldn't get through that. There were also concerns that when they got to the sidewalks, after doing mains, side streets, then senior drives, if they were able to do sidewalks with the V-blade it would dump over a foot of snow into everyone's driveways and they'd have to go back out and remove it. Also, with rain in the next day's forecast it would freeze, and then hopefully wash most of it away by Tuesday evening. Some other cities were unable to do their sidewalks, with one city having to tow a tipped over vehicle in their attempt. They ran two shifts that day as the snow kept up and exhausted all of our workers, running two 12-hour shifts with eight guys on each shift, so when it came time to do sidewalks the snow had piled too high by then. For the amount of work that went into this past storm: 347 man hours, 341 tons of salt, plus the fuel used, equated to \$37,511.20. It was said we haven't had a storm like this since the Blizzard of '78. It was an unfortunate occurrence, but they will continue to do the sidewalks as needed.

LEGISLATION:

Ord. #2018-88, Amending Chapter 505 of the Codified Ordinances of the City of Brooklyn to update the Code regarding animals. **MOTION** by Pucci, second by Celcherts to adopt. **VOTE: To adopt:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **(ADOPTED)**

Ord. #2018-92, Establishing Brooklyn Mutual Homes, Inc. (Community Partner) rates for membership and programs at the John M. Coyne Recreation Center and Natatorium. **MOTION** by Van Kirk, second by Celcherts to adopt. **VOTE: To adopt:** Yes: Van Kirk, Ryan Shockey, Celcherts, Tanski. No: Paulitzky, Pucci, Balbier. **(ADOPTED)**

Ord. #2018-93, Establishing Brooklyn Mutual Homes, Inc. (Community Partner) rates for membership and programs at the John M. Coyne Recreation Center and Natatorium and at the Brooklyn Senior Center. **MOTION** by Pucci, second by Balbier to amend by striking Sect. 2 relating to the "members' swipe card". **VOTE: To amend:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **MOTION** by Pucci, second by Balbier to adopt as amended. **VOTE: To suspend the rules:** Yes: Paulitzky, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: Van Kirk. **To adopt:** Yes: Paulitzky, Pucci, Balbier. No: Van Kirk, Ryan Shockey, Celcherts, Tanski. **(NOT ADOPTED)**

Ord. #2018-94, Enacting Chapter 729, "Tobacco Product Vendors; Sales to persons Under (Age) 21" of the Codified Ordinances of the City of Brooklyn, and amending conflicting ordinances. Dir Butler will be making some additional changes to the legislation so it will be held in abeyance until the next mtg. **MOTION** by Van Kirk, second by Pucci to hold in abeyance. **VOTE: To hold in abeyance:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None **(IN ABEYANCE)**

Ord. #2019-1, Amending Ord. 2018-55, Establishing Linndale Community Partner Rates at the John M. Coyne Recreation Center and Natatorium. **MOTION** by Van Kirk, second by Ryan Shockey to introduce by all, suspend the rules. **VOTE: To suspend the rules:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **VOTE: To adopt:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Tanski. No: Pucci, Balbier. **(ADOPTED)**

Res. #2019-1, Authorizing the Mayor to seek financial assistance through the Ohio Dept. of Natural Resources Recreational Trails Program. In regards to the creek walls falling at Memorial Park. **MOTION** by Celcherts, second by Ryan Shockey to introduce by all, suspend the rules. Councilwoman Pucci commented she understands why this has to be done, but it's sad, for the residents who have to not have the nice peaceful trails along the creek (will still have the outer trails). Mayor Gallagher added that, again, it was the recommendation of our City Engineer, NEORS, West Creek Conservatory and Big Creek Connects. One of our trails is falling into the water and had to be roped off; it's a safety hazard at this point. This doesn't mean we can't add more trails. This does add two trails with this plan. We just have to see where the water naturalizes to and figure out where the trails make sense, so they're not falling into the creek. She's supportive of looking at it down the line. **VOTE: To suspend the rules:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **VOTE: To adopt:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **(ADOPTED)**

Ord. #2019-2, To adopt the Solid Waste Management Plan for the Cuyahoga County Solid Waste District. **(FIRST READING)**

Ord. #2019-3, Amending Sect. 151.03 of Chapter 151 of the Codified Ordinances of Brooklyn, Ohio entitled 'Brooklyn Community Improvement Corporation, and approving the formation of the Brooklyn Community Improvement Corporation'. **(FIRST READING)**

Ord. #2019-4, Authorize the Mayor to enter into a contract agreement with MP2 Energy as a supplier of electric energy for the John M. Coyne Recreation Center and Natatorium. **MOTION** by Van Kirk, second by Tanski to amend by adding MP2 Energy as the supplier, the rate is for six months, for 5.078 cents/kwh. **VOTE: To amend:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **MOTION** by Van Kirk, second by Celcherts to introduce by all, suspend the rules. **VOTE: To suspend the**

rules: Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **VOTE: To adopt, as amended:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **(ADOPTED, as amended)**

Ord. #2019-5, Amending various Rules of Council, Codified pursuant to Section 121.01 of the Codified Ords. of the City of Brooklyn, Ohio. These Rules reflect the changes that were asked to be made on Jan. 7th. He's asked Mary-Jo to strike the five minute limit on reports of committees, commissions and boards and the Mayor, because these are business meetings and he wants it to stay in the realm of a business meeting, and it not to become political. He hopes that members of Council would keep the meetings as business meetings, as it's the sole purpose of these meetings. Rules of Business 14, struck from Rule 8 and 9. Councilwoman Pucci said she had mentioned that for lengthy contracts or business that Council has the option of requesting the Clerk of Council to give a hard copy. She asked Mary-Jo if that was the intention in Rule 29, 'through BoardDocs or other medium if necessary'. Clerk Banish replied that Dir. Butler helped her with the wording and that covers it. **MOTION** by Van Kirk, second by Paulitzky to amend. **VOTE: To amend:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **(AMENDED, FIRST READING)**

Ord. #2019-6, Authorizing all actions necessary to accept a NOPEC Energized Community Grant. The Mayor spoke about this, the amount is \$37,148. **MOTION** by Celcherts, second by Van Kirk to introduce by all, suspend the rules. **VOTE: To suspend the rules:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **VOTE: To adopt:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **(ADOPTED)**

Pres. Van Kirk said in regards to Ord. 2018-92 that passed, there was discussion and Councilman Celcherts suggested grandfathering in those Cleveland Brooklyn Acres residents that are already receiving the resident rates. Mgr. McGinty said there are maybe five. It's an administrative decision, and he recommends they do grandfather those people currently in.

MOTION by Van Kirk, second by Pucci (asked which department it involves – it is the Recreation Dept.) to adjourn to executive session for the purpose of considering the appointment of a public official, with the Mayor, Dir. Verba, Dir. Butler and Mgr. McGinty. **VOTE: To adjourn to executive session:** Yes: Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier, Tanski. No: None. **(ADJOURNED TO EXECUTIVE SESSION)**

The Council reconvened to regular session.

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

Mary-Jo Banish, Clerk of Council

Ron Van Kirk, President of Council

Minutes approved: 2.25.19