

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

January 9, 2017

7:00 p.m.

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

Absent: None

Pledge of Allegiance.

Pres. Van Kirk welcomed everyone in the new year. On tonight's Agenda: four items still in abeyance (Ord. 2015-77, Establish full-time position of Econ. Dev. Dir.; Res. 2016-5, Declaring City Council's intent to vacate a portion of Montgomery Place south of Manoa Ave. and requiring notice to be published; Ord. 2016-32, Establish Ch. 1362 Certificate of Inspection at Point of Sale, and amend Sect. 1360.24 Repair of Code Violation; Ord. 2016-87, Amend Sect. 951.99, Penalty, enact new Sect. 951.98, Civil Infractions and Penalty, of the Codified Ords. –Old business: Res. 2016-15 (3rd reading/adoption), Authorize City to partner with Ohio Treasurer's Office and OhioCheckbook.com; Ord. 2016-88 (3rd reading/adoption), Amend Ex. A of Ord. 2016-13, Providing for compensation for part-time, full-time and administrative employees (non-bargaining agreement) of the City; Ord. 2016-89 (3rd reading/adoption), Authorize Mayor to enter into agreement for sale and purchase of vacant City Landbank property on Pepper Ridge Dr. (PP#431-17-072) for \$1,000 and other good and valuable consideration; Ord. 2016-90 (3rd reading/adoption), Adopting replacement Chapter 929 of Codified Ordinances, Comprehensive Stormwater Management; Ord. 2016-91, Adopting replacement Chapter 1351 of Codified Ordinances, Erosion and Sediment Control; Ord. 2016-92, Adopting replacement Chapter 933 of Codified Ordinances, Illicit Discharge and Illegal Connection Control; Ord. 2016-94, Adopting revised and updated Storm Water Management Plan. –New business: Res. 2017-1, Extend moratorium on granting bldg. permits or certificates of occupancy for any building, structure, use or change of use, that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this resolution; Ord. 2017-1, Enact Ch. 1127 Planned Unit Development District of the Codified Ords.; Ord. 2017-2, Extend moratorium not to exceed 120 days from the effective date of this ordinance on the acceptance or processing of any permits for the activation or installation of any systems, structures, equipment or devices for the operation of small cells or nodes for communication purposes in the City, and declaring an emergency.

PUBLIC SESSION:

Eric Syninburg on behalf of the Ohio State Treasurer's Office spoke regarding Res. 2016-15 for the city to partner with the State Treasurer's Office on the OhioCheckbook transparency initiative. He thanked the Mayor, Council and Dir. Schaeffer for working with his office on working to let residents know how financial decisions are made by the city. After a few months of implementation it should be accessible in March or April. It is a free, user-friendly, transparency data base ohiocheckbook.com.

APPROVAL OF MINUTES:

Dec. 12, 2016 minutes held for the next meeting's approval, they were not in Council's packets.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Finance Committee (Councilwoman Pucci): The Comm. recommended Council approved authorizing Chief Zemek to apply for a grant to Ohio Div. of EMS for emergency medical service supplies, with no match

required; recommended a contract renewal with the K Company for refrigeration and HVAC systems at the Recreation Center (an auto-renewal from 1/15/17 to 1/14/18) for \$26,868. Recommended all items up for third reading/adoption: Res. 2016-15, enabling legislation for the OhioCheckBook; Ord. 2016-88, compensation for p-time, f-time, administrative (non-bargaining unit) employees (only addresses Magistrate – removing two positions and changing it to one position, and raising the upper range to \$25,000); Ord. 2016-89, an agreement for sale/purchase of vacant Landbank property on Pepper Ridge Dr. (PP#431-17-072) for \$1,000 and other consideration; Ord. 2016-90, adopt replacement Ch. 929 of Codified Ords. for Comprehensive Stormwater Mgmt.; Ord. 2016-91, adopt replacement Ch. 1351 of Codified Ords. for Erosion and Sediment Control; Ord. 2016-92, adopt replacement Ch. 933 of Codified Ords. for Elicit Discharge and Illegal Connection Control; Ord. 2016-94, adopt Revised and Updated Stormwater Mgmt. Plan. New items, Res. 2017-1 (1st Read), extending moratorium for bldg. permits/applications relating to medical marijuana for six months (the State is still addressing it); Ord. 2017-1, enact Ch. 1127 Planned Unit Development District of Codified Ords. (gave brief discussion, and a process it would have to go through); Ord. 2017-2, extend moratorium not to exceed 120 days on acceptance/processing of permits relating to small cells or nodes for communication. Dir. Schaeffer provided a draft of a community survey, in connection with reductions to be made in budget due to loss of revenue. The surveys will seek feedback on what the community values. Council will review it, and it will be a topic at Thursday's 6 p.m. budget mtg. Mr. Syningberg spoke on the OhioCheckBook. It's being able to provide information to residents on our finances.

Recreation Board (Councilman Tanski): The next Board mtg. is January 18th at 7 p.m. in the Rec Center mtg. room.

Bd. of Zoning Appeals (Comm. Kulcsar): The mtg. scheduled for January 19th has been cancelled, no applications were received.

Planning Commission (Councilwoman Pucci): The Commission met January 5th at 6 p.m. and heard: request from Lamar Advertising to change two billboards to a digital display along I-71 (two parcels); request from Outfront Media LLC to relocate three billboards, and change two to digital display along I-71 (one parcel). Our current Zoning Code does not specifically address digital billboards, so Law Dir. Butler has been working to develop recommendations to adopt, to be considered. There wasn't enough information regarding these three applications to determine if they will meet these recommendations; so Comm. Kulcsar will get more information. All three were voted to be deferred. There is a Special mtg. January 19th at 6 p.m. in the City Hall conference room to hear: request to recommend adoption of Ch. 1127 Planned Unit Development District, and any other business. These meetings are open to the public.

(Councilwoman Tomusko arrived for the meeting.)

REPORTS OF COUNCIL:

Mary Balbier: Numerous Bills were considered at the end of the year for approval or veto by Gov. Kasich. SB 127 was passed on Dec. 13th, the '20-week abortion ban Bill', also providing penalties. Some parts were vetoed (fetal heartbeat exception). Substituted SB 199, carry concealed weapon legality was expanded, and signed on Dec. 19th. It authorizes that active armed forces members don't need a concealed handgun license to carry conceal (with valid ID/documentation), and some other provisions for where can carry. - Congratulated our new County Prosecutor Mike O'Malley and new Judge Mike Shaughnessy, longtime friends. She attended their swearing-ins and wishes them the best. -Council is in the same situation as last year in election Council President and Pro-Tem. She hopes it works out for the best for our citizens and Council.

Kevin Tanski: Hopes everyone enjoyed the holidays. He announced his selection of longtime resident Fran Barrett to serve on the Charter Review Committee.

Barb Paulitzky: The light pole on the west side of Tiedeman has been replaced; hopefully the utility supplying the power will complete the project and there will be light. -Keep everyone in prayers during 2017, as there are many difficult decisions to make.

Tony DeMarco: Wished everyone happy New Year, and hope all had a great Christmas. –He was hoping to announce Time Warner Cable was up and running, but it's not the case. There is some assurance we should have it by the next Council meeting; he hopes we do.

Debbie Tomusko: Wished everyone happy New Year; and merry Christmas for those who are Orthodox. –We need resident input and support; Council represents the citizens of Brooklyn. She appreciates those who come to, and those who watch, the Council meetings. Asking for comments and questions. Contact information is on the website (phone, e-mail). There will be difficult decisions to be made, and input is needed. Council, the Mayor, Finance Director and directors have been meeting to look ahead to finances and budget for 2017. Council has seen multiple reports, showing costs, expenses and profits of facilities and operations of the city; and went over them carefully. They will meet again Thursday (Jan. 12) at 6 p.m., and invites people to come. Many questions were asked, and input was given to the directors and Mayor to help formulate a budget. There's a lot of work to be done. –OhioCheckbook is intended to involve the community on where their money is going. A comment was made about new carpeting in the Senior Center – residents paid for that. This website will show where the money is going. –There is another six month moratorium on the medical marijuana law on the Agenda. She also wants to discuss this at the Public Safety mtg. Everyone has their feelings on this. –Please get involved, give feedback. –There will be a survey going out (the Finance Dir will cover it); if you get one please fill it out. It won't go to everyone, but to a cross section. This lets the city know what you value and prioritize. –Again, get involved- come to a mtg., send an e-mail, give input.

Kathy Pucci: Wished all a happy New Year. –Received report from Heritage Home Program, and touched on some highlights (site visits, technical assistance, inquiries, project values, loans.) She hopes people understand they can take advantage of it; the city pays for being involved, and it's free assistance to homeowners (remodel, build addition, make improvements). Information on website or call City Hall. – Also echoed getting feedback from residents through the budget process. –Please return the survey if you receive one (there is an option to complete it on-line). –Announced Sue Grodek as her appointment to the 2017 Charter Review Comm.; she also served on the 2011 Comm.

Ron Van Kirk: Announced Denise Folger as his appointment to the Charter Review Comm. –The Brooklyn City Schools has a special mtg. Jan. 12th at 6 p.m.; encourages residents to attend. –This Thursday at 6 p.m. in the conference room is a budget mtg. with the Finance Dir., Council and the Mayor. –He thanks JoAnn for standing in for Mary-Jo tonight (she was unable to attend).

Councilwoman Tomusko announced Ron Balbier as her appointment to the Charter Review Comm. He also served on the Comm. previously.

MAYOR'S REPORT:

Mayor Gallagher: Wished all a happy New Year. Thanked Eric from the Ohio Treasurer's office for coming today. OhioCheckbook is a great initiative and brings transparency to the residents; we'll let everyone know when it's up and running. Their demonstration showed helpful charts and graphs, helpful to residents, the administration and Council. –Reminded Monday is Martin Luther King, Jr. day, city buildings will be closed, the Rec Center is still open, and trash one day late, with no special pickups. –Please e-mail your appointments for Charter Review to Law Dir. Butler, with name, address and e-mail.

DIRECTORS REPORTS:

Rec. Mgr. McGinty: Reminded everyone this is the last week for Friday night basketball for grades 2-6.

Finance Dir. Schaeffer: Reiterated to encourage residents that receive a community survey in the mail to take 10 minutes to give feedback on city services, facilities and programming most important to you. The results will be used to prioritize services the residents value the most. With the loss of American Greetings and the raise of Cleveland's income tax to 2.5% translates a projected loss of \$6.1M in municipal income tax revenue for 2017 (1/3 of our municipal income tax). Council and the administration will have to make

difficult decisions in 2017 and beyond, they need honest feedback from residents to understand the services they value the most. A pre-postmarked envelope will be included. If someone doesn't receive a mailed survey, they can give feedback on a link on the city's website and Facebook page.

Police Chief Mielke: Reminded everyone there is a snow ban– no parking on city streets anytime it snows 2" or more, for 24 hours after the snowfall ends. It helps the Service Dept. clean the streets.

REQUESTS:

Request from Chief Zemek to apply for a grant from the State of Ohio Division of Emergency Medical Services for purchase of EMS equipment. **MOTION** by Pucci, second by Tanski to approve. **VOTE RESULTED:** *To approve:* Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(APPROVED)**

Request for a liquor permit from Dollar General. **MOTION** by Pucci, second by Tomusko for a position of no objection. **VOTE RESULTED:** *No objection:* Yes: Balbier, Tanski, Paulitzky, DeMarco, Tomusko, Pucci. Abstain: Van Kirk. No: None. **(NO OBJECTION)**

Request from Director Verba for a contract renewal for refrigeration and HVAC maintenance for the Recreation Center with the K Company, for Jan. 15, 2017 to Jan. 14, 2018 for \$26,868. **MOTION** by Pucci, second by Tanski to approve. **VOTE RESULTED:** *To approve:* Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(APPROVED)**

CONFIRMATIONS:

Request from Mayor Gallagher for Council Confirmation on the appointment of Meg Ryan Shockey to the Planning Commission, replacing Mr. Porterfield's position, who resigned. Her educational background is urban planning and design, giving a good base knowledge for the Comm. The remaining term is Jan. 9, 2017 to Dec. 31, 2017. **MOTION** by Pucci, second by Tomusko to approve. Councilwoman Tomusko commented she's happy to see this person, but wishes they had more experience; but good to see someone with an educational background in urban planning and design from the Levin school. She's looking forward to a fresh perspective, and younger person's on future planning for the city as we look to expand residential base. **VOTE RESULTED:** *To approve:* Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(APPROVED)**

Request from Mayor Gallagher for Council Confirmation on the re-appointments of Regis Barrett, Earl Bloam, Greg Farkas, Walter Parker, and Dean Bredenbeck to the Zoning Bd. of Appeals; they wish to continue their service, and each have shown commitment to the community and tasked purpose. Their terms are Jan. 1, 2017 to Dec. 31, 2021.

MOTION by Tanski, second by Paulitzky to confirm the appointment of Regis Barrett. **VOTE RESULTED:** *To approve:* Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(APPROVED)**

MOTION by Pucci, second by Tanski to confirm the appointment of Earl Bloam. **VOTE RESULTED:** *To approve:* Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(APPROVED)**

MOTION by Van Kirk, second by Paulitzky to confirm the appointment of Greg Farkas. **VOTE RESULTED:** *To approve:* Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(APPROVED)**

MOTION by Pucci, second by Paulitzky to confirm the appointment of Walter Parker. **VOTE RESULTED:** *To approve:* Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(APPROVED)**

MOTION by Van Kirk, second by Pucci to confirm the appointment of Dean Bredenbeck. **VOTE RESULTED:** *To approve:* Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(APPROVED)**

LEGISLATION:

RESOLUTION 2016-15, Authorizing the City of Brooklyn to partner with the Ohio Treasurer's office and OhioCheckBook.com. **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 2016-88, Amending Ex. A of Ord. 2016-13, Providing for the compensation for the part-time, full-time and administrative employees (non-bargaining agreement) of the City of Brooklyn, Ohio. **MOTION** by Pucci, second by Paulitzky to adopt. **VOTE RESULTED: To adopt:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2016-89, Authorizing the Mayor to enter into an agreement for the sale and purchase of vacant City of Brooklyn Landbank property on Pepper Ridge Dr. (PP #431-17-072) for \$1,000 and other good and valuable consideration. **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 2016-90, Adopting replacement Ch. 929 of Brooklyn Codified Ordinances 'Comprehensive Storm Water Management'. **MOTION** by Paulitzky, second by Tanski to adopt. **VOTE RESULTED: To adopt:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2016-91, Adopting replacement Ch. 1351 of Brooklyn Codified Ordinances 'Erosion and Sediment Control'. **MOTION** by Tanski, second by Paulitzky to adopt. **VOTE RESULTED: To adopt:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2016-92, Adopting replacement Ch. 933 of Brooklyn Codified Ordinances 'Illicit Discharge and Illegal Connection Control'. **MOTION** by Tanski, second by Paulitzky to adopt. **VOTE RESULTED: To adopt:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2016-94, Adopting the City of Brooklyn's revised and updated Stormwater Management Plan. **MOTION** by Tanski, second by Paulitzky to adopt. **VOTE RESULTED: To adopt:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(ADOPTED)**

RESOLUTION 2017-1, To extend the moratorium on granting bldg. permits or certificates of occupancy for any building, structure, use or change of use, that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this resolution. **(FIRST READING)**

ORDINANCE 2017-1, Enact Ch. 1127 Planned Unit Development District of the Codified Ords. **(FIRST READING)**

ORDINANCE 2017-2, Extend the moratorium not to exceed 120 days from the effective date of this ordinance on the acceptance or processing of any permits for the activation or installation of any systems, structures, equipment or devices for the operation of small cells or nodes for communication purposes in the City, and declaring an emergency. **(FIRST READING)**

Councilwoman Tomusko thanked JoAnn, for once again showing her flexibility and filling in for Mary-Jo. (everyone thanked her)

Pres Van Kirk said Council adjourn, take a short break, then reconvene for a 2017 Organizational mtg. Reminded the next budget mtg. will be this Thursday in the conference room at 6 p.m.

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