

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**June 13, 2016**

**7:00 p.m.**

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

Absent: Tony DeMarco

Pledge of Allegiance.

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

**MOTION** by Tanski, second by Tomusko to approve the minutes of May 9, 2016. **VOTE RESULTED:** Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. **(APPROVED)**

Int. Pres. Van Kirk welcomed everyone to the meeting. Yesterday former Governor and U.S. Senator George Voinovich passed away, giving more than four decades of his life to public service to his fellow Ohioans, and he will be greatly missed. Additionally, another terrorist attack took place in Orlando, Florida, where 49 Americans lost their lives early Sunday morning. A moment of silence was held for these losses.

Tonight's lengthy Agenda: approval of a salt consortium agreement (road salt), request for two Change Orders as part of the Landfill Closure Project; Ord. 2015-77 is still in abeyance, for full-time Econ. Dev. Director; Ord. 2016-32 is still in abeyance pending matters at the State level, Establish Chapter 1362, Certificate of inspection at Point of Sale; Ord. 2016-40 (3<sup>rd</sup> Read/Adoption), authorizing inter-fund transfers and advances; Ord. 2016-41 (3<sup>rd</sup> Read/Adoption), authorize purchase and installation of carpeting at Community-Senior Center for \$39,778.60 (Govt. pricing); Ord. 2016-42 (3<sup>rd</sup> Read/Adopt), authorize purchase of 35 TASER weapons and accessories for the Police Dept. for \$36,010.19; Ord. 2016-43 (3<sup>rd</sup> Read/Adopt), repeal Sect. 1501.06 Fire Safety Watch of Codified Ords. of Brooklyn; Ord. 2016-44 (3<sup>rd</sup> Read/Amend/Adopt by emergency), amend Ch. 713 Public Social Functions of Codified Ords. of Brooklyn; Ord. 2016-47 (2<sup>nd</sup> Read), purchase and installation of network upgrade to City's IT computer system from Bailey Communications for \$61,506.29; Ord. 2016-48 (2<sup>nd</sup> Read/Amend), amend Sect. 505.16(a) of Codified Ords, relating to animals in parks, playgrounds, and Memorial Park; Ord. 2016-49 (2<sup>nd</sup> Read), authorize Mayor enter into Community Reinvestment Area agreement with Ryder Truck Rental, Inc.; new items, Res. 2016-4, Adopting Tax Budget for Fiscal Year 2017; 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, and declaring an emergency; Ord. 2016-50, amending Sect. 313.11, right turns on red prohibited, of Codified Ords.; Ord. 2016-51, authorize purchase/installation/implementation of software upgrade to the Mayor's Court computer system from the Baldwin Group (\$25,632); Ord. 2016-52, authorizing an agreement with Life Force Mgmt., Inc. for third party EMS and ambulance billing, consultation and related services; Ord. 2016-53, authorize purchase of 7400 SFA 4x2 International 2017 truck from Rush Truck Centers for \$76,077 (State Govt. Pricing); Ordinance 2016-54, authorize purchase of snow and ice removal package for installation on the new 2017 International truck from Gledhill Road Machinery Co. for \$47,713.35 (State Govt. Pricing).

#### **PUBLIC SESSION:**

*Victor Ardito* of 7439 Outlook Ave. pointed out that South Amber is a couple years out for repair but there are some problem areas on the road, and patch being put on top of broken asphalt that keeps coming out.

A man who ended up being from Cleveland (Old Brooklyn) thought he lived in Brooklyn and had complaints about poor cell phone reception and towers. He was referred to contact his Councilman for that Ward and also the Old Brooklyn Community Development Corporation.

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

Finance Committee (Councilwoman Pucci): The Comm. met at 6:30 and with the lengthy agenda will focus on third readings (all recommended for adoption) and new items on first readings: recommended new salt consortium contract (11/1/16 through 10/31/17, with same pricing and minimum purchasing); recommended approval of two Change Orders relating to the Landfill Closure Project (erosion repairs, \$5,941.59 and drainage swale, \$16,982.47); 2016-40, transfers and advances (listed the changes); 2016-41, carpeting for Senior-Community Center (\$39,778.60); 2016-42, purchase of Tasers for Police Dept. (\$36,010.19); 2016-44 (to be amended), amends Ch. 713 Public Social Functions; 2016-47 (pass by emergency), purchase/installation of network upgrade (\$61,506.29); new: Res. 2016-4, adopt tax budget for FY 2017 (required adoption in mid-July) (reviewed breakdown, no new property tax increase – 5.9 mills) (if no changes are made to the budget, the amount in General Fund would be reduced by \$3M; and there will be summer meetings dealing with the loss of revenue for American Greetings); 2016-51 (1<sup>st</sup> Read), authorize purchase/installation/implementation of software upgrade to Mayor's Court computer system (\$25,632); 2016-52 (1<sup>st</sup> Read), authorize agreement with Life Force Mgmt. for third party EMS and ambulance billing, consultation, related services; 2016-53 (by emergency), purchase of a 7400 SFA 4x2 International 2017 truck from Rush Truck Centers (\$76,077); 2016-54 (by emergency), package for snow and ice removal for salt truck from Gledhill Road Machinery (\$47,713.35).

Economic Development Committee (Councilwoman Pucci): The Comm. met at 6 p.m. for the (CRA) Community Reinvestment application for Ryder Truck, with a revised contract with stronger language, the signed application and a check; the 14 day waiting period for Brooklyn City Schools and Polaris expired with no objections. This abatement is for 50% of the value of the improvement, with them committing to retain 29 jobs and add three over a three year period. Several amendments are in the contract, along with a change to an addendum. The Law Director will make sure everything is in order and it will be amended next meeting for third reading and adoption.

Recreation Board (Councilman Tanski): The Recreation Center, with the Brooklyn Schools, will host a summer volleyball program for resident girls grades three to six, cost \$50, Mon and Wed, June 20-July 27<sup>th</sup>, 6-7 p.m., for more info call 351-5334. Rec Bd. mtgs. are cancelled for June, July and August.

Domestic Abuse Commission (Councilwoman Paulitzky): Ms. Johaneck, Chief Exec. Officer of the Domestic Violence and Child Advocacy Committee met with her and Mayor Gallagher, and advised of their strategic plan for 2016-17, which includes collaborating and ways to partner with communities, educating grades K-12 and college, empowering, training, and others. Reminded phone numbers for Domestic Violence Hotline is 216-391-HELP, and Family and Child Advocacy is 216-391-4357 – both 24 hour lines. She noticed that bullying was not included in their plan, and thinks it needs to also be addressed. She's hoping to have a program early in the school year, partnering with the school and community, to address this issue.

Board of Zoning Appeals (Comm. Kulcsar): The meeting scheduled for June 16<sup>th</sup> is cancelled due to lack of applications. The next scheduled meeting is July 21<sup>st</sup> at 6 p.m. in the Conference Room at City Hall.

Planning Commission (Councilwoman Pucci): The next Comm. meeting is scheduled for July 7<sup>th</sup> at 6 p.m. in the Conference Room at City Hall. She has not received her packet yet, but Comm. Kulcsar said there are four applicants at this time.

**REPORTS OF COUNCIL:**

**Kevin Tanski:** The Mayor, Michael Foley, Cuyahoga County Director of Sustainability, and he met on June 3<sup>rd</sup> to discuss the possibility of installing solar panels in the landfill area. Mr. Foley's waiting response from Cleveland Public Power on the cost to run power lines to the landfill, with the possibility of increasing Cleveland Public Power coverage throughout the City of Brooklyn.

**Barb Paulitzky:** She attended the Northeast Ohio Regional Sewer District's presentation at CCC a few weeks ago. The sewer rates are going up, and billing will be monthly instead of quarterly. There are programs to reduce rates for those over 65 and with limited income, and under 65 with disability; and also provisions for crisis situations (divorce, excessive medical bills...). The Homestead exemption is 40%, so

worth pursuing. Trees will help reduce rain absorption and rain barrels/gardens can qualify for reduction in rates. She obtained literature from the NEORS and it is available in the lobby. She also learned there is a provision from the Water Dept. for a Homestead reduction and never knew that. She noticed the American Greetings World Headquarters signs are gone from the Tiedeman bus turnaround and the pavilion at Biddulph; hopefully we can have a meaningful replacement for them soon. Come to the Laurel Garden Club meeting tomorrow night for their discussion on one possibility.

**Debbie Tomusko:** While working in her yard, she was listening to the radio, and the Orlando shooting is a scary situation. The only way to fight the darkness is with the light. She thought over the last couple weeks and months in Brooklyn. She was able to participate in the Memorial Day parade, which was wonderful to see the citizens and the band and veterans; it's what makes this country strong, good things that get people out and celebrate what this country is and what it's founded on. There were also many volunteers for the Big Creek cleanup (including Boy Scout Troop 319), which again are people in the community reaching out to help. As an animal lover, Dick Goddard's Law was finally signed into law today, where abuse of an animal is now a felony; she looks forward to the enforcement of that. Tonight we'll be voting on allowing dogs in Memorial Park. The key is people having their dogs on a leash, under control, in proper areas, and picking up the poop. The Brooklyn Good Neighbor Guide came mailed; and she enjoys helping guide residents with questions to directors and getting responses. Council will help navigate people through this brochure, and can call for assistance and help with what they need. She apologized for her emotional report, but it was a scary day today.

**Kathy Pucci:** Thanked everyone involved in planning and implementing the Memorial Day festivities. All the efforts are appreciated. It's time to Beautify Brooklyn again, and details are being finalized for the Clean Sweep portion in the fall. The first part, awards for best residential landscape home, flower garden, apartment balcony or patio, and business curb appeal (large and small business) is moving forward. Judging will be the week of July 26<sup>th</sup> with a reception Aug 14<sup>th</sup>. A lot of residents put time and effort beautifying their properties, then benefitting our entire community. Everyone is encouraged to enter, and we will recognize those residents. Posters will be put up, and information on how to enter (on the website and at Senior Center, Rec Center and Library).

**Mary Balbier:** The Ohio Bill to legalize medical marijuana has been signed, though won't get set up for a year, and longer to get rolling. It would be regulated by three state agencies: Ohio Dept. of Commerce, State Pharmacy Board, and State Medical Board; along with an appointed bi-partisan advisory board. There's a comprehensive list of qualifying medical conditions. Doctors wishing to prescribe medical marijuana must register with the state and follow other requirements, as do those wishing to use it. Thanks the Service Dept. for all the work they do in the city. She had a special pickup that was taken care of on a Friday and said we're lucky to have this service. She promised lunch to them. Some are for; some are against dogs in the park. Anywhere you go you have to be on your guard. But it's nice to take your dog to a park and feel safe. It's peaceful, with good walking trails. By allowing dogs, it gives some sense of security, so she will vote for it.

**Ron Van Kirk:** Assured Councilwoman Tomusko he agrees with everything she said and not worry about getting emotional. Echoes her sentiments and agrees our freedom is under attack, and Americans need to make sure to do what we can to not let it happen. Also echoed Councilwoman Balbier's concerns with medical marijuana; hopefully it won't put a crack in the door; he'd hate to see it legalized recreationally. He does hope it helps out people and doesn't create other problems. Responded to Mr. Ardito he will drive down So. Amber tonight or tomorrow and contact Dir. Verba and see what we can do. Thanked the Old Brooklyn resident for coming and apologized for not being able to help him. He asked again about if his area is in Brooklyn. Councilman Tomusko told him again about the Old Brooklyn Community Development Corp. and their newspaper (Old Brooklyn News) in many locations. Mayor Gallagher said there are some down in the Police lobby. Echoed comments on Memorial Day parade; he took part in it. His two year old son was pulled in a wagon the whole parade and was mesmerized. He's grateful to live in a country where we can do that, and hopes it continues. Thanked the Police, Service, Fire, Recreation depts., and all involved in the fantastic job. It always amazes him when the Mayor reads the names of people serving in our city. He just found out our Mayor was responsible for putting together the Neighborhood Guide, and gave kudos to her on a well done job with lots of good information.

**MAYOR'S REPORT:**

**Mayor Gallagher:** The city put out a press release that they heard that Menard's will not be building this year. The reason being the current state of the economy and the unknown in the Presidential election, they don't want to put the investment forward right now. This is for all their construction in the Cleveland area and elsewhere in the country. Unfortunately we'll see the vacant land on Brookpark for a little while longer. Welcomes Kay Ellis to the city as a new employee, our Law Enforcement Clerk; took the place of Jackie Ans who moved to the position of Police secretary. The Library will have a summer lunch program, for 18 and younger, for a brown bag lunch provided by the Greater Cleveland Food Bank, June 13<sup>th</sup> to August. 12<sup>th</sup>, 11:45 a.m. to 12:15 p.m. Congratulates all 2016 Brooklyn graduates. She was honored to sit on stage this year, and it brought back memories of no fear and so many possibilities. As the superintendent eloquently said, "Every year that we live our lives is a year for learning", and she hopes we all take that and move on every year and learn as we go. Thanked all employees who worked on the Memorial Day event; they did a tremendous job. She's had so many compliments, especially at her Coffee with the Mayor senior day last Friday. Thanked Service and Rec. employees for cleaning up the city, the high school band, Boy Scouts #310, Commander Jim McDaniel, and the Councilmembers who were able to make it to the parade. Echoed Councilwoman Tomusko's comments and thanked Big Creek Connects and Boy Scouts for help with Saturday's clean-up. There are new ordinances on the agenda, with some changes to departments; she thanks the directors. Without the directors the city wouldn't be moving forward. She highlighted just a few things from a long list she just thought of. Dir. Verba is implementing the new Simple Recycling program, starting next month, with literature coming out, helping to ensure we won't have to charge residents for trash pickup. Simple Recycle comes out with no charge to the city and collect textiles, small appliances and electronics and take it out of landfill tipping fees. Thanked Dir. Verba for thinking of it. Thanked Chief Mielke for his suggestion of some of the court upgrades on for tonight. It will save annual costs per year and help employees be more efficient; the software the officers use allows entries to not have to be entered multiple times again by the Court, and populates letters. Chief Zemek has on the agenda a change in EMS billing provider, who gave us a reduced rate, and is used by a lot of cities, and utilizes different programs we're not using with current vendor. Law Dir. Butler's made some policy changes for Zoning Bd. of Appeals, gave the Chair some reminders of things to do, and help with the process, to be more comfortable with decisions on the Bd. of Appeals. Rec. Mgr. McGinty is creating new programs, like volleyball partnering with the school. Bldg. Comm. Kulcsar throughout the year has introduced new ordinances, and is trying to vamp up maintaining properties, and updating forms for contractors. Again thanked all the directors for the work they do, and hopes she didn't miss anything, there's so much they do.

**REQUESTS:**

Request from Service Dir. Verba requesting authorizing to enter into agreement with Cargill Inc. Salt Division, with the Brecksville Purchasing Consortium, who has agreed to extend sodium chloride contract from Nov. 1, 2016 to Oct. 31, 2017 under terms (price same as previous year, \$56.29/ton dump, \$59.79/piler, purchase 1,331.02 tons to meet minimum commitment, and other terms). **MOTION** by Pucci, second by Tanski to authorize. **VOTE RESULTED:** *To authorize agreement:* Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. **(APPROVED)**

Request for Change Orders for Landfill Closure Project. The first for erosion repairs for \$5,941.59, required to repair surface water erosion formed since construction activity completed. **MOTION** by Pucci, second by Tanski to approve. **VOTE RESULTED:** *To approve:* Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. **(APPROVED)**

Second request for drainage swale for \$16,982.47, required for positive draining along eastern property between landfill and perimeter fence. **MOTION** by Pucci, second by Tanski to approve. **VOTE RESULTED:** *To approve:* Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. **(APPROVED)**

**LEGISLATION:**

**ORDINANCE 2015-77**, relating to the Economic Development Director is still in abeyance.

**ORDINANCE 2016-40**, Authorizing inter-fund transfers and advances during 2016. **MOTION** by Pucci, second by Tanski to adopt. **VOTE RESULTED: To Adopt: Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. (ADOPTED)**

**ORDINANCE 2016-41**, Authorizing the purchase and installation of carpeting at the Brooklyn Community-Senior Center from Continental Office Floors for a total of \$39,778.60 through the State of Ohio Govt. Pricing. **MOTION** by Pucci, second by Tanski to ADOPT. **VOTE RESULTED: To Adopt: Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. (ADOPTED)**

**ORDINANCE 2016-42**, Authorizing the purchase of 35 TASER weapons and accessories for use by the Police Dept. from Taser Int. for \$36,010.19. **MOTION** by Pucci, second by Tanski to adopt. **VOTE RESULTED: To Adopt: Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. (ADOPTED)**

**ORDINANCE 2016-43**, Repealing Sect. 1501.06 Fire Safety Watch of the Codified Ordinances of the City of Brooklyn, Ohio. **MOTION** by Pucci, second by Tanski to adopt. **VOTE RESULTED: To Adopt: Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. (ADOPTED)**

**ORDINANCE 2016-44**, Amending Chapter 713 Public Social Functions of the Codified Ordinances of the City of Brooklyn, Ohio. Amendments are: in 713.01 (adding 'or her'), in 713.02, permits, (strike 'or bonafide organization thereof', and read 'for public social functions and special events...in the sum of \$1', and 713.02(c) permit fees, add work 'for', and 713.03 hours, read the new sentence to clarify times. **MOTION** by Pucci, second by Tanski to amend as read into record. **VOTE RESULTED: To Amend: Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED: To Suspend the Rules: Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. To Adopt as amended: Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. (ADOPTED, as amended)**

**ORDINANCE 2016-47** (request to be passed by emergency because of issues with computers and start the upgrade), Authorizing the purchase and upgrade to the City of Brooklyn's IT computer system from Bailey Communications, Inc. in the amount of \$61,506.29. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED: To Suspend the Rules: Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. To Adopt: Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. (ADOPTED)**

**ORDINANCE 2016-48**, Amending Section 505.15(a), Animals Prohibited in City Playgrounds, Ball fields, Tennis Courts and Memorial Park, of the Codified Ordinances of the City of Brooklyn. Sect. 505.16(a) adds the word 'pavilion' as a place animals are prohibited. **MOTION** by Pucci, second by Tanski to amend. **VOTE RESULTED: To Amend: Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED: To Suspend the Rules: Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. To Adopt as amended: Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. (ADOPTED, as amended)**

**ORDINANCE 2016-49**, Authorizing the Mayor to enter into a Community Reinvestment Area agreement with Ryder Truck Rental, Inc. **(SECOND READING)**

**RESOLUTION 2016-4**, Adopting the Tax Budget for the fiscal year 2017. **(FIRST READING)**

**RESOLUTION 2016-5**, Declaring City Council's intent to vacate a portion of Montgomery Place south of Manoa Avenue and requiring notice to be published, and declaring an emergency. Councilwoman Pucci said to Chief Mielke she spoke to Chief Zemek before the meeting about a potential parking issue that's going on there now, and if the two of them can look at it, as it affects if a fire truck has to back up. **(FIRST READING)**

**ORDINANCE 2016-50**, Amending Section 313.11 Right Turns on Red Prohibited of the Codified Ordinances of the City of Brooklyn. The changes are for various changes to turns on red lights in the city and hours affected. These changes will take place August 1, 2016. Int. Pres. Van Kirk asked for a suspension of

the rules. Councilwoman Pucci asked why to pass by emergency; Clerk Banish explained with the re-codification of the city codes this will be sent in immediately to be included in the re-codification (which is also on the agenda). **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED: To Suspend the Rules:** Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. **To Adopt:** Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. **(ADOPTED)**

Int. Pres. Van Kirk thanked Chief Mielke for making these changes, and that many people will be happy this was done.

**ORDINANCE 2016-51**, Authorizing the purchase/installation/implementation of a software upgrade to the City of Brooklyn's Mayor's Court computer system from the Baldwin Group, Inc. in the amount of \$25,632. **(FIRST READING)**

**ORDINANCE 2016-52**, Authorizing the Mayor of the City of Brooklyn, Ohio to enter into an agreement with Life Force Management, Inc. for third party EMS and ambulance billing consultation and related services. **(FIRST READING)**

**ORDINANCE 2016-53**, Authorizing the purchase of a 7400 SFA-4x2 International 2017 truck from Rush Truck Center for \$76,077 through State of Ohio Govt. pricing. This is a salt truck, approved in the capital budget, there is time sensitivity due to the quoted price. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED: To Suspend the Rules:** Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. **To Adopt:** Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. **(ADOPTED)**

**ORDINANCE 2016-54**, Authorizing the purchase of snow and ice removal package for installation on a new 2017 International truck from Gledhill Road Machinery Co. for \$47,713.35 through State of Ohio Govt. pricing. This is to make the truck being purchased a snow removal and salt truck, approved in the capital budget, with the time sensitivity due to the quoted price. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED: To Suspend the Rules:** Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. **To Adopt:** Yes: Tanski, Paulitzky, Van Kirk, Tomusko, Pucci, Balbier. No: None. **(ADOPTED)**

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

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Clerk of Council

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President of Council