

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

May 23, 2016

7:00 p.m.

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

Absent: Kevin Tanski

Pledge of Allegiance.

Int. Pres. Van Kirk said the Agenda needs to be amended to include legislation left off: Ordinance 2016-40 (Transfers and advances during 2016). **MOTION** by Pucci, second by Van Kirk to amend the Agenda. **VOTE RESULTED:** Amend Agenda: Yes: Pucci, Balbier, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. (**Agenda Amended**)

APPROVAL OF MINUTES:

MOTION by Paulitzky, second by Tomusko to approve the minutes of April 25, 2016. **VOTE RESULTED:** Yes: Pucci, Paulitzky, Van Kirk, DeMarco, Tomusko. Abstain: Balbier. No: None. (**APPROVED**)

Int. Pres. Van Kirk welcomed everyone to the meeting. Tonight's Agenda: Ord. 2015-77 is still in abeyance, for full-time Econ. Dev. Director; Ord. 2016-32 is in abeyance pending matters at the State level, Establish Chapter 1362, Certificate of inspection at Point of Sale, and amending Sect. 1360.24, Repair of code violations of Brooklyn Codified Ordinances; Ord. 2016-37 (3rd Read/Adoption), establishing Sect. 1360.33 Vacant Property Registration of the Codified Ordinances; Ord. 2016-38 (3rd Read/Adoption), establishing position of part-time Inspector within Bldg. Dept., and repealing position of Electrical Inspector; Ord. 2016-39 (3rd Read/Adoption), amend Ex. A of 2016-13, compensation of part and full-time administrative employees (non-bargaining); Ord. 2016-40 (2nd Read), authorizing inter-fund transfers and advances; Ord. 2016-41 (2nd Read), authorize purchase and installation of carpeting at Community-Senior Center for \$39,778.60 (Govt. pricing); Ord. 2016-42 (2nd Read), authorize purchase of 35 TASER weapons and accessories for the Police Dept. for \$36,010.19; Ord. 2016-43 (2nd Reading), repeal Sect. 1501.06 Fire Safety Watch of Codified Ords. of Brooklyn; Ord. 2016-44 (2nd Read), amend Ch. 713 Public Social Functions of Codified Ords. of Brooklyn; new items Ord. 2016-45 (adopt by emergency), purchase of Zamboni 552 from Zamboni and Co. for \$137,292.10 (Nat. Joint Power Alliance); Ord. 2016-46 (adopt by emergency), authorize contract with Int. Assoc. of Firefighters Local 1145; Ord. 2016-47, purchase and installation of network upgrade to City's IT computer system from Bailey Communications for \$61,506.29; Ord. 2016-48, amend Sect. 505.16(a) of Codified Ords, relating to animals in parks, playgrounds, and Memorial Park; Ord. 2016-49, authorize Mayor enter into Community Reinvestment Area agreement with Ryder Truck Rental, Inc..

PUBLIC SESSION:

Victor Ardito of 7439 Outlook Ave. volunteers with the Pediatric Brain Tumor Foundation, a fundraiser "Ride for the Cure" is June 12th at Independence soccer fields at 10 a.m. (motorcycle ride, food, entertainment, prizes – www.rideforkids.org)

Law Dir. Butler stated that in regard to the lawsuit which has Council putting Ord. 2016-32 in abeyance was filed in Federal Court.

Laurie Arnold of Torrance, a resident since 1979, walks in Memorial Park all the time, mostly to be away from people walking their dogs. She is not in support of dogs in Memorial Park, and it's been years it's not been allowed, and a lot of people walk there for that reason. Dogs can be walked in the whole city, and if

they want to walk dogs in a park they can at Marquardt Park. People don't always pick up after their dogs, even at Marquardt. She is also speaking for her neighbor (who has difficulty speaking in public) and some others. She just found out about this mtg. a half hour ago and had no time to reach out to others. She also expressed concern with a lot of deer in the park, and people who do let their dogs off leash in the park, and the deer run and will be forced out of the park and go out and bother people's vegetation, bring ticks with them in yards. She has walked in dog waste when walking to see the ducks in the water; and has also more than once had a dog off leash come after her, so she carries a whistle with her. Int. Pres. Van Kirk informed her that this was only up for first reading tonight and she can let more people know about it, Council would hear from all residents.

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 and new items and recommended for adoption: Ord. 2016-37 (vacant property registration of Codified Ords, fees: residential \$200 first year, doubling each year, capped at \$3,200; commercial \$400 first year, doubling each year, capped at \$6,400; in effect if properties had violations); Ord. 2016-38, position of part-time inspector w/in Bldg. Dept., repeal Elec. Insp. position (cleaning up language to what we already are doing, range is \$15-\$30/hour); Ord. 2016-39, providing compensation for p-time, f-time, administrative employees (non-bargaining), raises upper limit of range on several positions; new items: Ord. 2016-45, purchase of Zamboni for \$137,292.10 (pass by emergency, 30 day price quote); Ord. 2016-46 (by emergency), labor agreement with Fire Fighters Local 1145 (one year contract, in line with other two passed- has some language change, 2% raise, a second tier for new employees); Ord. 2016-49, on first reading, addressed by Econ. Development Comm.

Economic Development Committee (Councilwoman Pucci): The Comm. met at 6 p.m. to consider a Community Reinvestment application from Ryder Truck (existing business) to expand in Brooklyn. No action was taken, the Law Dir. will tweak some agreement language, need a signed application and a check, and in 14 day waiting period with Brooklyn City Schools and Polaris. Then the Comm. will meet again prior to coming back to Council. Int. Fin. Dir. Haig reported she's working on the Tax Budget, to be approved by July 15th, and at next Council meeting. The Mayor said the city will send an RFP out for a new phone system.

Public Safety & Environmental Committee (Councilwoman Tomusko): The Comm. met May 12th and continued discussion on a new police station (ongoing building issues and jail regulations and other issues such as design, location and how to pay for it). They also discussed allowing dogs in Memorial Park, because the Mayor had received requests about it. She brought it up over the last few Council meetings, seeking input, which she received quite a bit, with only one negative comment (not counting tonight's). The Committee unanimously voted to recommend allowing dogs in the park, and the Police Chief was supportive of it also. Dogs need to be on a leash at all times, and under control, not allowed in public areas (tennis courts, fenced in areas and where kids are, and picking up the dog poop (the biggest concern). Bags will be provided, auxiliaries will be policing it. People feel allowing this would increase feeling safe in the park, as more people will be there with their leashed dogs. A dog park was mentioned, but that is significantly more complicated for various reasons.

Board of Zoning Appeals (Comm. Kulcsar): The Comm. meet Thursday, May 19th for a request from James Haberek to install a portable accessory building at 6610 Vandalia; after lengthy discussion on the matter the applicant withdrew his request. The next meeting is scheduled for June 16th at 8 p.m. in the Conference Room at City Hall.

Planning Commission (Councilwoman Pucci): The Comm. meeting for June 2nd has been cancelled due to lack of applications. She asked Comm. Kulcsar if that means he has not heard back from Agostino's; he said that is correct. She didn't want them to say we are delaying them. Comm. Kulcsar said it's too late on it.

School Board Liaison (Councilman Van Kirk): The Board met for May 7th with many issues discussed, including the end of the year awards and banquets. Congratulated the Class of 2016. Also discussed was the football field and renovations to be taking place. They are getting pricing for the casting for under the bleachers, costing around \$250,000 to complete. The price of having it cleaned professionally was estimated around \$30,000 – but quotes came in at around \$240,000 – more expensive than thought to

clean up the fire damage. It's a very extensive process. Their hope is to have it all wrapped up by the start of football season. ACT scores were discussed, with across the board results being higher this year than previous years. The five year forecast that was approved was discussed (as he previously mentioned in a prior report), with the forecast not looking good right now. Treasurer Hopkins gave a detailed report (and can be watched on-line), but there is shrinking revenue and growing expenses; so there are needed changes to be made (have already eliminated two teaching positions, and laid off some part-time persons). It will be a tough road the next several years. A new varsity basketball coach was approved (Rossi Santo). Councilwoman Paulitzky asked him to address Veggie-U, which she was instrumental in getting reinstated back into Brooklyn Schools. Third and fourth graders participate in the program, using grow lights and planting seeds, learning scientific reasons for growing. The Laurel Garden Club provides funds for the program.

REPORTS OF COUNCIL:

Kathy Pucci: The Laurel Garden Club has their plant sale tomorrow, with proceeds to support their volunteer efforts in the community. Dogs in park, was discussed years ago when she was on the Rec Bd., with resistance from Rec Dept., because rules weren't being followed at Marquardt with people picking up after dogs. As said, most dog owners do pick up, and she'd hate to see what a small number of people do impact the people who are responsible. She suggests we add the pavilion to areas listed where dogs can't go, because people eat their food in there. We also need follow-up, stressing to the public we'll see how it works this summer, and re-visit it as necessary (ex., track with auxiliaries). Wished everyone a happy and safe Memorial Day weekend, and remember those who made the ultimate sacrifice, and their families. (Our recent casualties of war, Timothy Knight and Angel Lopez)

Mary Barbier: Spoke of legalization of marijuana in our state. Other states have done so for medicinal and recreational purposes. Ohio Legislatures have it on fast tracking, because groups are looking for signatures to put on ballot to make a Constitutional amendment. House Bill 523 lists conditions qualifying for its medicinal use (where pain is chronic and severe), and prohibits smoking it. Rules, regulations and overseeing would be by a nine member state pharmacy board, and it could be obtained only by prescription from an Ohio licensed doctor who attends special training. Encourages interested persons read up on it. Ohio's Sales Tax Holiday, SB 264, will be for three days with clothing (up to \$75 per piece), school supplies and instructional materials (up to \$20 each) exempt from state and county sales taxes; August 5, 6 and 7, 2016. Wished a happy Memorial Day to residents and veterans. Keep them in our thoughts and prayers. She sees the camaraderie among veterans when she's with her husband, a veteran, and wears his hat, and people recognize it. A special thanks to Mr. Ardito for always coming and telling about a function to support and promote, she appreciates it. Approached by some residents about concerns about turning right on red and certain hours, and asked Chief Mielke for an update. Chief Mielke said with the new single campus they waited to see how the traffic and foot patterns went, but he has something to go to the Law Director to bring to Council changes to the intersections and times for turn on red. When asked, the size of the print is all regulated by the State of Ohio, so it's as it should be.

Barb Paulitzky: She attended River Day at the Metroparks Nagy Blvd. as a member of the (Safety &) Environmental Committee, where a speaker from the Natural History Museum had interesting information about our area. 300 million years ago Cleveland used to be on the equator, then after the Ice Age ended up where it is now. As a result we have more fossils in this area than almost anywhere on Earth. He said Cleveland has such a legacy and need to preserve Big Creek and all the connecting waterways. Wished all vets a happy Memorial Day. Also congratulate her brother who will be 95 years old in July; he was in France and England during WWII, and he's doing well. The Laurel Garden Club sale is tomorrow in Memorial Park from 4-7 p.m. in the grande pavilion, with flowers, vegetables and herbs, some from local garden centers (Gale's, Lowe's, Sterner Sod, Home Depot), and members' gardens. Please come and support.

Tony DeMarco: Thanked Mrs. Arnold for sharing her thoughts on the proposed ordinance for dogs in Memorial Park. Encourage neighbors if they wish to speak to Council about something to come up and not be intimidated, but share positive or negative with what's being proposed. Wishes everyone a happy and relaxing Memorial Day.

Debbie Tomusko: The fossil talk brought up a memory from when 480 and 71 were going in, she and her brother went fossil digging, and most of her landscaping rocks in her yard have snails, etc. in them. The Earth is amazing, and thinking of the power of Mother Nature, look at the Grand Canyon, which only took time, water and pressure. She's a member of the Brooklyn High School Hall of Fame and serves on the Committee, which recognizes outstanding graduates, and recently merged with the Athletic Hall of Fame; they also recognize non-Brooklyn graduates who've made a contribution to the school system. Dinners are held every couple years, anyone can be nominated for induction, forms are on the high school website. This year they will induct seven individuals, though can't name them yet. The banquet is open to the public and will be held at Agostino's at Ridge/Biddulph on Oct. 13th. Save the date. No funding is received by the school city, or anyone; but a group of about six who do fundraisers, tickets, and whatever. Support is appreciated. She's a member of St. Thomas More Parish; their festival is on Sunday, June 26th from noon till 8 p.m. It's a fun day with a polka band, DJ, food... Echoed comments about Memorial Day. We're an exceptional country, and she wants to keep it that way. It's true that freedom is not free. The best way to honor veterans is to vote.

Ron Van Kirk: Echoed comments to Mr. Ardito about the Pediatric Brain Foundation – at rideforkids.org. Wished him good luck at the fundraiser. As was said, encourages as many people to come out as they can. He supports the Ordinance to allow dogs in Memorial Park. It's on a trial basis, and if there are issues and problems and the Chief says it wasn't a good idea, we'll rescind the Ordinance and go back to what it was. Large parts of the park don't get used by only a couple people, and opening the park to allow people to bring their dogs will bring more people into the park, it will get used a lot more, and will be a safer thing. As was said, we don't want to ruin it for everybody because of the select few that do not obey the law. He hopes it works out well. But if residents have more issues or problems, please come, we want to hear. Memorial Day is honored every year in Brooklyn. There is a 9:30 ceremony at the flagpole at the cemetery at 3942 Ridge Rd.; then our annual Memorial parade, with a lot of people (and dogs they give dog treats to), with the route on Biddulph to Ridge to Memphis to City Hall, beginning at 11 a.m. The service will then be held, and after a picnic in the park with hotdogs and hamburgers from the safety forces. He just finished a book about James Garfield, who was also a Civil War veteran, and what he did during his brief Presidency, was encouraging. As was said, we live in an exceptional nation, and God has blessed our country, and hope we can maintain the Constitutional values we've had for so many years, though they seem under attack from so many fronts. Come out and honor those who served and gave their lives for our freedoms; every person is a recipient of that.

MAYOR'S REPORT:

Mayor Gallagher: Wanted to remind that the Brooklyn Library had renovations done, please check it out, it's amazing. The NEORSD will host an informational mtg. Wed., May 25th at 5 p.m. at the CCC-West, to talk about rate changes coming up. Thanked volunteers from Heritage Christian School, Key Bank, Laurel Garden Club and Boy Scouts 319 who today and during these next week will do various clean-up projects throughout the city. The community thrives with its active groups, and thanks them for all they do. Announced that Barb Stanton, our Bldg. and Service Directors' secretary is retiring, her last day is May 31st. She will be greatly missed, and wore multiple hats and hard to replace. The Building job is posted on the city's website if someone is interested or looking. Looks forward to seeing everyone Monday at the Memorial Day parade.

DIRECTORS REPORTS:

Rec. Mgr. McGinty: The outdoor pool opens June 1st. Farmer's Market. The City is seeking farmers, vendors to sell fruits, vegetables, and other food. It will be every Tuesday 4-7 p.m. starting June 28th through October. 4th, held on the Recreation Center lawn. Contact her for more information at 216-635-4284 or mmcginty@brooklynohio.gov. Registrations are being taken for Learn to Swim, Learn to Skate and Camp Brooklyn. Call 351-5334 for all information.

Service Dir. Verba: Construction updates: today the traffic pattern was switched on Memphis, and phase 1 will start tomorrow. Phase 1 is Linndale border to Memphis Industrial Pkwy. (estimated completion is June

23rd); Phase 2 is Memphis Industrial Pkwy. to Tiedeman; Phase 3 Tiedeman to Rodoan; Phase 4 Rodoan to Ridge. Estimated completion of the project is end of September. Tiedeman right turn lane project begins Monday, June 6th, completion November 11th. It will be night work from 8 p.m. – 6 a.m. The street repair is progressing, having completed Autumn and Brookhigh (landscaping completed by mid-week); this week finishing Apple Creek and begin on Pepper Ridge and Sunny; Rodoan should be open by Wednesday. Wanted to remind the pick-up policy has been updated: all arrangements for a pick-up must be made by Thursday at 3:30 by calling the Service Garage at 216-635-4232. Items will not be picked up that have not been called in previously. An issue they're running into is if a neighbor has something else, they assume they'll stop and pick their item(s) up also; they weren't getting to the called in pick-ups because of the additional add-ons, and it's not fair to those who arranged for the pick-up. Also, pick-up items cannot be placed out before 5 p.m. on Thursday. He thanked the 7th and 8th graders of Heritage Christian, the Key Bank volunteers coming Wednesday to weed and mulch Knight Commons, and Laurel Garden Club for help planting flowers by the starts. Congratulated Barb Stanton on her retirement. She doesn't like fanfare, but thanks her for all she did for him. Councilwoman Pucci said she knows Tiedeman right turn will be worked on at night, but a resident asked if during the day both lanes will be open. Dir. Verba said it should be open.

Police Chief Mielke: Said a number of cars (14) were entered into off of Biddulph, Forest Edge, Bentwood and Heather Lane, rummaged through and items taken, all 14 unlocked. Reminds everyone to lock vehicles, remove valuables from them, keep no valuable papers, especially the title to the vehicle. Also reminds the parade starts at 11 a.m. – the area streets along Biddulph to Ridge to Memphis will be temporarily closed during and until after the parade passes, make arrangements.

Bldg. Comm. Kulcsar: The Bldg. Dept. upgraded its software system, and it's up and running, with auto archiving. They will also be getting iPads for out in the field allowing for inspections; and also linked to the system for information automatically updated, and able to check on outstanding violations and permits. It will boost the efficiency of the department. He ran a report, and to date they have had in 2016 154 total violations, 63 of them tall grass, and 544 property maintenance inspections; in permits they've had 342 building permit inspections done. He also expressed his appreciation for Barb Stanton; she's been the glue holding together the department since he's been there, and she will be missed and tough to replace. If anyone knows anybody who knows anything about building departments contact him.

LEGISLATION:

ORDINANCE 2016-37, Establishing Section 1360.33, Vacant Property Registration, of the Codified Ordinances of the City of Brooklyn. **MOTION** by Pucci, second by Van Kirk to adopt. **VOTE RESULTED:** *To Adopt:* Yes: Pucci, Balbier, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. **(ADOPTED)**

ORDINANCE 2016-38, Establishing the position of Part-time Inspector within the Building Dept. and repealing the position of Electrical Inspector. **MOTION** by Paulitzky, second by Van Kirk to adopt. **VOTE RESULTED:** *To Adopt:* Yes: Pucci, Balbier, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. **(ADOPTED)**

ORDINANCE 2016-39, Amending Ex. A of Ord. 2016-13, providing for the compensation for the part-time, full-time, and Administrative employees (non-bargaining) of the City of Brooklyn, Ohio. **MOTION** by Pucci, second by Van Kirk to adopt. **VOTE RESULTED:** *To Adopt:* Yes: Pucci, Balbier, Paulitzky, Van Kirk. Abstain: Tomusko. No: DeMarco. **(ADOPTED)**

ORDINANCE 2016-40, Authorizing inter-fund transfers and advances during 2016. **(SECOND READING)**

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. **(SECOND READING)**

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. **(SECOND READING)**

ORDINANCE 2016-43, Repealing Sect. 1501.06 Fire Safety Watch of the Codified Ordinances of the City of Brooklyn, Ohio. **(SECOND READING)**

ORDINANCE 2016-44, Amending Chapter 713 Public Social Functions of the Codified Ordinances of the City of Brooklyn, Ohio. **(SECOND READING)**

ORDINANCE 2016-45, Authorizing the purchase of one Zamboni 552 from Frank J. Zamboni, Inc. in the amount of \$137,292.10 as part of the National Joint Powers Alliance. This has to be adopted by emergency because the price is only good for 30 days. **MOTION** by Pucci, second by Van Kirk to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Pucci, Balbier, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. **Adopt:** Yes: Pucci, Balbier, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. **(ADOPTED)**

ORDINANCE 2016-46, Authorizing the Mayor to enter into a contract with the International Association of Fire Fighters Local 1145. This has to be adopted by emergency because the city has to answer the union within 15 days. **MOTION** by Pucci, second by Van Kirk to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Pucci, Balbier, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. **Adopt:** Yes: Pucci, Balbier, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. **(ADOPTED)**

ORDINANCE 2016-47, 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. **(FIRST READING)**

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. Councilwoman Tomusko thought the Committee discussed possibly passing this after first reading, as an emergency, to get it going. Int. Pres. Van Kirk said it was discussed, to go through first reading and then pass it next meeting on emergency. Councilwoman Tomusko said then if people have commentary to bring it. **(FIRST READING)**

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

Councilwoman Pucci said she mentioned to the Mayor the idea of going into executive session to discuss matters of personnel in the Finance Dept., if anyone wants to discuss the decision that has to be made or any opinion on it. Int. Pres. Van Kirk said he doesn't feel they need to, but if other members want to that is fine. Councilwoman Tomusko said there is urgency, if that would help expedite it. **MOTION** by Van Kirk, second by Pucci to adjourn to executive session to discuss matters of personnel related to the Finance Dept., with the Mayor and the Law Director. **VOTE RESULTED: To adjourn to executive session:** Yes: Pucci, Balbier, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. **(ADJOURNED TO EXECUTIVE SESSION)**

MOTION by Van Kirk, second by DeMarco to reconvene. **VOTE RESULTED: To reconvene:** Yes: Pucci, Balbier, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. **(RECONVENED)**

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

Clerk of Council

President of Council