

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

May 27, 2014

7:00 p.m.

Present: Ron Van Kirk
Kathy Pucci
Mary Balbier
Kevin Tanski
Andy Celcherts
Katie Gallagher
Tony DeMarco

Absent: None

Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION by Tanski, second by Celcherts to approve the minutes from the meeting of April 28, 2014. **VOTE RESULTED:** Approve: Yes: Van Kirk, Pucci, Balbier, Tanski, Celcherts, Gallagher, DeMarco. No: None. (**APPROVED**)

President Gallagher expressed condolences on behalf of Council to the families of Carmen Pierca and Edward Curtain, both long-time residents. Congratulated Councilman Van Kirk and his wife on the birth of their first child. Council held a special meeting on May 22nd for the second reading of the bond anticipation ordinances. A request to accept a grant from the Ohio EPA for \$191,400 toward a purchase of a one-armed recycle truck was approved. On tonight's Agenda there are three repeated ordinances, a new request to authorize for street sweeping (\$20,000), a Resolution recommending a 2.5% tax decrease for November's ballot, and three new ordinances: to limit the number of vehicle title loan facilities; to decrease the income tax from 2.5% to 2.25%, two Charter amendments on November ballot (change of qualifications of Council, and change of qualifications of Mayor.)

PUBLIC SESSION:

Tom Adamski of 9625 Melody Ln. addressed Councilman DeMarco saying since the beginning of his tenure he's disappointed in his background and legislation and representing the city. Said his mantra is economic development, yet in Finance meetings he's attended hasn't heard his plan on how making up the reduction of income tax, other than just to put it to the voters. Questioned how the voters can understand the mechanics of finances; why he has not discussed his plan with the Finance Director; or even what his plan is on the reduction. Mentioned various amounts and figures relating to taxes and potential loss of tax monies and the reduction of the budget. He mentioned upcoming items such as upkeep and replacement of vehicles, a police station. He asked Councilman DeMarco at his turn to give an explanation how to make up the \$1.7m, and the \$4m from American Greetings. Asks Council to Table 2014-3.

Barb Paulitzky of 4795 Tiedeman Rd. represented the Laurel Garden Club, which celebrated its 60th anniversary in November. In 2012 joined Veggie U, a program for grade school children to learn nutrition, with an Earth to Table coming out of it. The Club financed a project for the 2013 fourth grade students, which was a success. In Oct. 2013 sent a 'Brief' for recognition to the Garden Club of Ohio for the category of Horticulture, Environmental and Education for a medium sized garden club of 1-49 members. She recently found out they won the award for the State of Ohio, and are possibly considered for national awards. Stated their annual plant sale will be held June 10th at the Fire Station's community room, 5-8 p.m.

Lou Changeri of 8972 Trail Run Dr. said this is his twice yearly reminder that school is ending June 4th and asked for caution and alertness, especially in drivers. Cell phone use while driving is banned in Brooklyn and the State of Ohio. Also watch for slower moving seniors. Use extra caution in construction areas. Also saluted all veterans.

Rick Cyngier of 6211 Delora said he's lived there for 30 years and is a member of the School Board. Thanked residents who voted to pass the renewal levy in May; also the city leaders who voiced their support for the renewal. There's a good partnership with the School Bd. and city officials, and support each other's initiatives to benefit residents and students. Wanted it known he appreciates Councilman Celcherts' input and reports back to Council on the Board's activities; Council made a great appointment in him. Announced 112 seniors will be graduating on Sunday, June 1st at 1 p.m. at the Auditorium. Council and everyone is invited to attend. On June 3rd at 6 p.m. will be an official groundbreaking of the new middle school. It will be a large construction project, with income tax dollars and revenue to Brooklyn coffers. Wished a fond retirement to Greg Frey, hoping he continues to be an avid supporter of the schools, as with the Chamber of Commerce and City of Brooklyn. He feels he epitomizes the leadership that Brooklyn's produced over many years; and hope his guidance continues through retirement.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Finance Committee (Councilwoman Pucci): The Comm. met at 6:15 and recommends Council approve the authorizing request for street striping (approx \$20,000); took no action on Res. 2014-3; discussed Rec Center atrium. Bond counsel Ms. Hanover (Squire, Sanders) and Mr. Rink (Keybank) attended for updates on our notes situation and our current debt picture. She and Dir. Enovitch had discussed how to move forward with monthly reporting, working to get back on track with monthly packets for Council.

Economic Development Committee (Councilwoman Pucci): The Comm. will meet June 4th at 10 a.m. in the Conference Room.

Public Safety & Environmental Committee (Councilman Van Kirk): The Comm. met Thursday to hear requests from the Fire and Police Depts. for equipment and personnel. The Fire Dept. requests three fire fighters, a command vehicle and a pick-up truck. The Police Dept. requests two part-time dispatchers, and upcoming budgeted purchases of body armor and lockers; gave an update on regional dispatch; new stop lights at Ridge/I-480 intersections. The Comm. recommended approval to pass onto the Finance Comm. two Fire Dept. vehicles (approx. \$70,000) and two part-time Police dispatchers (approx. \$45-50,000/yr). Discussion of additional fire fighters will be delayed until the Fire contract is resolved.

Recreation Board (Councilman Tanski): Brooklyn Summer Camp will be at Brookridge Elementary from June 16-July 25, 8 a.m.-2:45 p.m. (closed July 4). Age groups: 5-6, 7-8, 9-10, 11-12 years. There are registration requirements (register thru June 1). Costs and more info at 216-351-5334, or daycamp@brooklynohio.gov. Learn to Swim registration is thru June 16th. Rec Board meetings are cancelled for June, July and August for the summer.

Legislative Update (Councilwoman Balbier): House Bill 526 will require Ohio children immunizations for measles and other diseases to attend licensed daycare and pre-schools. Gave some statistics on the matter. A proposed Bill will allow the state to issue an enhanced driver's license, which will allow access to Canada and Mexico without a Passport.

School Board (Councilman Celcherts): The next Bd. meeting is June 17th, and is open to the public. A work session will be held June 2nd at 6 p.m., also open to the public. The State of Schools presentation by the Superintendent will be on June 10th at the Chamber of Commerce luncheon at the Hampton Inn on Tiedeman at 11:30 a.m. For info contact the Chamber. At the May 20th mtg., the Bd. approved the Class of 2014, 111 students. Other matters were approved for the new school addition. Commented on the High School spring concert held. This is the last week to complete the survey relating to Brooklyn TV. June 4th is the last day of school, please drive carefully.

Public Works Committee (Councilman Celcherts): There is a Public Works mtg. May 30th at 9:30 a.m. in the Conference Room, open to the public, to discuss: next steps forward and paperwork for the automated recycle truck and toters; specs for a V-hook truck (automated multi-purpose truck); discussion on a proposal for ventilation system for the Service Garage; and discussion on proposal for lighting inside/outside Service Garage; discussion on atrium at Rec Center and repairs of it. He is asking for a work session sometime after June 18th to discuss LED street lighting, especially for Ridge and Memphis.

Zoning Bd. of Appeals (Comm. Fitzgerald): There was a Board meeting May 15th and granted a variance for a freestanding sign at 4295 Tiedeman (Sunoco).

Planning Commission (Katie Gallagher): The Commission will meet June 5th at 6 p.m. in the Conference Room to hear: request from Be Next Awning and Graphics for an illuminated pole sign and canopy sign at 4295 Tiedeman Rd. for business identification of Sunoco; request from Brilliant Electric Sign Co. to replace existing wall mounted signs for business identification of Hooley House Sports Pub & Grill at 10310 Cascade Crossing; request from JF Signs for wall mounted sign for business identification of the Tavern on Biddulph at 7104 Biddulph.

REPORTS OF COUNCIL:

Ron Van Kirk: Thanked everyone for coming. Thanked for congratulations on the birth of his son, Tanner, born on May 17th. He and his wife are thrilled and blessed to be parents. Thanked everyone involved in the Memorial Day parade, as men and women who gave their lives were honored in a humbling and sincere way. The parade and ceremony were fun and reflective. Congratulated the Laurel Garden Club on their award, he appreciates their work for the community. Thanked Mr. Changeri for his reminder, and his years of service keeping the kids safe as a crossing guard. Two items on agenda: one to place on ballot a reduction of income tax (from 2.5% to 2.25%), effective January 1. He is 100% in favor of reducing the income tax, in fact back in 2009 stating the tax was unfair in how it was presented as there was no "sunset clause" (never expires). He's in favor of cutting it at a more appropriate time, and now is not the time. He is also opposed to the legislation for an amendment to the Charter which would prohibit family members of current employees from running for or being appointed to an office in the city. An American citizen has a right to run for office, no matter who they're related to. Voters decide at every election whether a person should be in office or not. It seems to him to be a person attack on the current Mayor and Councilwomen Balbier and Gallagher. If the amendment were in place Councilwoman Balbier would be disqualified; Councilwoman Gallagher, and former Councilwoman Colleen Gallagher would be disqualified; in years past Councilwoman Pucci would have been disqualified. Each voter in each election decides whether a person is in office. Again, he's against it because it goes against free elections. Those ladies won their elections by large margins. It's not a good amendment. He defends their right to run, and anyone else who wants to run, in this city.

Kathy Pucci: Congratulated Councilman and Mrs. Van Kirk on the birth of their son. Congratulated Mrs. Paulitzky and the Laurel Garden Club on their award, and thanks for their efforts. Echoed comments about slowing down and being alert for children out in the community. Will have to pass on the graduation ceremonies because her son graduates at the same date/time. She couldn't attend Memorial Day festivities as she didn't feel well, but thanks the participants and everyone who worked putting this together. May 13th attended the Brooklyn Schools' District Council meeting and gave highlights: thanked community to support of renewal levy; update on building project; demonstration of web cam (on school's website); May 1st began demo; updated on stadium project (ready for 1st game in August); trying preserve original building marker on the school; construction bids due May 16th (30 contractors attended pre-bid mtg); update on National Chinese Language Conference (Brooklyn one of 100 schools in U.S. involved in program), hoping to host a group from China next year; update on 8th grade Washington, D.C. field trip (possible move from spring to fall); the TV survey (again stressed people complete a survey, on paper or call the school). She explained how the city and school works together on the Brooklyn TV and equipment usage, software, etc., and how to continue. There was a May 20th Safe Routes to School meeting, recapping the Bike Rodeo and discussing next year's. Shoes, boots, helmets and locks were provided to families who could not afford them. Next year might be expanded into a safety fair, to be held again at Ridge Park Square, possibly May 2 or 9, 2015. Their next mtg. is June 5th, 1:30 p.m. in the Board office. She attended the Safety Comm. mtg, and the Finance Comm. will be the next step for the Police and Fire requests, on June 9th. On the Agenda she's introduced legislation pertaining to the vehicle title lending business, modeled after the payday lending legislation. It's preying on the most vulnerable people, the auto title lending business. It proposes allowing one for every 1,000 feet and one per 10,000 population. She asks for passage by emergency measure. Spoke on clarification of three readings and emergency passage of legislation, as it's confusing for some. Our Charter requires three readings, unless suspending the rules; or by emergency measure. If the emergency clause is not in legislation it does not take effect for 30 days after the Mayor signs it. Commented on the

proposal for municipal income tax reduction. It is false that the increase as originally was intended to be temporary. A question asking if the city would reduce it back down when no longer necessary, she said she would support that for the reason it was not necessary. We did not collect what was projected; and went through the deepest recession in our country's history. We've recovered, but facing a greater challenge now, American Greeting's departure. We've been conservative in spending, and preparing for the drop in revenue. We know we'll lose most of American Greeting's employees in 2016, no businesses will move in before they leave, their move will impact our revenue quickly. Income tax decrease is experienced right away, unlike property taxes. There's an interested developer, and we hope businesses will be interested. We'll probably be asked for financial incentives, costing us money and not realizing 100% revenue for a period. Revenue will take a very long time to accomplish. Unknowns include how many employees will be left and what level, though a developer is interested there are no commitments from employers, and if we'll ever replace the revenue on that property. There are too many unknowns to take this step now, and exacerbate the situation when the revenue drops; it could mean not being able to continue to provide services to residents, and maybe even carrying us through or having to cut personnel and services. When finances stabilize and we recover from the loss in jobs, she is 100% in favor of reducing the income tax, so much that she put it in writing to residents during her 2011 campaign. Now is not responsible, nor in the best interest of our community. It sounds good, and appeals to people, but at a risk. She has seen nothing that shows this would attract businesses. Several years ago, to benefit companies and decision makers, a change we made to our income tax lets those high earners not pay municipal income tax when they exercise their stock options. She asks Council to think long and hard; and to the residents, if it is on the ballot, to also think long and hard, if the benefit is worth the risk.

Mary Balbier: Congratulated Councilman Van Kirk and his wife on their new bundle of joy. Reminded volunteers are needed for the Big Creek Watershed Cleanup May 31st, from 9-12, meeting behind the Fire Dept. Bags and gloves supplied, dress accordingly. Thanks to all who participated in the Memorial Day parade, she was honored to march in it. It was a great turnout, the High School Band sounded fabulous. She shared the quote, 'Hate the war but love the warrior.' Thanked veterans for service. Asked everyone to continue support of Ridge Park businesses during road construction, they need the support. Reminded school is in recess and be careful of the children. Thanked Mr. Changeri for his good job.

Kevin Tanski: Said it was good seeing people at the parade. Congratulated Councilman Van Kirk on the birth of his son. The Sustainability Committee has been hosting Johnson Controls, and they sent him a letter pertaining to cities' seeking to identifying ways to save, and that there will be a 600% increase in capacity charges from First Energy, spiking in June 2015 more so. The company commends the city for proactively investigating how to improve efficiencies in the city to save money, reduce downtime emergency, and improve environments. They think the city could make infrastructural upgrades that would be beneficial. They offer a lean energy analysis of the buildings to show what kinds of savings could be achieved and recommended upgrades, for no charge. They need 24 months gas and electric bills for the buildings, do the analysis, and after completed present the finds for discussion. Councilman Tanski asked Dir. Enovitch for help rounding up the bills, to see how to reduce energy in the long run. He hopes we can get a five year plan in place.

Andy Celcherts: The Senior Center had a spring breakfast on Sunday. Thanked Mrs. Enovitch, assistants and volunteers. Echoed comments on the Memorial Day parade, and thanked employees and volunteers for making Memorial Park look nice for the ceremonies. Thanked participants also, and liked the new route this year. In regards to Agenda items, agrees with Mr. Van Kirk's comments on the Council and Mayor's positions. In regards to the tax comments, agrees would be nice to reduce the taxes, but not now. We are in an uncertain period and it would look foolish to lower them, then try to raise them again, and people might not be willing to do that. In the past (during his previous employment) the State gave it back to people as a rebate on their year-end forms, rather than reduce the taxes.

Tony DeMarco: Thanked everyone for coming to the parade, the employees and volunteers; it was a good tribute for those who served. Regarding the first of his two proposed ordinances, the 2.5% to 2.25% reduction in income taxes. He first tried to compromise for Council with 2.25%, but that's not seeming possible. We've known our largest taxpayer is departing the city, and not much has been done. Behind the scenes cannot be shared; but reality is what's been attracted to date. New retail coming won't solve the city's problems forward. Other municipalities have equally good location and better amenities, and a reduced income tax rate. To replace what we're going to lose is significant employers; a \$1M payroll won't do it. A

driving factor of a business looking to move is the income tax rate of a city, and ours is one of the highest in the county. It's a risky, but calculated move. If we don't cut our rate we won't replace the revenue we are losing. They are leaving in 2016. His main driver for this is economic development, which he thinks we haven't done a good job of attracting business. Some valuable land sold will bring minimal payroll to the city. His request is to put this on the ballot and let the residents make the decision. For Ord. 2014-33, for Charter amendments, this would require someone running for Council or Mayor not have a family member working for the city full-time or holding elected office for the city. Other cities have similar language. He's not saying someone doesn't have the right to run, but has a problem with elected officials having direct or indirect impact on a family member's employment. He hopes Council will support him on this Ordinance.

Katie Gallagher: Also thanked everyone who worked at making the city look great for the parade; and Mrs. Enovitch and the volunteers for the senior breakfast. She already expressed her opinion on the income tax reduction, but will repeat because it's important. Wants the city get to a point to restore the tax back to 2% permanently, but it's not financially prudent right now – this or next year. The increase was originally onset by careless spending in the city; but then we were impacted by the recession and reduction in state funding. On top of that is the American Greetings loss hanging over us. We've neglected buildings, streets, and the housing stock, while the last few years' focus was on savings. We're catching up, but the city needs a lot of work. Her position is the city's goal this year is to create a plan to comfortably and permanently restore the 2% tax. If it is reduced next year the administration may have to cut services, jobs, or ask for the tax back. She doesn't want any of those to happen. She attended a seminar last week on Ohio Economic Development Trends for personal and professional development, which was eye opening. It was presented on how to secure the most incentives from clients of cities or states. Ohio leads in offering financial incentives to businesses (over \$3 billion per year), and considered aggressive when offering incentives. Her take away was there's many factors outside of our control in the city in relation to why cities move to a certain location; but there are things we can do better to make our presence in the business community better. She will share those parts of the presentation with Council and Dir. Migliorino and the Mayor. In regard to the Safety Comm. mtg. held last week, reiterated it was helpful to have one of the Department's Lieutenants present, with Lt. Lee giving justification for the Department's needs. The Mayor and Council lose sight of the value of the line workers and those doing the jobs day to day in bringing value to the table in conversations. She's an open advocate for more labor management meetings, and his presence made this need noticeable. Hopes the firefighters will use the Safety Comm. as a venue to bring suggestions to make the city safer and more effective until a labor management meeting is held.

MAYOR'S REPORT:

Mayor Balbier: Said the parade and weather was perfect, and the route worked out very well. Thanked the Service, Recreation, Police, Fire, City Hall and Senior Department workers, the High School band, and Laurel Garden Club, and the VFW 7727 and those who joined the parade. VFW 7727 has many plaques and trees planted for WWI, WWII veterans and down the line, from that post; yesterday was their last event because they are closing as they don't have enough members. They closed their accounts and gave the city a check for \$4,000 with the stipulation to continue providing flowers for Memorial Days. He thanked them. With the hard rain last week some land washed down by 480 and Ridge by the railroad tracks. Spoke of how the railroad is not concerned as their tracks are intact, but the city had to clean the sidewalk and street from the mud, due to their sewer pipe being clogged. He contacted Senator Brown because the railroad doesn't want to do anything to alleviate the problem, and they will try to handle the problem. Last week City Hall's phone lines were down for two days, and apologized if anyone was unable to contact. The Police and 911 lines were okay. Received compliments on how well the Senior Center is being run, especially the recent ladies' tea. Stated he is against the legislation to lower the tax, because it is the wrong time. The other ordinance he feels is unconstitutional. For instance, if you served in the military, came home and would like to run for Council, you can't if a relative works for the city. Again, he thinks it's unconstitutional. That is up to the voters, if they want to vote for someone or not. He is against both ordinances and hope Council turns them down.

DIRECTORS REPORTS:

Service Dir. Verba: Personally thanked everyone who worked hard to make the parade a success, especially Marie Torino, and the Service and Recreation Depts. preparing the grounds, the Laurel Garden Club. Also thanked the volunteers of Key Bank who on May 14th helped mulch most of the front of City Hall. Thanked resident Tim Zellers, from Archmere, who asked permission to bring his three children to clean up Brock Park after the harsh winter.

Finance Dir. Enovitch: Reported on the updated financial numbers for the city. Regarding the income tax, a tax loss of \$1,677,188 is what revenue we would lose in 2015 if the ordinance passes; at a rate of 2.25% you would need in that year \$134,175,040 in wages to replace that tax reduction.

REQUEST:

Request from Dir. Verba to authorize approval of 2014 street striping project for \$20,000 to include paint, paint fees, and machine rental. **MOTION** by Celcherts, second by Tanski to authorize. **VOTE RESULTED:** *Authorize:* Yes: Van Kirk, Pucci, Balbier, Tanski, Celcherts, Gallagher, DeMarco. No: None. **(AUTHORIZED)**

LEGISLATION:

RESOLUTION 2014-3, Declaring a necessity of an election on the question of improving enactment of an Ordinance to amend Section 181.03, 181.031, and 181.071(a) of Chapter 181, Income Tax of the Codified Ordinances of City of Brooklyn, Ohio to decrease the municipal income tax from 2.5% to 2.25%. **(FIRST READING)**

ORDINANCE 2014-28, Providing for the issuance and sale of \$583,120 in notes in anticipation of the issuance of bonds to pay costs of resurfacing certain city streets to be approved by City Council together with the work incidental thereto, and declaring an emergency. **MOTION** by Pucci, second by Celcherts to adopt. **VOTE RESULTED:** *To Adopt:* Yes: Van Kirk, Pucci, Balbier, Tanski, Celcherts, Gallagher. No: DeMarco. **(ADOPTED)**

ORDINANCE 2014-29, Providing for the issuance and sale of \$516,880 in notes in anticipation of the issuance of bonds to pay costs of improvements to city buildings, including parking therefor, and declaring an emergency. **MOTION** by Pucci, second by Celcherts to adopt. **VOTE RESULTED:** *To Adopt:* Yes: Van Kirk, Pucci, Balbier, Tanski, Celcherts, Gallagher. No: DeMarco. **(ADOPTED)**

ORDINANCE 2014-30, Enacting Section 525.18, Illegal Conveyance of Prohibited Items into the Brooklyn City Jail of the Brooklyn Codified Ordinances. **(SECOND READING)**

ORDINANCE 2014-31, Enacting new Section 707.03 to Chapter 707 entitled Vehicle Title Loan Facility of the Codified Ordinances of the City of Brooklyn, Ohio. **MOTION** by Pucci, second by Celcherts to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Van Kirk, Pucci, Balbier, Tanski, Celcherts, Gallagher, DeMarco. No: None. *To Adopt:* Yes: Van Kirk, Pucci, Balbier, Tanski, Celcherts, Gallagher, DeMarco. No: None. **(ADOPTED)**

ORDINANCE 2014-32, To amend Section 181.03, 181.031 and 181.071(a) of Chapter 181, Income Tax, of the Codified Ordinances of the City of Brooklyn, Ohio to decrease the municipal income tax rate from 2.5% to 2.25% and declaring an emergency. **(FIRST READING)**

President Gallagher said this is a huge decision for the city, and she would like to hear from residents over the next couple meetings what their position on the issue is. Encouraged people to attend the meetings and make their position known.

ORDINANCE 2014-33, Providing for the submission to the electorate of two amendments to the Municipal Charter. She read the changes: Qualification changes for Council: 'Any person eligible to be a member of Council shall not have a family member who works full-time for the city, or a family member holding an elected office for the City of Brooklyn, nor have a family member nominated and/or appointed to

the elected office in the City of Brooklyn. For this section family is consanguinity or affinity of the second degree, which includes spouse, parent, children, siblings, grandparents and grandchildren.' The amendment to the Mayor is the same exact language but says, '...eligible to the Mayor...' **(FIRST READING)**

Councilman Tanski asked if this could be Tabled (Councilman Van Kirk seconded the request). President Gallagher said she spoke to the Law Director about the Constitutional issues regarding this change in the Charter. He consulted an outside firm who said that Home Rule would trump in this situation; however, there's always the possible situation of someone arguing the Constitutionality of this. He recommended Council hold a work session on the issue in case anyone wanted to do some type of nepotism policy but have a problem with this current language. So she asks it be on first reading tonight, have a work session, then discuss it further.

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

Asst. Clerk of Council

President of Council