

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

November 13, 2017

7:00 p.m.

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

Absent: None

Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION by Tanski, second by Van Kirk to approve the minutes of Oct. 10, 2017. **VOTE RESULTED:** *To approve:* Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Balbier. Abstain: Pucci. No: None. **(APPROVED)**

MOTION by Pucci, second by Van Kirk to approve the minutes of Oct. 23, 2017, as amended, with changes made by Councilwoman Pucci in a couple places. **VOTE RESULTED:** *To approve, as amended:* Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci, Balbier. No: None. **(APPROVED, AS AMENDED)**

PRESENTATION:

President Van Kirk presented a Mayor's Proclamation on behalf of Mayor Gallagher and the Council: To recognize Colin Schillinger on being selected as a 2017 Jack Kent Cooke Young Scholar. Colin was present with his family and his financial advisor/mentor from the scholarship program. He thanked the Council for the Proclamation.

Pres. Van Kirk took a moment to thank Fire Chief Zemek for his seven years of service to Brooklyn as Fire Chief. This is his last mtg.; the Mayor notified Council of his resignation and his last day of Nov. 25th. He thanked him for all he's done to make Brooklyn a safer community; and wished him God speed on his future endeavors.

PUBLIC SESSION:

None.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Recreation Board (Councilwoman Balbier): The next Board mtg. is Nov. 21st at 7 p.m. at the Rec Center.

Board of Zoning Appeals (Commissioner Kulcsar): The next Bd. mtg. is Nov. 16th at 6 p.m. in the Conference Room to hear requests: from G. Roman for variances for AC unit at 8901 Biddulph; from Re-Pros, Inc. for Great Work Employment for variances for wall sign at 7020 Biddulph; request from M. Weber for variance to max. height to construct four-story hotel on Tiedeman (PP#433-09-018/017).

Planning Commission (Councilman DeMarco): The Comm. met Nov. 2nd to hear requests: from Re-Pros, Inc. for one internally illuminated cabinet sign and vinyl window sign for Great Works Employment Service at 7020 Biddulph; old business, all approved: from M. Weber for preliminary site plan for four-story, 85 room hotel on Tiedeman Rd.; request from M. Weber for conditional use for four-story, 85 room hotel at Tiedeman Rd.; request from M. Weber for lot consolidation approval on Tiedeman Rd.

School Board Liaison (Councilwoman Paulitzky): There was a task force mtg. Oct. 30th with two School Bd. members, herself, parents (who attended regular mtg. Oct. 17th to discuss the alleged bullying), all the principals, counselors and Brooklyn Police. Dr. Gleichauf shared important points they've made, including improved communication between staff and parents, and various other tools. They are also preparing, through parent input, on making a whole district mtg. a meaningful event, for all residents who wish to attend. The date will be set, and she will share that.

Finance Committee (Councilman Van Kirk): He reviewed items for adoption and new on the Agenda: Res. 2016-5 (up for adoption), 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; Res #11 (up for adoption), Authorizing the Mayor to enter into a contract with the District Bd. of Health of Cuyahoga County for Health Services for the year 2018 (cost same as last year, \$23,008 semi-annual payments); Ord. #75 (up for adoption), Amended annual appropriations; Ord. #76 (up for adoption), Authorizing the Mayor to enter into a Job Retention and Creation Agreement with HMI Industries (est. \$3M payroll, leasing portion of AG facility; investing \$310,000 in machinery, equipment and inventory, commencing 1.1.18, grant of 30% of total income taxes first year, 20% in second); Res. #14 (hope to pass by emergency, time sensitive), Supporting a coalition of municipalities initiating litigation to challenge the constitutionality of amendments to Ch. 718 of the ORC relating to municipal income tax and declaring an emergency (if passed would centralize collections of income tax by State of Ohio (beginning in January), not RITA as currently, a violation of home rule, with approximate cost of \$4,000); Ord. #78 (1st reading), Authorizing inter-fund transfers and advances during 2017; Ord. #79, Annual appropriations for 2018 (with total appropriations of General Fund of \$24,863,054; capital expenditures of \$2,281,533, which includes \$1,551,778 in road constriction). The Comm. meets at 6:30 prior to all Council mtgs. in the Conference room, all are welcome to attend.

REPORTS OF COUNCIL:

Kevin Tanski: Thanked Chief Zemek for all he's done for the city and wished him luck in his future. –Congratulated Councilmembers Pucci, Balbier, and Mr. Celcherts for elections for City Council. –Wished everyone a happy Thanksgiving.

Barb Paulitzky: Expressed to Chief Zemek she's sorry he's leaving, thanked him personally, and hopes he enjoys whatever he does in the future. –Congratulated to all who won in the election. –Disappointed the school children did not win, and hopes the school finds a way to fix the leaky roof. Asked those with suggestions to contact the School Bd. –November is the thankful month: voting day (for candidate of choice without fear), Veterans Day (thanked for their service), Thanksgiving (to God for blessings).

Tony DeMarco: Wished congratulations to Chief Zemek on his future, and thanked him personally; he will be missed and it is appreciated. Asked Dir. Butler to draft a Resolution to thank him for his service. –Wished everyone a happy Thanksgiving.

Debbie Tomusko: Said it's been outstanding having Chief Zemek, being professional and knowledgeable in his area; wished him all the best, and that retirement is wonderful. –Said she would be glad when the election is over, and she is, as it brings out strange behavior on people. It's what you're willing to do to get what you want (ex., hours in college to have profession desired, spend thousands of dollars for mailers, yard signs, giving gift cards and baskets to organizations...) She's not a politician so didn't go that path. Thanked everyone who supported and voted for her; it was close, but not enough. She's looking forward to the next chapters in her life, things that she put on hold while on Council, and pursuing those. –Stressed that veterans are the true public servants, as opposed to politicians (ex., avg. director and Mayor make more than double the avg. household income in Brooklyn). True servants that sacrifice and give of themselves are veterans (and their families). –Recognized the passing of Sr. Elaine Therese at St. Thomas More, a true nun

with life of service and sacrifice (from age 16-77). Shared thoughts of her last tasks she had to get done, before her passing that evening; also sharing from a quote from Mother Therese that you should show that you're a Christian without speaking a word (by behavior and actions). –Wished everyone a happy Thanksgiving, a day of gratitude to God for all we have.

Kathy Pucci: Congratulated Colin Schillinger on his award; our community is proud of his accomplishments, and keep up the hard work. –Congratulated Brooklyn Youth Football U10 for winning state championship, and all the dedicated coaches and parents. –Condolences on passing of Sr. Elaine Therese. Sister and she were part of a volunteer team for 18 years at the motherhouse; she was dedicated to the STM community. –We will miss Chief Zemek. It was her honor to swear him in as Acting Mayor when he first came; thanked him for his service and wished him the best in the future. –Congratulated winners in the election, and thanked all who ran. Thanked the residents for their support and being hospitable when she went door to door. She also got home and garden ideas as she went door to door. –Issue 58 (school levy) still has provisional ballots out, along with some vote by mail votes not yet received, so it is too close to tell. The official count 10 days after the election could have an automatic recount if it's within ½ of 1%. –Thanked residents who left messages about seeing a Plain Dealer excerpt from 2008 that was re-run about her father-in-law's service in WWII. –Wished everyone a happy Thanksgiving.

Mary Balbier: Congratulated all who won in the elections and those who didn't win (there's always next time). –Congratulated Colin Schillinger and his family for his award, and picking St. Ignatius for high school; he looks like he'll be a man for others. –Personally thanked the residents for supporting her on the election. She started late, she wasn't sure she was running. The residents were wonderful and she loved visiting all of them and talking about many things. –Thanked the Brooklyn Acres for their support and involvement in Brooklyn's future. –Congratulated Chief Zemek on his retirement. The best is yet to come. –Thanked Chief Zemek and firefighters for the wonderful breakfast on Saturday for veterans; she and her husband (Vietnam vet) attended; they did all the food, and a nice job. There were veterans from WWII, Korea, Vietnam from the Army, Marines and the Air Force. She hopes they do it next year. –Congratulated Arrow International, celebrating 50 years in business this year; they're the largest manufacturer of charitable and social gaming solutions (bingo), located on Clinton here in Brooklyn. –Echoed sentiments about Sr. Elaine Burrows; she was a disciple of Christ. She gave half her life to the church, being a pastoral minister (visiting homebound and nursing homes). It is a big loss, and hard to replace. Wishes her eternal rest. –Wished everyone a happy Thanksgiving. Donations can still be dropped off at City Hall for the Thanksgiving baskets. –If looking for something to do on Thanksgiving there is the Turkey Trot, walk in the park (as she will do), and give thanks to God.

Ron Van Kirk: Wished God speed to Chief Zemek as he moves on for his future, he will be missed. –Happy Veterans Day. His church recognized a 94-year old member who served in WWII, and is still very active. Thanked all for service and sacrifice. –Congratulated Colin Schillinger. Was informed one of them men with him is his mentor throughout this program, and will continue to assist him in upcoming years. –Congratulated Councilmembers Pucci, Balbier, Tanski and Mr. Celcherts on their election success. He looks forward to working with all of them in the years to come. –Thanked the other candidates who came up short; trusting they will continue to be engaged in the community. –Wished everyone a happy Thanksgiving, take time to thank God for blessings. Be thankful.

MAYOR'S REPORT:

Mayor Gallagher was absent- ill.

DIRECTORS REPORTS:

Rec. Mgr. McGinty: Invited everyone for this Friday's public skate theme night, 'We love the 90s', from 8-9:15 p.m. Dress in favorite 90s outfit, all admission fees apply.

Finance Dept. JoAnn Haig: Announced RITA sent several letters for people missing tax returns. If they received no response they sent out last week approximately 2,333 administrative subpoenas. If a resident receives one, they can avoid an appearance by e-filing returns on-line at www.ritaohio.com, mailing or faxing

documents requested to RITA directly, or come to City Hall to be assisted in Finance Dept. RITA reps. will be here Nov. 27, 28 and 29 from 9a-2p taking appointments for subpoena requests. –She explained that Res. 2017-14, the coalition municipalities initiating litigation, if a municipality doesn't adopt new provisions by Jan. 2018 that city could risk losing its authority to collect any income taxes at all. Gave some background on it. Several municipalities and the Ohio Assn. of Public Treasurers are supporting the formation of a coalition to file actions against the provisions as set forth in HB 48 and statutes in HB 5 enacted in 2014.

Pres. Van Kirk thanked Ms. Haig for filling in for Dir. Schaeffer, who's wife had a baby girl, Ruthie Rae, born the last week of Oct. while he is on leave.

REQUESTS:

Request from Service Dir. Verba to approve Request for Proposals for an assured maintenance program at the Rec Center for an ammonia chiller, two chilled water pumps, evaporative condenser, two sump pumps, hot water boiler and exhaustive fan. Results were for the scope of work for the chiller system, preventative maintenance, repair and replacement services, water treatment services, and building automation services. Two contractors: Tempest (end 2017-end 2018- \$32,250...) and Brewer Garrett (\$50,736...) had prices for the next five years, along with a re-build of compressors in chiller system (not necessarily at this time, but when they need to be re-built). **MOTION** by Pucci, second by Tanski to award contract to Tempest for \$32,250. **VOTE RESULTED:** *To approve:* Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci, Balbier. No: None. **(APPROVED)**

Request from Fire Chief Zemek to apply for firefighters grant from Bureau of Workers Compensation, to cover purchasing firefighter hoods and apparatus diesel exhaust removal system for the station. They're awarded under firefighter cancer prevention qualifications, and capped at \$15,000 with a 20%/up to \$3,000 matching requirement if awarded. At the Finance Comm. mtg. earlier the Chief said we won't apply for the diesel exhaust removal system, as he will apply for a different grant for that. This will just be for hoods and gloves, etc., with a cost of around \$2,000. **MOTION** by Pucci, second by Paulitzky to authorize application for the grant. **VOTE RESULTED:** *To approve:* Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci, Balbier. No: None. **(APPROVED)**

Request for Council Confirmation regarding the Fairfield Inn, Tiedeman Rd., PP#433-09-018/017. This is for confirmation of a Conditional Use Approval from M. Weber, PE for a four-story, 85 room hotel. The Planning Comm. determined it is a Conditional Use, which requires majority vote confirmation by Council. Councilwoman Pucci suggests deferring it because they didn't receive information other than the letter (preliminary plans, etc.) and it's not enough for her. Dir. Kulcsar responded that the developer has been through three meetings at the Planning Comm. His opinion is Council is notified of the Comm. agenda and items on it, if there are questions along the way they can ask, and that Councilman DeMarco is on the Comm. He asked that Council vote on confirmation. Councilwoman Pucci said there were open ended questions not resolved at a special mtg. Dir. Kulcsar said it was deferred a couple times. Councilman DeMarco seconded the motion. **VOTE RESULTED:** *To defer:* Yes: DeMarco, Tomusko, Pucci. No: Tanski, Paulitzky, Van Kirk, Balbier. **(NOT DEFERRED)** **MOTION** by Van Kirk, second by Tanski to confirm. **VOTE RESULTED:** *To confirm Conditional use:* Yes: Tanski, Paulitzky, Van Kirk, Balbier. Abstain: DeMarco, Pucci. No: Tomusko. **(CONFIRMED)**

LEGISLATION:

RESOLUTION 2016-5, Declaring City Council's intent to vacate a portion of Montgomery Place south of Manoa Ave. and requiring notice to published, and declaring an emergency. **MOTION** by Pucci, second by Van Kirk to adopt. **VOTE RESULTED:** *To adopt:* Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci, Balbier. No: None. **(ADOPTED)**

RESOLUTION 2017-11, Authorizing the Mayor to enter into a contract with the District Bd. of Health of Cuyahoga County for Health Services for the year 2018. **MOTION** by Pucci, second by Tanski to adopt.

VOTE RESULTED: *To adopt:* Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci, Balbier. No: None. **(ADOPTED)**

RESOLUTION 2017-13, Requesting the County Fiscal Officer to advance taxes from the proceeds of the 2017 tax levies pursuant to the Ohio Revised Code Section 321.34. **(SECOND READING)**

ORDINANCE 2017-75, Amended annual appropriations. **MOTION** by Pucci, second by Tanski to adopt. **VOTE RESULTED:** *To adopt:* Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci, Balbier. No: None. **(ADOPTED)**

ORDINANCE 2017-76, Authorizing the Mayor to enter into a Job Retention and Creation Grant Agreement with HMI Industries, Inc. **MOTION** by Pucci, second by Van Kirk to adopt. **VOTE RESULTED:** *To adopt:* Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci, Balbier. No: None. **(ADOPTED)**

ORDINANCE 2017-77, To amend Section 182.02 of Chapter 182 Income Tax-Effective Jan. 1, 2016 of the Codified Ordinances of the City of Brooklyn, Ohio. **(SECOND READING)**

RESOLUTION 2017-14, requested to be adopted by emergency, Supporting a coalition of municipalities and initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code relating to municipal income tax and declaring an emergency. **MOTION** by Pucci, second by Van Kirk to suspend the rules. **VOTE RESULTED:** *To suspend the rules:* Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci, Balbier. No: None. **VOTE RESULTED:** *To adopt:* Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci, Balbier. No: None. **(ADOPTED)**

ORDINANCE 2017-78, Authorizing inter-fund transfers and advances during 2017. **(FIRST READING)**

ORDINANCE 2017-79, Annual appropriations for 2018. **(FIRST READING)**

ORDINANCE 2017-80, requested to be adopted by emergency, Amending Sections 1301.01, 1305.01 and 1313.01 to bring the Brooklyn Codified Ordinances into conformance with recently updated state building-related codes and regulations. Councilwoman Pucci asked Dir. Butler if moving forward Council won't have to amend this if it's just to update according to the State Code, and is it typical to do this way? Dir. Butler said that is what this means, and many communities handle it this way. Also responded the emergency is because some of the codes have been amended/updated as of Nov. 1, so we want our Code in alignment with the State Code. **MOTION** by Pucci, second by Van Kirk to suspend the rules. **VOTE RESULTED:** *To suspend the rules:* Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci, Balbier. No: None. **VOTE RESULTED:** *To adopt:* Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci, Balbier. No: None. **(ADOPTED)**

Law Dir. Butler said at next Council mtg. he may ask to adjourn into executive session in order to update on the status of negotiations with Collective Bargaining unions.

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

Clerk of Council

President of Council