

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

March 13, 2017

7:00 p.m.

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

Absent: None

Pledge of Allegiance.

Pres. Van Kirk said in order to expedite the meeting the Mayor asked for the Proclamations to be done at the next meeting. **MOTION** by Van Kirk, second by Tomusko to amend the agenda. **VOTE RESULTED: Amend Agenda: Yes:** Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(AGENDA AMENDED)** Councilwoman Pucci made some corrections to the minutes of February 27, 2017 (*reflected in the minutes, various pages*), and made a **MOTION** to approve as amended, second by Van Kirk. **VOTE RESULTED: Approve as amended:** Yes: Van Kirk, Tomusko, Pucci, Balbier, Paulitzky. Abstain: DeMarco, Tanski. No: None. **(APPROVED)**

Council President Van Kirk said at the conclusion of the last Council mtg. there was discussion about property taxes and some back and forth on where we stand. He researched with Dir. Schaeffer on the Fiscal Officer's and County Treasurer's websites. It's confusing because there are two tax rates: voted rate and effective rate, and one taken as a percentage of the market. As far as what people pay its about 2.59% tax of the market value of their home. We fall at 34th place for that, in the middle for the effective tax rate. We're number five for the voted tax rate. Where the taxes go: He provided a chart showing 61.8% goes to the city schools, along with further breakdowns to the county and where there; 4.56% is vocational, 2.95% to library; 7.04% goes to the city. –Council received results of their survey; Dir. Schaeffer will set up a mtg. the couple of weeks to go over details (104 pages long). Information will be shared when we have the mtgs. – Agenda items: acceptance of donation from Brooklyn Democratic Club; acceptance of tactical vests from Fire Dept.; request for approval to donate 1941 fire truck; still in abeyance (Ord. 2015-77, Res. 2016-5, Ord. 2016-32.) –Old business: Ord. 2017-11 (3rd reading), \$202,000 Notes to pay down improvements for buildings and parking; Ord. 2017-12 (3rd reading), \$238,000 Notes to pay down resurfacing of streets; Ord. 2017-13 (3rd reading), \$1.5 million in Notes for new reconstruction of Rodoan Road and Alley; Ord. 2017-14 (3rd reading), Establish position of part-time Recreation Program Coordinator; Ord. 2017-16 (3rd reading), Enact new Sect. 335.073, 'Proof of Financial Responsibility' of Codified Ords.; Ord. 2017-17 (3rd reading), Annual Appropriations; Ord. 2017-18 (3rd reading), Authorize Mayor to enter into Job Retention and Creation Agreement w/ Inogen, Inc.; Ord. 2017-19 (3rd reading), Authorize Mayor to enter into a revised agreement with Life Force Management, Inc. for third party EMS and ambulance billing consultation and related services, and directing Life Force Management, Inc. to bill non-residents for unreimbursed EMS and ambulance services; Ord. 2017-22 (2nd reading), Authorize Mayor to enter into agreement with Cost Recovery Corp., LLC for billing/related services attributed to Fire Dept. incidents; Ord. 2017-23 (2nd reading), Amend Section 1360(b) License Application Form and Fee of Codified Ords.; Ord. 2017-24 (2nd reading), Authorize a contract modification (Change Order #6) with Eclipse Construction LLC for Tiedeman Rd. project for \$28,335; Ord. 2017-25 (2nd reading), Amend Sections 143.02(a) and (b) of Codified Ords., 'EMS Service Charges.' –New business: Ord. 2017-26, Repealing Ord. 2014-43, adopted 7/10/14, 'Approving and authorizing Mayor to execute a Community Reinvestment Area Tax Agreement with Trinity Landholdings at the estimated cost of \$21,000,000 plus; Ord. 2017-27, Amend Sect. 131.04, 'Authority to dispose of unwanted personal property, of the Codified Ordinances of the City of Brooklyn; Ord. 2017-28, Authorizing Mayor enter into service agreement with Bailey Comm. to provide maintenance of network, software, support and other related services for the City of Brooklyn (\$51,641.10).

PUBLIC SESSION:

None

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Recreation Board (Councilwoman Balbier): Reminded everyone that next Wednesday there is a meeting with a lot of things happening: partnership with Soza to discuss. Everyone is welcome.

Bd. of Zoning Appeals (Comm. Kulcsar): The Board will meet March 16th to hear a request from L. Koltiska of 6511 Glencoe for a 3 foot height variance for a fence in side yard adjacent to neighbors (5 foot fence proposed two feet away from the home).

Planning Commission (Councilman DeMarco): The Commission met March 2nd and heard a request from Hatab, Inc. for conditional use for new and used auto sales/auto broker business in a retail business district at 7467 Memphis. The application was denied.

Community Improvement Corporation (Councilwoman Pucci): The Corp. met March 6th and approved previous minutes and elected officers. Mayor Gallagher is chair, Mr. Wittine is treasurer, and she is secretary. There was discussion on a revised inducement letter to National Safety Apparel (looking at Hugo Boss property). They agreed on a temporary lease on portion of property owned by the CIC that they can use for parking. They will seek a more permanent solution if a neighbor. There was discussion/clarification on an easement on the back of adjoining property (JD Norman), for vehicle access.

Economic Development Commission (Councilwoman Pucci): The Comm. met after the CIC mtg. adjourned. They revised the inducement letter to National Safety Apparel for the parking. It will be one letter from the city.

School Board Liaison (Councilwoman Paulitzky): The next Board meeting is March 21st at 7 p.m. The meeting is open to everyone. She will give an updated report at the next Council meeting.

Finance Committee (Councilman Van Kirk): The Comm. met at 6:30. Our bond counsel was also present for any discussion on Ords. 2017-11, 12 and 13 (Notes Ordinances, recommended for adoption). Also addressed and recommended for adoption: Ord. 2017-14, establish position of p-time Recreation Program Coordinator; Ord. 2017-16, Enact new Sect. 335.073 Proof of Finance Responsibility of Codified Ords.; Ord. 2017-17, Annual Appropriations; Ord. 2017-18, Job Retention & Creation Grant with Inogen; Ord. 2017-19, Authorize revised agreement with Life Force Mgmt. for 3rd party EMS billing/consultation services. –New business, all on 1st reading; Ord. 2017-26, Repealing Ord. 2014-43, 'Approving and authorizing Mayor to execute a Community Reinvestment Area Tax Agreement with Trinity Land Holdings at the estimated cost of \$21 million (land at Northcliff, transferred to a new owner, so this needs repealed as it's no longer valid); Ord. 2017-27, Amend Sect. 131.04, 'Authority to dispose of unwanted personal property' of the Codified Ordinances (increases Mayor's discretion to dispose of city property valued at \$5,000 or less that is no longer needed and should be sold); Ord. 2017-28, Authorize Mayor enter a service agreement with Bailey Communications (provide maintenance on network, software and other services – for \$51,641.10).

REPORTS OF COUNCIL:

Tony DeMarco: Regarding the Budget, Ord. 2017-17 (annual appropriations). There have been several meetings, discussions and information; told Dir. Schaeffer he appreciates it. His main issue with the budget as presented is the way we deliver services for the residents won't change significantly again this year. Some proposed and already implemented changes, for example, at Rec Center, residents pay the price, but no shared sacrifice on behalf of administration and city employees; so he is not supportive of the budget as proposed.

Debbie Tomusko: On storm watch tonight, so keeping comments short. Thanked everyone who filled out the survey, so we could get their input. We got a good response rate, which will help us in hearing what you

have to say. For residents keeping informed on what's going on, she has two upcoming things she invites and encourages attendance. -Saturday, a spaghetti dinner at the high school, a fundraiser and information on money being asked for in the future. Try to find as much information as you can before you make a decision on that vote. -There will be four meetings and details for the zoning issue (Planned Unit Development). Please attend a meeting to ask questions and get information. She asks people to get educated on what you're voting on so you can voice your opinion. -She gets the Parma Sun, and though they rarely mention Brooklyn, they had a front page story on Inogen going to Brooklyn. It reads as if Inogen is taking the place of American Greetings. Yes, they're coming in, and it's great, for that industry segment also; but the AG payroll revenue was \$200 million - Inogen's payroll revenue to the city is \$12 million. So it's a long way to go in replacing American Greetings. She just wanted that understood. -Wishes everyone happy St. Patrick's day - have an enjoyable and safe day.

Kathy Pucci: Congratulated all persons and groups involved in the production of Bye Bye Birdie; it was fabulous, with talented students, especially the strong vocals. -Told Chief Mielke a resident told her of a friend had a car pull into a drive, pound on the door, and they then pull further back to possibly burglarize. The Chief said it's a common thing. She said it's something we should make our residents aware of, and can we use an e-mail blast or let seniors know. He said he doesn't know how much it's being done lately, but it's a common tactic used for years. She hopes we can find ways to let our residents know it's occurring. The Chief responded he'll put something in the newsletter. -Had some questions on the sound barrier issue. A sound barrier wall is controversial; some really want it, others don't really want it. It's been an ongoing process. A majority of people living within 500 feet of it signed a petition to get this. Due to a railroad merger, when train traffic increased we surveyed residents with the train in their backyard, and the majority did not want a sound barrier pursued. Hopefully the benefits of this will outweigh the negatives. But either way, there will be persons on both sides of the issue. -Commented we will be adopting our permanent budget tonight, and it's been discussed the past several meetings. There will be deficit spending, which we knew; the question was how much. The difference of expenditures in 2016 versus projected expenditures in 2017 is about \$68,000. She asked at the last Finance mtg. we start work on the 2018 budget; to avoid passing a temporary budget and just pass a permanent; we can't continue spending at the same level we are this year for the 2018 budget. No one wants to see services cut, or employees impacted; but the reality is, we have to deal with real numbers. We have some positives coming in (new business), but it will take time before we have the revenue we previously received replaced. She's glad we're on board with starting early, as there are difficult decisions to make. She wants to make sure we start much earlier to have a good, thorough process. -Wished everyone a happy and safe St. Patrick's Day.

Mary Balbier: Also encourages residents to come to the Community (Senior) Center and hear about the PUD: March 23rd at noon, March 28th at 6 p.m., April 4th at 6, April 19th at 6. There will be people to answer questions. Please come and understand what is happening. -She's seeing the upcoming storm coming and it looks scary. But our city is wonderful with all its services; and she knows Brooklyn will be cleared thanks to Dir. Verba and staff. Wants everyone to be careful and safe. -Wished all a happy and safe St. Paddy's day; she'll be up at 4 a.m. cutting corned beef.

Kevin Tanski: Youth Opportunities program has begun, helping ages 14-24 fund summer jobs. Registration closes May 1st at 5 p.m. Information available at www.youthopportunities.org.

Barb Paulitzky: Thanked Council President Van Kirk for the research he did to clarify the tax issue she mistakenly spoke about last meeting. She has gotten information from the county, and has copies at the reception desk if anyone wants to take it home and look at it. She hopes it's useful information.

Ron Van Kirk: No report.

MAYOR'S REPORT:

Mayor Gallagher: Everything was pretty much covered. Announced that Brooklyn is joining with Heritage Home Program again. If looking to do an investment in your house it's a great program for low interest loans or picking contractors. There will be information sessions for residents who haven't used the program before: April 12th at 6:30 p.m. and April 13th at noon - both at the Senior Center. -Finance mtg. ran long, but she gave to Council in their packets information about Senate Bill 331, Ohio municipalities

challenging unconstitutional small cell statute. Many cities are joining with a lawsuit through Walter Haverfeld. Brooklyn's portion, if we join, would be \$3,000. It would say this particular Senate Bill violates the Ohio Constitution on two fronts (single subject rule and Home Rule). If Council has additional questions contact Dir. Butler about it.

DIRECTORS REPORTS:

Recreation Mgr. McGinty: Growing up in Brooklyn people knew the "Voice of Brooklyn". Mike Hadl was announcer for Brooklyn High School games and Ice Show at the Rec Center. He will be missed. The Rec Center sends their condolences to the Hadl family.

REQUESTS:

Finance Dir. Schaeffer sent formal notification of a \$1200 donation from the Brooklyn Democratic Club to be used at the Senior Center; funds to help senior outings or to pay for entertainment at their dances. **MOTION** by Van Kirk, second by Tanski to accept this donation (and thank the Democratic Club). Councilwoman Pucci said she will abstain because she wrote the letter and the check from the Club (she is the treasurer). **VOTE RESULTED: To approve:** Yes: Van Kirk, DeMarco, Tomusko, Balbier, Tanski, Paulitzky. Abstain: Pucci. No: None. **(APPROVED)**

Chief Zemek asks for acceptance of a grant of tactical vests/gear from the State and Cuyahoga County, which will provide protection to firefighters and paramedics responding to an active shooter or threat event. There is no match. **MOTION** by Pucci, second by Tanski to accept the grant. **VOTE RESULTED: To approve:** Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(APPROVED)**

Request from Chief Zemek for approval to donate the 1941 fire truck to the Western Reserve Firefighter Museum in Cleveland. It needs repairs and work, and do not have the budget to make the repairs. The Museum will take the truck and over time perform work and restoration, as possible. He has no value on it, but Googled a close in comparison selling for \$1800. **MOTION** by Pucci, second by Van Kirk to approve the donation. Councilwoman Pucci added she understands the reality of not being able to afford the repairs and keep it; but it is sad because it is equipment her father-in-law (on Fire Dept. for over 40 years) was a truck he worked on. **VOTE RESULTED: To approve:** Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(APPROVED)**

LEGISLATION:

ORDINANCE 2017-11, \$202,000 Notes (improvements, building and parking). **MOTION** by Pucci, second by Tanski to adopt. **VOTE RESULTED: To adopt:** Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADOPTED)**

ORDINANCE 2017-12, \$238,000 Notes (resurfacing of streets). **MOTION** by Tanski, second by Pucci to adopt. **VOTE RESULTED: To adopt:** Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADOPTED)**

ORDINANCE 2017-13, \$1,500,000 Notes (for Roadoan Rd. and Alley Reconstruction project). **MOTION** by Pucci, second by Tanski to adopt. **VOTE RESULTED: To adopt:** Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADOPTED)**

ORDINANCE 2017-14, Establishing the position of part-time Recreation Program Coordinator. **MOTION** by Tanski, second by Van Kirk to adopt. **VOTE RESULTED: To adopt:** Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADOPTED)**

ORDINANCE 2017-16, Enacting new Section 335.073, 'Proof of Financial Responsibility' of Codified Ordinances of the City of Brooklyn. **MOTION** by Pucci, second by Tanski to adopt, as amended. **VOTE**

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

ORDINANCE 2017-17, Annual Appropriations Ordinance for 2017. **MOTION** by Tanski, second by Pucci to adopt. **VOTE RESULTED:** *To adopt:* Yes: Van Kirk, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: DeMarco. **(ADOPTED)**

ORDINANCE 2017-18, Authorizing the Mayor to enter into Job Retention and Creation Grant Agreement w/ Inogen, Inc. Amendments to be made to: Sect. 5 Grant Payments (required by RITA in accordance with law); Sect. 10-D-2 (...altogether with a 10 year period beginning on the grant date) and last paragraph, add (...in which case Inogen Inc. shall on demand repay in full all grant payments awarded under this agreement within 30 days). **MOTION** by Pucci, second by Tanski to amend, as stated. **VOTE RESULTED:** *To amend:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(AMENDED)** **MOTION** by Van Kirk, second by Pucci to suspend the rules. **VOTE RESULTED:** *To suspend the rules:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. *To adopt, as amended:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADOPTED, as amended)**

ORDINANCE 2017-19, Authorizing the Mayor of the City of Brooklyn, Ohio to enter into a revised agreement with Life Force Management, Inc. for third party EMS and ambulance billing consultation and related services, and directing Life Force Management, Inc. to bill non-residents for unreimbursed EMS and ambulance services. **MOTION** by Tanski, second by Van Kirk to adopt. **VOTE RESULTED:** *To adopt:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADOPTED)**

ORDINANCE 2017-22, Authorizing the Mayor of the City of Brooklyn to enter into an agreement with Cost Recovery Corp. LLC for billing and related services attributed to the Fire Dept. incidents. **(SECOND READING)**

ORDINANCE 2017-23, Amending Sect. 1360(b) License Application Form and Fee of the Codified Ordinances of the City of Brooklyn, Ohio. **(SECOND READING)**

ORDINANCE 2017-24, Authorizing a contract modification (Change Order 6) with Eclipse Construction, LLC for Tiedeman Road Project (PID 95548) in the amount of \$28,335 **(SECOND READING)**

ORDINANCE 2017-25, To amend Sections 143.02(a) and (b) of the Codified Ordinances of the City of Brooklyn, Ohio entitled 'EMS Service Charges'. **(SECOND READING)**

ORDINANCE 2017-26, Repealing Ord. 2014-43, adopted 7/10/14, 'Approving and authorizing Mayor to execute a Community Reinvestment Area Tax Agreement with Trinity Landholdings at the estimated cost of \$21,000,000 plus. **(FIRST READING)**

ORDINANCE 2017-27, To amend Sect. 131.04, 'Authority to dispose of unwanted personal property, of the Codified Ordinances of the City of Brooklyn. **(FIRST READING)**

ORDINANCE 2017-28, Authorizing the Mayor to enter into service agreement with Bailey Communications to provide maintenance of network, software, support and other related services for the City of Brooklyn. **(FIRST READING)**

Councilwoman Pucci said she neglected to mention Mike Hadl; she attended his wake last week. He was known as Mr. Brooklyn in town, and also voice of the Lumberjacks. Very respected in his profession and one of Brooklyn's biggest cheerleaders. Her condolences to his family. **MOTION** that the City join the suit regarding Senate Bill 331, adding it's not the first time there's been issues with the single subject rule (in Ohio Constitution a piece of legislation deals with a single subject, and sometimes things are lumped together). And this is another stab at Home Rule. The State has been slowly trying to encroach in many areas into municipalities' Home Rule. Second by Van Kirk. **VOTE RESULTED:** *To approve joining suit:* Yes: Van Kirk, DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky. No: None. **(APPROVED)**

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

Clerk of Council

President of Council