

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

September 25, 2017

7:00 p.m.

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

Absent: None

Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION by Van Kirk, second by Tanski to approve the minutes of September 11, 2017. **VOTE RESULTED:** *To approve:* Yes: DeMarco, Tomusko, Pucci, Albier, Tanski, Paulitzky, Van Kirk. Tanski. No: None. (**APPROVED**)

President Van Kirk reminded that Oct. 9th is Columbus Day, and city offices are closed for the holiday. City Council will meet Tuesday, Oct. 10th at 7 p.m. –The Fall Festival is Saturday, Sept. 30th from noon-6 p.m., with kid and family friendly events with crafts, activities, games, hayrides, community groups, food trucks, vendors, inside craft show, chili and fall dessert contests with cash prizes (contact Mary-Jo or Jill to enter). It starts in the morning with a Safe Routes to School 5K walk/run at 9 a.m. (sign up that morning). –Said he would lead Council mtgs. with mistakes or corrections. At the previous mtg. Ord. 2017-67 (relating to medical marijuana) was passed by suspension of the rules. The Ord. has not been signed by the Mayor, so has not taken effect. Dir. Butler said this type of Ord. cannot be passed under suspension, and requires three readings. He had stepped out during the mtg. on an urgent Police matter, and unable to inform of this at the time. It is on tonight's Agenda on a second reading, and if adopted at the next mtg., will be signed by the Mayor and become law.

PUBLIC SESSION:

Victor Ardito of 7439 Outlook Ave. commented on the addition of bicycle lanes in areas in the area, and suggested charging for license plates on them to cover the associated costs. –Spoke about ethanol gas and blends, some mandates, interpretation of the related law, EPA mandates, and the problems it causes with motorcycles and small engines. He cited some sources and articles.

Earl Bloam of 4220 Forest Edge spoke on behalf of Issue 58, the permanent improvement levy (1 mill renewal, .5 mill new) for the Brooklyn School District, explaining the increased cost of \$17.50/year on a \$100,000 home and how it is figured out and what the funds can be used for.

Kim Cramer of 4748 Forest Edge questions hours and shifts of police, and commenting on seeing them in various places (getting breakfast, behind Ridge Park, not in school zone areas...with examples) and other various concerns. Also properties have weeds and needs corrected or cited and taken care of. Said she will be selling at the end of the school year. The Mayor said she was correct and will address it.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Recreation Board (Councilwoman Albier): The Board met Sept. 18th. They welcomed new Sports Program Coord. Jennifer O'Banion. Ms. O'Banion had provided information on various programs and participant numbers from last year to this year. She also told of a new sign placed at the back softball fields about kids.

Registrations for fall soccer and swimming are taking place, with an additional low water splash class added, and pickle ball. Cleveland State Hockey is practicing at the Rec Center.

Board of Zoning Appeals (Comm. Kulcsar): The Comm. met Sept. 21st and approved: request from N. Vu for 230 sq. ft. variance for 378 sq. ft. additional accessory structure/large shed at 9000 Memphis; request from A. Latessa for variance of 13.5" for fence setback from public right of way (sidewalk) on a corner lot at 4311 Ridge; request from I. Matthews for 48 sq. ft. variance for 192 sq. ft. additional accessory structure at 10225 Harmony; request from Labella Assoc. for variance to minimum required landscape area of 25% and variance to minimum 20' setback for parking lot expansion at 9500 Brookpark (Peterbilt); request from J. D'Amico for 18" height variance and 8" side lot line variance at 6119 Northcliff. The next mtg. is Oct. 19th.

Planning Commission (Councilman DeMarco): The next mtg. of the Comm. is Oct. 5th at 6 p.m. in the Conference Room to hear requests: from Ellwood Ohio Machine for additional parking in front of 9000 Brookpark Rd.; from Yesco Sign and Lighting Service for two illuminated wall signs for daycare at 4674 Ridge Rd.; from M. Weber for preliminary site plan for four-story, 85 room hotel on Tiedeman Rd.; from M. Weber for conditional use for four-story, 85 room hotel at Tiedeman Rd.; from M. Weber for lot consolidation approval on Tiedeman Rd.

Econ. Develop. Committee (Councilwoman Pucci): Followed up on the Comm. meeting of Sept. 25, of Ords. 2017-71 and 72 (relating to Medical Mutual), that there were a few changes to language for clarification and some wording revisions. She reviewed the revenue projections from the agreement. The Comm. recommended passing it be emergency measure.

School Board Liaison (Councilwoman Paulitzky): She read an e-mail from Superintendent Gleichauf to clear up confusion on ballot language for the Issue 58 School levy. It detailed the valuation, cost to voters, history of the renewal levy, and how it is figured.

Finance Committee (Councilman Van Kirk): He reviewed items to be passed and new on the Agenda: Ord. #61 (3rd reading/adoption), Amending Section 1501.11(5), 'Permit issuance, application, revocation, fees' of the Codified Ordinances of the City of Brooklyn; Ord. #65 (2nd reading), agreement with Juvenile Diversion Cord. (compensated by the county, not to exceed \$18,000/year); Ord. #71 (hope to pass by emergency), Authorizing the Mayor to enter into a Job Retention and Creation Grant Agreement with Medical Mutual of Ohio; Ord. #72 (hope to pass by emergency), Approving and authorizing the Mayor to execute a Community Reinvestment Area Tax Agreement with Cleveland American, LLC, Holdings Cleveland American, LLC and Medical Mutual of Ohio at the estimated cost of \$23,000,000; Ord. #73 (hope to pass by emergency), Authorizing the Mayor to enter into a contract/agreement with Constellation as supplier of electric energy for Street Lighting (three year contract locking into a contract); Ord. #74 (1st reading), Amending Ord. 2017-22, Authorizing the Mayor to enter into an agreement with Cost Recovery Corp. LLC for billing and related services attributed to Fire Dept. incidents (breaks down cost schedule for incidents that are charged to insurance companies).

REPORTS OF COUNCIL:

Tony DeMarco: Addressed resident who commented on Police Dept. that his experience with the Dept. and Chief Mielke has been great and extremely responsive. Recommended they schedule a mtg. with the Chief to address concerns. –Said Mr. Bloam provided insightful information and facts and appreciates it. –Is in support of Issue 58.

Debbie Tomusko: Told Mr. Ardito they put Stabl in their motors. –Thanked Mr. Bloam for his clear explanation of the school levy; which she has asked Dr. Gleichauf and the Board to do make an understandable explanation for people, and how it will directly impact them. –She supports the levy. –Responded to the speaker her pet peeve is people not maintaining lawns, grass, weeds, etc. When talking of new buildings and new people, we need to keep up with the fundamentals, one of which is curb appeal and maintaining property. When people contact her she passes it onto the Bldg. Comm., and they do follow up. So call Council to get after it, it is unacceptable to have property unmaintained in Brooklyn. Said she's sorry she is leaving Brooklyn; it's still a great city. –Commented about residents and citizens coming and making comments, she was bothered after the last mtg. when a resident commented, then the Mayor corrected him;

she felt he should have had an opportunity to respond (a suggestion for mtg. structure). –Last week the Brooklyn Acres had a candidates' night; she thanked them for a well organized and moderated event. It was videotaped, so watch when it gets posted. Encouraged everyone to watch. –Rodoan Rd. She gets calls and contacted because she lives off it. Some feedback she's received is people are frustrated because it's shut down and doesn't appear anyone is working on it during the week, then a bunch show up and work on a Saturday. Asked Dir. Verba to comment on what is going on, the scope, schedule, and estimated completion date. –Last Saturday was a great day in Brooklyn (went to Friends of Library event and the Senior Center indoor garage sale) (didn't make it to Historical Society open house). –Fall Festival is this Saturday, a beautiful fall day, hopes to see people walking around enjoying it.

Kathy Pucci: Offered condolences to Brooklyn families on their losses: Dale Esper lived here his whole life, retired from Giant Eagle; Al Sbeghan, longtime resident; former Firefighter Jackie Thomas on the loss of both parents, Mr. and Mrs. Gorski. –Safe Routes to School mtg. held Sept. 13th to speak about the infrastructure grant (applied for/received \$174,000 years ago, but could not move forward due to moving Brookridge and tore down middle school, so money was given back). The partnership is the city, the schools and the Bd. of Health. Reminded everyone for the infrastructure grant the city is required to take the lead on it, with any project to have the City Engineer do an official Engineer's Estimate. Mtgs. are held the 2nd Wed. each month. Also spoke about education and enforcement portion, which helped bring back bicycle patrol, and various other events. –There will also be at Fall Fest Rock the Walk at 9 a.m. –Walk to School Week begins Oct. 2nd with a daily theme. –Thanked Brooklyn Acres (Board and moderator and staff) for hosting meet the candidate night. There should be a video available. Commented on questions on how Council and Mayor get along; that not being unanimous on every issue doesn't mean there's a problem, there are checks and balances, and many differing opinions on subjects. –There is misinformation that needs cleared on the school levy, and thanked for the comments relating to it and helping clear it. Facilities need maintained; that one mill was being worked with for over 40 years, and there is a plan for the funds (roof at High School and technology upgrades.) Information will be getting out. –Had last week's third budget session last Monday, thanked Dir. Schaeffer and Mrs. Haig for their work on it. Discussed Parma Regional Dispatch Center; a decision has to be made to continue with them or not. Stressed residents who have any problem or concern relating to the Center, to contact the Police Chief so he can track every issue to be addressed. –Thanked Barb Stepic and Historical Society members, she enjoyed the Shunpike weekend and everyone's efforts. –Two Issues on the ballot on state level (Issue 2, information on Sec. of State's website); four Charter amendments on our local ballot (with information going to the Brooklyn voters). Vote by mail needs to be requested by application. –Thanked the residents who participated tonight. –Echoed that anything regarding the Police Dept. to talk to the Chief; he's good at getting issues resolved and questions answered. Same for concerns with property maintenance; last few years we have attempted to be more aggressive. Contact directors or a Councilperson for questions or concerns to have it addressed.

Mary Balbier: Spoke about the control electronic devices have over daily lives. There are various laws regarding distractions while driving. There are two Bills being considered to curb distracted driving using devices: HB 95 (updates the offense and fine), and HB 293 (targets younger motorists with a curfew unless with an adult, and other updates). –Thanked the Brooklyn Acres for hosting candidate's night. Watch for the video tape on the website; she hopes residents get a chance to see the candidates' concerns and ideas. –Reminded the Brooklyn Reformed Church on Biddulph has their giveaway on Oct. 7th (with a luncheon, food, coats, etc.) They're a distribution center for Coats for Kids. To donate or get info on giving or needing something, contact Mike Bunaisky at the church. –Road construction (Rodoan) is unbelievable, with nothing done last two weeks, and it's disgusting. She hopes Dir. Verba can shed some light on it. Concerned that they closed off Northlane and there was no warning or on people's doors. Hopes it can get fixed. –Hope residents reluctant about Issue 58 to read about it on the school website; it's important to vote for it. If we don't have strong schools, we don't have a strong city. It's important.

Kevin Tanski: Has been active on passing legislation on high grass, vacant properties, fees and registration (rental property); call him or a Councilperson about high grass (or structure problem). He's walked every house door to door in the city. Dir. Kulcsar follows up on the calls. –Over the last eight years helped residents with various questions, community issues addressed. Had two objectives when he began as Councilman, which he has achieved: Preserve services and create revenue. Started/maintains Sustainability Advisory Comm. (brought energy savings, recently development of solar farm on landfill with Cleve. Public Power). Spoke about the CPP facility and how it will work. Secured the Silver Sneakers Program in 2001, bringing over \$161,000 in revenue, and affordable rates for seniors. Introduced numerous legislation to

improve property values and reduce crime (vacant property, increase rental inspection fees, implemented sidewalk program). It's his job as Council rep. to work with Mayor to keep bringing revenue sources to the city. Will strive to keep city taxes low and maintain services. Reach out to Council with ideas. He has dedication and willingness to work with others to make things happen. Named the Sustainability Committee members and thanked them for their assistance: Russ Sternik, Bonnie Bartczak, John Verba, Tom Adamski. All resident comments and opinions need to be part of the city's success and reality.

Barb Paulitzky: Attended candidates' night and thanked them all for sharing reasons for running for office; and thanked Brooklyn Acres for holding the event. –Broke down the school issue on personal level, that she's been paying 75 cents/month since 1972 for the permanent improvement levy; the school is asking for an additional \$2.41/month. The new administration is trying to make a safe, healthy environment for the children, and they are worth this small amount of money. Make your own decision, but consider the alternatives. The longer you wait to repair a roof, the more water damage that is done, and the more it's going to cost. Be upset with the State for reducing what it pays to schools over the years; contact state officials and voice displeasure.

Ron Van Kirk: Thanked Dir. Schaeffer, Mayor Gallagher, and her administration for the budget session last week and all of their work. It's the most fluid budget sessions in his six years, and ahead of next year's budget preparations. Looking forward to completing it the first mtg. in Dec. –Councilwoman Tomusko commented on public commenting; the Rules of Council dictate the structure of the public comments for no back and forth, and they could be changed. –Thanked Mr. Ardito for the information from the EPA (corn belongs in food). –Thanked Mr. Bloam (and Councilwoman Paulitzky) for articulate points on the school levy. He also found the language confusing. –Thanked Mrs. Cramer for her concerns; Dir. Kulcsar is on top of it, and last mtg. an Ordinance passed to add fees for neglect of properties onto taxes. Again, call him, or a Councilmember. Echoed to call Chief Mielke, and he'll work out any issues. Would not want any homeowner to leave the city, but wished her well if she decides to move on.

MAYOR'S REPORT:

Mayor Gallagher: Items not discussed tonight: Charter amendments, a letter was sent out to voters who voted in last November's election. If you did not get, and want a letter, call City Hall and it will be sent out (also available on city website). The Law Dir. broke it all down into a charter showing current language, changes, and intent of suggested changes. The Charter requires meeting every six years to review the Charter. –Halloween house decorating contest will be Oct. 29th. –Asked Mrs. Cramer to call her office and talk one on one along with the Chief. –Corrected Councilwoman Pucci's credit refund time for Medical Mutual, it is six years not 10 (due to the CRA with the school). –Per Councilwoman Tomusko's comment, the Mayor is a guest at Council mtgs.; she gets an ability on the Agenda to make some comments. She told Mr. Herbig last time, if there's something misstated she will correct the record. She feels strongly people are entitled to their opinions, but they're not entitled to their own facts. If Council wants a back and forth she urges a change the Council Rules.

DIRECTORS REPORTS:

Rec. Mgr. McGinty: Learn to swim (\$50/residents, starts Oct. 2) and Swim Team registration (\$65, starts Oct. 3) is going on now. Silver Sneakers stability class is new to help become stronger and improve balance, for all fitness levels (1st Thurs. of month at 10:15 a.m.)

Finance Dir Schaeffer: Last work session's update, the City is participating in RITA's delinquency program this year. Today and tomorrow 3,455 letters are being mailed out associated with it. RITA asks that people respond by Oct. 20th. Pay attention to any letter from RITA. If no response, there will be an administrative subpoena issued to appear at City Hall with their team of auditors to go over previously filed taxes. For questions, go to city's website under Finance for a link to RITA's website (or e-mail him at dschaeffer@brooklynohio.gov or call him 216-635-4204). –Also at budget session went over departmental capital requests for 2018 and plans for paving program and the slope project, also Parma Regional Dispatch, and most recently updated 2017 RITA projects for income tax collections. Highlights were given from the City's CAFR (publicly released by Auditor of State three weeks ago, and also on the website). Went over:

long-term impact of City's economic development agreements and highlighted them with companies through 2030; the city's healthcare renewal for 2018 (with more discussions on Oct. 16th budget discussion at 6 p.m.).

Police Chief Mielke: A number of burglaries over the last week or so, in Old Brooklyn and one in Brooklyn. In the day they back a vehicle into a driveway and park near the side door, force it open, and ransack for valuables. Ask for everyone's diligence and extra attention to the neighborhoods. If you see something suspicious call the Police Dept. (car repeatedly driving down street slow, stranger knocking on doors and then making phone call, or other out of ordinary occurrence). The public is the Dept's. best partner against crime. Be a good witness (detailed description of vehicle, people, direction, addresses, a pic or video with cell phone (without endangering yourself).) -Would like to talk to Mrs. Cramer after mtg. and address concerns.

Service Dir. Verba: Roadan Rd.: reiterated it's a \$2M project, total reconstruction, with a lot of work (not a simple overlay – there are sewers, curbs, gutters, aprons, under drains...) It will be a mess for awhile. He checked at 11 a.m. with our inspector and informed Northlane will be blocked off. After a debate on who should handle the letters, he personally wrote a letter and had the Service Dept. drop off to all residents in the horseshoe. (Councilwoman Balbier said she never gets any) He said it was distributed at 1 p.m., and put on Facebook. –CATTS Construction works four 10-hour shifts. The problem isn't the days they work, but their communication with residents and administration. –A lot of things were corrected after the last mtg., and since it they have been out every day. Last week he personally knows they worked four 10s, and did not work on Friday. Weather permitting they are out every day. –currently working on east side of street starting at Biddulph, working north. –He personally checks every day – even when he was on vacation he checked. They finished full-depth repairs on the west side last week, and now working on east side full-depth repairs. After these repair completions, they'll begin curbs, gutters and aprons. Residents will be given a 48 hour notice they won't have access to driveways. Due to the nature of work, residents could be out of drives 3-5 days. Parking is permitted on all adjacent streets and in the closed work zone (ok with Police). It will be in the notice also. This should begin early next week, but weather could change it. –Any problem or concerns about the construction, call his office, 216-635-4219. He can get his voice messages right to his phone. He'll call or stop; or if unavailable, he will contact the engineer or the inspector. Not to discredit people saying they're not out working, and on the alley, he worked hard to get them to work on it (and appreciates all the thanks for working on it); but you have to go down the entire street to see if they're working. They could be working near Biddulph, but you go down part way and not see workers. They are out there every day, the last few weeks, working and trying to get it done.

LEGISLATION:

ORDINANCE 2017-61, Amending Section 1501.11(5), 'Permit issuance, application, revocation, fees' of the Codified Ordinances of the City of Brooklyn. **MOTION** by Pucci, second by Tanski to adopt. **VOTE RESULTED: To adopt:** Yes: DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **(ADOPTED)**

RESOLUTION 2017-10, Approving and adopting the Countywide All-Hazards Mitigation Plan for Cuyahoga County, 2017-2020 Update. **(SECOND READING)**

ORDINANCE 2017-65, Authorizing the Mayor to enter into an agreement with the Juvenile Diversion Coordinator. **(SECOND READING)**

ORDINANCE 2017-67, (being re-introduced) Amending Sect. 1109.01 of the Codified Ordinances of the City of Brooklyn to prohibit the cultivation, processing or dispensing of medical marijuana in the city. **(SECOND READING)**

ORDINANCE 2017-69, Amending Sect. 105.04 of the Codified Ordinances of the City of Brooklyn to require minutes of meetings to be posted online. **(SECOND READING)**

ORDINANCE 2017-71, Authorizing the Mayor to enter into a Job Retention and Creation Grant Agreement with Medical Mutual of Ohio. **MOTION** by Pucci, second by Tanski to amend (as read by Councilwoman Pucci earlier and as part of Ord.) **VOTE RESULTED: To amend:** Yes: DeMarco, Tomusko, Pucci, Balbier,

Tanski, Paulitzky, Van Kirk. No: None. **MOTION** by Van Kirk, second by Tanski to suspend the rules. **VOTE RESULTED: To suspend the rules:** Yes: DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **To adopt, as amended:** Yes: DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **(ADOPTED, AS AMENDED)**

ORDINANCE #2017-72, Approving and authorizing the Mayor to execute a Community Reinvestment Area Tax Agreement with Cleveland American, LLC, Holdings Cleveland American, LLC and Medical Mutual of Ohio at the estimated cost of \$23,000,000. **MOTION** by Pucci, second by Tanski to amend (as read by Councilwoman Pucci earlier and as part of Ord.) Councilwoman Pucci thanked Mayor Gallagher for the clarification; she only included the 10 yr. period for brevity purposes. **VOTE RESULTED: To amend:** Yes: DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **MOTION** by Pucci, second by Van Kirk to suspend the rules. **VOTE RESULTED: To suspend the rules:** Yes: DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **To adopt, as amended:** Yes: DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **(ADOPTED, AS AMENDED)**

ORDINANCE #2017-73, Authorizing the Mayor to enter into a contract/agreement with *Constellation* as a supplier of electric energy for Street Lighting. Amendments made to include the supplier name and the rate of 3.246 cents/kilowatt hour. **MOTION** by Pucci, second by Tanski to amend as stated. **VOTE RESULTED: To amend:** Yes: DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED: To suspend the rules:** Yes: DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **To adopt, as amended:** Yes: Tomusko, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: DeMarco. **(ADOPTED, AS AMENDED)**

ORDINANCE #2017-44, Amending Ord. 2017-22, Authorizing the Mayor to enter into an agreement with Cost Recovery Corporation LLC for billing and related services attributed to Fire Dept. incidents. **(FIRST READING)**

Councilman DeMarco noted in Ord. 2017-44, pg. 5, Sect. 3, first sentence spells out 25% of costs but 20% in parenthesis; asked Dir. Butler which is correct. Dir. Butler thanked Councilman DeMarco, he'll check it.

Councilwoman Pucci said Council has to decide if going into executive session for negotiation updates. Also, Mayor Gallagher sent an e-mail about finalizing the 2018 city calendar, asking when Council will meet end of December. Councilwoman Pucci thought Dec. 17th. Dir. Schaeffer said that would be ideal, unless something comes up and we have to do final appropriations, then he'll reserve the right to hold a special Council mtg. prior to the Dec. 31st to get it adopted and adjust appropriations accordingly. At this time, the date will be set for Mon., Dec. 17, 2018.

Dir. Butler said he'd be happy to update Council on negotiation progress if they wish, though no contract is imminent. **MOTION** by Pucci, second by Tomusko to adjourn to executive session with the Law Dir., Mayor and Dir. Schaeffer for an update on negotiations. **VOTE RESULTED: To adjourn to executive session:** Yes: DeMarco, Tomusko, Pucci, Balbier, Tanski, Paulitzky, Van Kirk. No: None. **(ADJOURNED TO EXECUTIVE SESSION – then reconvened)**

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

Clerk of Council

President of Council

Minutes approved: 10.10.17