

MINUTES OF A SPECIAL MEETING

BROOKLYN CITY COUNCIL

July 2, 2018

6:00 p.m.

Present: Kevin Tanski
Barb Paulitzky
Ron Van Kirk
Meg Ryan Shockey
Andy Celcherts
Kathy Pucci
Mary Albier

Absent: None

Pledge of Allegiance.

PUBLIC SESSION (for items on Agenda only):

Mary Lee Bowen of 4783 Tiedeman Rd. said she received a letter last Monday in her door relating to the tentative real estate purchases on Tiedeman, which she found unnerving. She read the letter. She expressed feeling it is being rushed and has concerns, asking if more properties were going to be taken, and why the city is interested in purchasing them, and what is the plan.

Renee Bowen of 4753 Tiedeman Rd. questioned a response she saw on Facebook from Councilwoman Pucci about the house on Ira being rehabbed by Habitat for Humanity, and the houses on Tiedeman being torn down with county funds. She asked which houses, and why being torn down, and what is being done with the property, and why don't they know about it.

Dawn Spence of 4779 Tiedeman Rd. voiced similar concerns (she recently purchased her house): what is plan for the houses, why are they the last to know, are just two being torn down, what is the future/longevity of the plan, where is the funding coming from to purchase them, and why weren't they contacted.

President Van Kirk addressed some items, setting the record straight that no property is being taken, it is being purchased (after appraisals and it is fair market value). Presently there are homes on Tiedeman at Memphis to be torn down, not for these homes right now (he will allow Councilwoman Pucci to respond on that). There is a fund set aside for economic development, and will use those funds (though all funds are from taxpayer monies).

-Mayor Gallagher asked Econ. Dev. Dir. Udris to regroup and restate what he said at the last Council mtg. This is the second reading for the two properties, and it was important to do a letter to the residents in that area, to be aware of the situation, not that anything was being done in a conspicuous and ill-willed manner. They came up on the market, and long-term it's part of the city's plan for conforming use of the properties there. They are all zoned not for residential use, but for light industrial commercial use, so long-term that was the city's intentions with those properties. Dir. Udris will explain why the properties were selected. The city at this point is in a financial position to look towards planning for the future, which is all this really is.

-Dir. Udris said the primary purpose to target these properties is because they came up for sale on the open market. 4747 had numerous code violations, and there was discussion with the Bldg. Comm. this would be a problem property in being able to get it redeveloped due to the significant damage. So we purchased it for \$42,000 (way below fair market value of homes on that property). 4761 was an operating business, and it's been on the market over six months with no purchase offer. It was an inconsistent land use given the zoning. We want to purchase them because they are on the market. We have no interested in buying any additional homes, but will only purchase them as property owners want to sell properties. Ms. Bowen asked what the plans were for the very usable property that's still usable to rent or live in; if it will be torn down or rented, and what will it look like. Dir. Udris said it's recommended the homes be demolished and left as green space. There was additional back and forth discussion, particularly on the 4761 property, and the zoning.

-Councilwoman Pucci added that the city started this back in 1990s on Memphis (as part of the Master Plan for Memphis area), but as properties came up the city purchased them. For future development it's better to

purchase properties as they come up and are available. We don't know what will be happening in that area in the future, but no one will be taking anyone's property. Regarding the post she made, there were questions and speculation, so she clarified what the city's intentions were (there was talk about the property on Ira and the two on Tiedeman.)

-Pres. Van Kirk said he's completely against eminent domain and no intention of taking anyone's property. It does make economic sense to purchase them as they become available. We've seen properties stop being maintained many times also. This is not being rushed. Once a contract is put into motion there is a limited amount of time before the contract is no longer valid, so we have to move forward with it. It was on first reading the end of June, and could have passed it by emergency; but the recommendation of the Econ. Dev. Dir. was to give the letter to the Tiedeman residents so they can understand what's going on. This is being open and transparent, not being shoved through, but there are contracts that need to go forward.

-Mayor Gallagher wanted to clarify for Econ. Dev. Dir. that she looked the house up on Zillow, and it looks like there is a full kitchen in the commercial property. She doesn't want that misinformation coming from her administration. The fact is, as properties come available, going into the long-term planning for the city, based upon the current zoning. -Ms. Bowen commented to Councilwoman Pucci, it says "...houses on Tiedeman are on the east side across from the Plain Dealer, they will be torn down hopefully with county funds." She asked if she said that. -Councilwoman Pucci said yes, the question people had were those specific addresses, she didn't say anything relating to any other homes. The house on Archmere (Ira) with Habitat for Humanity and then the homes on Tiedeman. She apologized if it was taken another way. (conversation from audience inaudible). -Pres. Van Kirk said he's in his seventh year on Council and the conversation never came up to take anyone's home on Tiedeman. As Dir. Udris explained, again, as property becomes available it makes economic sense to use the properties of the way the city is zoned right now, and those are zoned right now as light industrial. The houses and living there right now are exempt from it, and it's not going change. The letter placed there was done personally by Dir. Udris because we wanted you to ask questions, and not hear about it through Cleveland.com, a blog, or somewhere.

-Councilman Celcherts asked if Dir. Udris could explain the pattern, with the other two houses on Tiedeman. Pres. Van Kirk spoke of the two houses on Tiedeman/Memphis that will be torn down. Dir. Udris said there was 7.5 acres of land on that end of Tiedeman not being utilized to its highest and best use because of two residential uses, in a retail zoned area. The purpose was to eliminate those adverse uses so other investors can come in and purchase the property and use it to its highest and best use. He expressed concern that the last sentence of the letter wasn't read that says if there are any questions to contact him. He could have gotten a call and been more than happy to show the concerns we had and why we think this is the best way to protect the property values. This will allow a nice, well-maintained, landscaped property, it will look like a green space area.

-Mayor Gallagher said she's over sensitive to making sure residents know things, especially in their area. The Friday before the last Council mtg. went to each home and knocked on the door to see if he could speak to people in person about everything before the letter was delivered on Monday. He could only get in touch with one person at those houses. So he advised to have another mtg. to have dialogue so there's no false information about purchasing the two homes. -Councilwoman Pucci asked Dir. Udris to clarify that the intention is to demolish the two homes we're purchasing. Dir. Udris said the purpose now, as they came on the market, is to purchase and use the funds to do that.

LEGISLATION:

ORD. 2018-52, To amend Section 967.12 of the Codified Ords. of the City of Brooklyn entitled "Forestry Programs. Orders." **MOTION** by Pucci, second by Van Kirk to hold in abeyance until Sept. 10 to look at any possible changes to satisfy some concerns. **VOTE RESULTED: To hold in abeyance:** Yes: Tanski, Paulitzky, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier. No: None. **(IN ABEYANCE)**

ORD. 2018-57, Authorizing the Mayor to enter into an agreement with JJ Real Estate Solutions LLC for the purchase of certain real property known as 4747 Tiedeman Rd. PP#433-02-002. **MOTION** by Celcherts, second by Pucci to introduce by all, suspend the rules. **VOTE RESULTED: To suspend the rules:** Yes:

Tanski, Van Kirk, Ryan Shockey, Celcherts, Pucci. Abstain: Paulitzky. No: Balbier. *To adopt*: Yes: Tanski, Van Kirk, Ryan Shockey, Celcherts, Pucci. Abstain: Paulitzky. No: Balbier. **(ADOPTED)**

ORD. 2018-58, Authorizing the Mayor to enter into an agreement with Jan Marie Shannon for the purchase of certain real property known as 4761 Tiedeman Rd. PP#433-02-005 and -007. **MOTION** by Pucci, second by Van Kirk to introduce by all, suspend the rules. **VOTE RESULTED: To suspend the rules:** Yes: Tanski, Van Kirk, Ryan Shockey, Celcherts, Pucci. Abstain: Paulitzky. No: Balbier. *To adopt*: Yes: Tanski, Van Kirk, Ryan Shockey, Celcherts, Pucci. Abstain: Paulitzky, with the reason of that she lives in that block of homes and can't vote for or against it. No: Balbier. **(ADOPTED)**

ORD. 2018-59, Enacting new Chapter 937, "Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures" of the Streets, Utilities and Public Services Code of the Codified Ordinances of the City. Pres. Van Kirk briefly reviewed that this relates to HB 478 changes, to put us in compliance with the new Ohio law. **MOTION** by Celcherts, second by Pucci to introduce by all, suspend the rules. **VOTE RESULTED: To suspend the rules:** Yes: Tanski, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier. No: None. *To adopt*: Yes: Tanski, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier. No: None. **(ADOPTED)**

ORD. 2018-62, Authorizing the Mayor to enter into an agreement for the sale and purchase of City of Brooklyn Land Bank property at 6807 Ira Ave. PP#433-23-048 for \$10 and other good and valuable consideration. Pres. Van Kirk said this property currently in our Land Bank will be sold and Habitat for Humanity will work with another company to revitalize the home and turn around and sell it. Councilwoman Pucci asked Dir. Udris to explain the deed restrictions for the public. Dir. Udris said our deed restrictions will have a requirement that the purchasers of the home will be residents for at least 10 years; Habitat's restrictions are for the length of the mortgage (so it could be up to 30 years). The property has to be brought up to Code (which Habitat always exceeds Code). Councilwoman Pucci added it cannot be a rental property, it has to be owner occupied. Councilman Tanski asked the amount of money needed to bring the property up to Code. Dir. Udris said preliminary estimates are around \$60,000, but Habitat will give the final estimate. Mayor Gallagher said their estimate is between \$45,000-\$60,000 – and they feel it's a good house for this purpose because we obtained it through the foreclosure process, the taxes are wiped out, and anything is better than it is right now; we'll have a tax paying resident in the property. The major corporation in play donating that money is Medical Mutual; so it's a good triple partnership between Habitat, Med. Mutual and the City of Brooklyn to turn it over to a landowner. And future partnerships with Habitat and Med. Mutual in similar cases. They estimate the house will sell in the \$90s. **MOTION** by Pucci, second by Celcherts to introduce by all, suspend the rules. **VOTE RESULTED: To suspend the rules:** Yes: Tanski, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier. No: None. *To adopt*: Yes: Tanski, Van Kirk, Ryan Shockey, Celcherts, Pucci, Balbier. No: None. **(ADOPTED)**

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

Clerk of Council

President of Council

Minutes approved: 9/10/18