

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**January 10, 2011**

**7:00 p.m.**

The Council and all in attendance recited the Pledge of Allegiance.

(A moment of silence was observed for the victims of the violence in Arizona shooting.)

President Pucci: "Our sympathies go out to the families of those who were slain, and our thoughts and prayers go out to those victims who are still struggling to recover. And just so everyone is aware, that's why our flags in the city are at half-mast today. Okay, next we'll have the roll call. Mary-Jo, will you please call the roll?"

Clerk Banish: "Kevin Tanski."  
"Tom Murphy."  
"Kathy Pucci."  
"Tony DeMarco."  
"John Patta."  
"Colleen Gallagher."  
"Joe Magrey."

Councilman Tanski: "Here."  
Councilman Murphy: "Here."  
Councilwoman Pucci: "Here."  
Councilman DeMarco: "Here."  
Councilman Patta: "Here."  
Councilwoman Gallagher: "Here."  
Councilman Magrey: "Here."

President Pucci: "Next is the reading of the Agenda: approval of the minutes of November 1, 2010; public session, reports of committees, commissions and boards; Council reports; Mayor's report; directors' reports; Resolution 2011-1, Authorizing and approving the expenditure of \$3,188.97 to John J. Morgan, Esquire for services rendered to the City of Brooklyn for an arbitration hearing, attached hereto as Exhibit A; Ordinance 2010-66, which is up for third reading and adoption, Authorizing the Mayor to retain Johnson, Miller, Schmitz LLP to conduct labor negotiations on behalf of the City of Brooklyn; Ordinance 2010-69, which is also up for third reading and adoption, To provide for the creation and use of a Budget Stabilization Fund pursuant to Section 5705.13(A)(1) of the Ohio Revised Code; other matters that come before the Council; and adjournment. At this time we need a motion and a second for the approval of the minutes from the meeting of November 1, 2010."

Councilman Magrey: "Move to approve."

Councilman Tanski: "Second."

Clerk Banish: "To approve, Kevin Tanski."  
"Tom Murphy."  
"Kathy Pucci."  
"Tony DeMarco."  
"John Patta."  
"Colleen Gallagher."  
"Joe Magrey."

Councilman Tanski: "Yes."  
Councilman Murphy: "Yes."  
Councilwoman Pucci: "Yes."  
Councilman DeMarco: "Yes."  
Councilman Patta: "Yes."  
Councilwoman Gallagher: "Yes."  
Councilman Magrey: "Yes."

President Pucci: "Okay, prior to our public session I'm going to give a report from our annual Organizational meeting, which was held last Monday, January 3, 2011. Our first order of business was to elect a President. I was once again elected President of Council. And I'd like to thank my colleagues for their vote of confidence in me, and I pledge to continue working diligently for the betterment of our community. Our next order of business was to elect a President Pro-Tem, and Mr. Magrey was elected to that position. I know he'll do a good job. Congratulations Mr. Magrey. The committee assignments for 2011 are as follows: Representative to the Planning Commission is Mr. Patta; representative to the Recreation Board, Mr. Tanski; two representatives for the Volunteer Fire Dependents Board, those are Mr. DeMarco and Mr. Tanski; Fair Housing Committee, Mr. Patta; Domestic Violence, Mrs. Gallagher; Legislative Update, Mrs. Gallagher; and Juvenile Diversion, Mrs. Gallagher; School Board liaison, Mr. Murphy; the Economic Development Committee, I will be on that. The three standing committees: Finance Committee is Mr. Magrey, Mr. DeMarco and myself; Public Works committee is Mr. Magrey, Mr. Patta and myself; Public Safety and Environmental, Mr. DeMarco, Mrs. Gallagher and Mr. Murphy. We will continue to have the same meeting dates and time, the second and fourth Monday of the month at 7 p.m. At our Organizational meeting we also discussed possible changes to our Rules of Council. We had a good discussion that resulted in some changes for 2011 as follows: Under Meetings we will have a new Rule 1 for the Organizational meeting. This meeting

is required by our Charter, so we will incorporate it into the rules and specify that it is conducted on the first Monday in January at a time to be determined. For the Public Session in the beginning of the meeting, we have increased the time limit from three minutes to five minutes. We recognize that three minutes is not always enough time; so we have allotted this additional time to hear from the public. We have a digital timer, and at four minutes 30 seconds I will state that there are 30 seconds left, then at five minutes you'll have to stop. Under Rule 14, which is the Order of Business, we will once again go back to having another opportunity for the public to speak. I initiated this several years ago, and we did try it for a couple years; and because members of the public only took advantage of it a couple times, it was eliminated. This added opportunity will come just after the reports of the directors. It will be limited to legislative items on our agenda that evening, and there will be a three minute time limit. I would encourage our resident that if you know what your comment is, or know what your question is, that you state it in the first public session. You will have more time in the first public session, and if there are questions for directors they will be able to answer them during their report. Another change is that we will now have a procedure for how items are placed on the Council agenda. The Finance Director, who by Charter is also our Clerk of Council, assisted me in creating a form for people to use for Council agenda items. I will meet with the directors within the next week or so to review the procedure and answer any questions they may have. This new procedure will ensure that there is a proper internal review, and that we have all of the required information. In our efforts to improve transparency and share information with our residents, the legislation for the Council meeting will be posted on the city's website the Friday prior to the Council meeting. We will also have an extra copy available at the receptionist desk at City Hall for anyone to view. There was also a suggestion to cancel the Council meeting that occurs between Christmas and New Year's. We will review that with the Finance Director, because typically, we have either a transfer and advance ordinance, or an amendment to our appropriations to take care of before the end of the year. There was also a discussion on speakers making an effort to be a little more concise. We certainly do not want to limit important information that should be shared; however, we do ask that speakers make an effort to be a little more succinct. That concludes my report from the Organizational meeting. We will now move onto the public session. If anyone has anything to say for the good and welfare of the City of Brooklyn, please step up to the podium, state your name and address for the record, and please recognize the five minute time limit. Okay, seeing as we don't have anyone participating this evening, we'll move on, to reports of committees, commissions and boards. We will begin with the Finance Director (Committee), which is now chaired by Mr. DeMarco."

Councilman DeMarco: "I'm not the Finance Director, but that's okay..."

President Pucci: "Oh, I'm sorry, the Finance Committee. Sorry Mr. Kennedy."

Councilman DeMarco: "The Finance Committee met at 6:30 this evening. We had a brief presentation from our Economic Development Director about some funds that are available for one of our newer corporate residents, and we hope to move forward with some legislation on that later this month. We also agreed to adopt Resolution 2011-1, and we also moved to adopt Ordinance 2010-69. Ordinance 2010-66, which is on the agenda, no action was taken as we will be adjourning into executive session with a discussion on that prior to a recommendation from the Finance Committee and a vote of Council. As always, our Finance Committee meetings are open to the public. Typically they start at 6:30 p.m. And all are welcome to attend. And that's all I have."

President Pucci: "Thank you. Next is Public Works, which is chaired by Mr. Magrey."

Councilman Magrey: "Thank you Mrs. Pucci. Good evening everyone. I just wanted to remind everyone that we do have some road projects coming up this year, and our committee will be meeting as these events unfold. That concludes my report."

President Pucci: "Thank you. Next is Public Safety and Environmental, Mr. DeMarco."

Councilman DeMarco: "I have no report."

President Pucci: "Thank you. Next is Legislative Update, Domestic Violence, and Juvenile Diversion, and those are Mrs. Gallagher."

Councilwoman Gallagher: "Thank you Mrs. Pucci. Tonight I have a legislative update from State Representative Tim DeGeeter. 'As we enter a new year, I want to thank you for allowing me to continue to serve as your State Representative in the 129<sup>th</sup> General Assembly. While there are many challenges that ahead, I look forward to my final term as State Representative with 15<sup>th</sup> Ohio House District. I also want to take the opportunity to reflect on some of the successes our office had in 2010. Tim worked closely last year with union officials, Brooklyn city officials, including Mayor Balbier and former Governor Ted Strickland to help save Hugo Boss factory in Brooklyn, Ohio. I wrote letters, I met with workers on several occasions, I participated in meetings with the Governor's office, and created a Facebook page called 'Suiting Up to Save Jobs in Brooklyn, Ohio' and efforts to save the plant. In April 2010 I joined Hugo Boss when they announced they had reached a three year contract agreement with Ohio workers, saving 300 jobs. In May, voters chose to extend Ohio's Third Frontier Program, which has continued to create high tech, good paying jobs for Ohioans. Since the program began in 2002, it has helped create 55,000 jobs in Ohio, and has assisted in the creation, attraction and capitalization of more than 600 businesses. 'Tim has personally introduced much legislation in the 128<sup>th</sup> General Assembly. But I will wait until next meeting to update you on this legislation. Any questions or concerns you can contact his District office at 440-884-2400. His e-mail address is [timothydegeeter@ohr.state.oh.us](mailto:timothydegeeter@ohr.state.oh.us). And that concludes my report."

President Pucci: "Thank you. Next is the Planning Commission, and our representative is Mr. Patta."

Councilman Patta: "Thank you, good evening. At our last meeting on January 6<sup>th</sup> we heard a request for sign approval from Larson Architects for proposed new building by McDonald's Corporation to be located on Brookpark Road and Tiedeman Road. The request for the signs was approved; however, there was a request for a variance to put up a 65 foot high sign so that sign could be seen from a portion of 480 and also the exit at Tiedeman and 480. That request was denied. If anyone has any thoughts about a sign that high being put in Brooklyn, please contact me at 233-7116. I'd be happy to discuss that with you, because it is possible McDonald's will come back and request that in the future. That concludes my report."

President Pucci: "Thank you. Next is the Zoning Board of Appeals, Mr. Ockington."

Comm. Ockington: "Thank you Mrs. Pucci. The Brooklyn Zoning Board of Appeals meeting that was scheduled for January 20, 2011 in Brooklyn Mayor's Court has been cancelled due to lack of applications. That concludes my report."

President Pucci: "Thank you. Next is the Recreation Board, Mr. Tanski."

Councilman Tanski: "Thank you Mrs. Pucci. City of Brooklyn 2011 youth soccer. Registration for boys and girls ages 3-14 will be held at the John M. Coyne Recreation Center, 7600 Memphis Avenue, on the following dates: Saturday, January 15, 10 a.m. to noon; Wednesday, January 12, 6:30-7:30 p.m.; Wednesday, January 19<sup>th</sup>, 6:30-7:30 p.m. Last day to register is January 19, 2011. Late registration after January 19, 2011 will be assessed an additional \$15. Birth certificate must be presented at registration. In order to receive resident rate you must show a current Brooklyn Recreation Department identification card. If the player is under the age of six the parent must show their Brooklyn Recreation Department identification card. Coaches clinics will be held starting in February. If you are interested in becoming a volunteer, coach applications are available at registration. Soccer fees: resident, \$40; nonresident, \$50; travel fee, \$8. In-house league for players U-6 to U-8. The next Recreation Board meeting has been scheduled for January 18<sup>th</sup> at 6:30 in the Mayor's Court room. That concludes my report."

President Pucci: "Thank you. Next is School Board liaison, Mr. Murphy."

Councilman Murphy: "Thank you. The only thing I have is, the next Board of Education meeting in on the 18<sup>th</sup>. They continue to look for input on ways to seek funds. Thank you."

President Pucci: "Thank you Mr. Murphy. Next we'll move onto reports of Council, and this evening we begin with Mr. Tanski."

***Councilman Kevin Tanski:*** "I had several calls and e-mails sent to me concerning the lanes merging to the left on Ridge Road past the 480 bridge. This one e-mail had some ideas and concerns, and also what happened to one of our residents on a particular day. "The past week, my son and I, he is nine, were going to

Parmatown Mall and were on Ridge Road heading towards Brookpark Road. I was in the middle lane going straight, and there was a vehicle to the left and to the right of me. The vehicle to the left of me must have seen the big white line showing them that they have to merge slightly to the left in order to stay in the correct lane. They didn't merge to the left as the white line showed them to do so, which resulted in that vehicle to almost hit me. This isn't the first time that this has happened to me. The difference from all the other times is that the fact my son was in the car screaming, 'Mommy, they are going to hit us, stop them.' Seeing as how I had no control over that situation, I couldn't do anything to calm my son down till we got home. I was wondering if there is something that could be done about this. I would hate for another child to get scared almost getting hit. Maybe you could make the line in yellow, or put on a sign on the 480 bridge to let drivers know that they will know that they will have to merge 500 feet ahead.' I think that's a little far, it probably should be 50-100 feet, but... I'm not sure if this something that could be done to help this intersection out at all; but if there, I'm sure that residents would greatly appreciate it. This e-mail here has been one that's sent to me, but I've had a few phone calls. And I was wondering, I probably should address this to the Mayor, and maybe he can answer it. The lines that are merging to the left, being when it snows, they are white, and they blend in with the weather, the snow, or whatever it may be, can they be changed into yellow, or something that will reflect maybe the headlights, or peak through the snow if they get loaded? And also, I know we got a problem with the rail bridge not allowing us to post signs on it. Is there anything we can do on the 480 bridge, maybe 50-100 feet ahead showing that merge to the left? Some kind of signs? I know there's signs up there now showing the lanes going straight; but maybe something that would give a warning to whoever's coming down Ridge Road, heading in the southbound direction, letting the traffic know that there's going to be a merge to the left. And also again about the color of the... I know we just paid for paint, better paint. And I was wondering if we could do something with the color."

Mayor Balbier: "Chief and I have constantly been looking at this matter. And all the color of the lines and that is designated by the Traffic Code. So I think when the Chief gives his report he can answer that. But you just can't change the color because you want to change it, it has to be in the Traffic Code. And we've looked at, like you said, we wanted to put up signs on the bridge, and the railroad won't let you. So we're looking at everything we can. Anybody has any suggestions, we'd gladly like. Just the fact that we put in that thing made a big difference already, because 90% of the people go through there are the same people every day, and they know what to do. It's that other 10%, where it's the first time they're in the intersection. But we're looking to put up signs where it's legal. And like I said, as far as the color the line is, it's designated by the Traffic Code. And I'll let the Chief address that when he speaks."

Councilman Tanski: "Two questions. One is, the 480 bridge, we have signs up there now. Since we can't use the rail bridge, because I know the railroad is something else with their signs on the bridges, is there something we can do on 480 bridge 50 feet ahead, 100 feet ahead, that we can merge to the left? Can we do something on the 480 bridge?"

Mayor Balbier: "We'll look into it. I think we covered almost every... But that's a good suggestion. We'll look into it."

Councilman Tanski: "Second question, over to Chief Tenaglia. What colors can we use other than white? Is there anything we can use?"

Chief Tenaglia: "No."

Councilman Tanski: "No?"

Chief Tenaglia: "No."

Councilman Tanski: "It's not even a different florescent or anything, it's got to be white and that's it."

Chief Tenaglia: "It could be white florescent, if you want to pay that. But according to the Traffic manual, the colors that are down there are what are required by the state."

Councilman Tanski: "Did we look into white florescent paint? I mean, if that's a high area where it's an accident area, we've got people that are almost getting hit..."

Mayor Balbier: "Well that's fine with me, we'll give them the white florescent."

Councilman Tanski: "Something's got to be done in that area where... Because this is more than one person that has called me on it. That concludes my report."

President Pucci: "Thank you. Next is Mr. Murphy."

***Councilman Tom Murphy:*** "Thank you. First I'd like to say that my appointment to the Charter Review Committee is Miss Paula Ritter. We can note that Mrs. Ritter is a former Councilperson for the City of Brooklyn for many years. Secondly, I have had two residents and two business people in the City of Brooklyn ask me about American Greetings. I'll tell you what I've told them. The only news I get on American Greetings is what I read in the newspaper. They are having record quarters, and that's great. They're, quarter after quarter, they exceed expectations. And I think that's just super for them. I want them to stay in Brooklyn, and I believe that they want to stay in Brooklyn. What I don't know is what it's going to take to keep them in Brooklyn. We, the majority of Council, have no clue on what has been discussed or offered. I am baffled by the silence. If we lose American Greetings, we lose half of the businesses on Tiedeman Road, and other businesses in Brooklyn that they support. These businesses have already suffered enough from this down economy. I don't want our citizens or workers to suffer because we haven't discussed it. The silence is like saying the last one out, turn off the lights. I would like to know what we're doing to keep American Greetings in Brooklyn. Saying that it's a secret is insufficient and nonresponsive. That's all I have."

President Pucci: "Thank you. Next is Mr. DeMarco."

***Councilman Tony DeMarco:*** "Thank you. I believe 2010 will be an extremely significant year in the history of our city. And the following factors are those that I think will have the potential of impacting every resident and employee. Mr. Murphy brought up American Greetings. I mean, their decision to possibly relocate their world headquarters, my experience tells me that we should be planning for their departure and the \$3 million plus or so in payroll taxes that are associated with this company. The reduction in payroll taxes to the City of Brooklyn will not be immediate, meaning impacting us in 2011; but we need to plan for the eventual reduction of total income receipts going forward. In addition, it would be my guess that we would get less property tax from American Greetings as well. The second factor, which is extremely important and really a question mark at this point, is our reduced funding from the State of Ohio. It's going to happen, it's going to impact all municipalities. The real question is, how much? And we don't know at this point. And finally, and I think this is a longer term situation, with our new County Executive and Council, I believe that the traditional methods for funding municipalities, etc. will be changing over time. What does all this mean? I don't know yet, but it will impact all of us. We need to be planning now for a variety of scenarios and the potential impact. Stay tuned. And that completes my report."

President Pucci: "Thank you. Next is Mr. Patta."

***Councilman John Patta:*** "Thank you. Good evening. I'd like to congratulate Dennis Kennedy and his staff for the terrific work they've been doing on our financial paperwork. They have received another award this year. Congratulations Dennis. I'd like to congratulate also Mrs. Pucci being elected as President of Council again."

President Pucci: "Thank you."

Councilman Patta: "And finally I'd like to ask everyone to make sure they keep their fire hydrants clear of snow. We're supposed to get more snow the next 24-48 hours. So if you do have a fire hydrant in your front yard, please make sure you shovel around it. If you have some elderly neighbors who are not able to do that, maybe you can pitch in and lend a hand with that. Thank you, that concludes my report."

President Pucci: "Thank you. Next is Mrs. Gallagher."

***Councilwoman Colleen Gallagher:*** "Thank you Mrs. Pucci. Good evening. On Sunday the Plain Dealer contained an article regarding the many communities who have shifted to automated trash pickup. In Cuyahoga County, 10 communities have shifted to entirely mechanical trash pickup, with Cleveland

shifting over in the next few years. Akron and much of Lorain county also have fully automated trash pickup. A few years ago, as Chairwoman of the Safety and Environmental Committee, I recruited David Johnson, the Ohio general manager for Bell Equipment of Ohio, to educate our committee and Councilmembers on the automated program for waste collection. Mr. Johnson was willing to try a pilot program with the City of Brooklyn. There were many advantages to this system, including lower overall costs of collection, reduced labor, fewer injuries, reduced workers compensation claims, lower insurance rates, less overtime, less fuel usage, increased efficiency, reduced employee turnover, upgraded services for residents, and increased recycling. I believe, as elected officials, we need to do everything possible to be proactive and save money. This would allow fewer people working on trucks, and allow those extra men to accomplish other needed tasks. I would rather save these employees' jobs instead of hiring an outside agency to pick up trash when costs become too burdensome to continue.

I received an e-mail from Valorie Thompson, assistant director from the Brooklyn Chamber of Commerce, and she just wanted to remind everyone that on February 5<sup>th</sup> they're having the 5<sup>th</sup> annual Taste of Brooklyn and All That Jazz event from 7-10 at Ridge Manor Party Center. All net proceeds benefitted our scholarship fund. It is a fun night filled with food, music and conversation. So far they have the following vendors who are committed to providing foods for this event. And that's Aldo's, Chipotle, GFS Marketplace, Mapleview Concessions, Memphis Kiddie Park, Panera, Polaris Career Center, Steven's Hot Dog Diner, the Sausage Shoppe. The Chamber would like to thank Key Bank for their various generous monetary donation to the event. And I would like to thank all those businesses who generously donate all year round to Brooklyn events. And that concludes my report."

President Pucci: "Thank you. Next is Mr. Magrey."

**Councilman Joe Magrey:** "Thank you Mrs. Pucci. First I'd like to thank Brooklyn City Council for their support and confidence in electing me Council President Pro-Tem. Thank you very much. And congratulations to Mrs. Pucci on your election also as Council President. I'd like to thank Brooklyn residents who have contacted me about the illegal parking of cars in the Marc's fire lanes. I am pleased to say that much progress has been made regarding this problem. Zeisler Morgan has recently installed new no parking, fire lane and no parking, fire lane tow away signs in the area. They have also increased the frequency of surveillance done by Eagle Security. These steps should increase the level of security, protection and safety for Brooklyn residents shopping there. I am pleased to see that Zeisler Morgan has responded and has taken this action. I will continue to monitor this as I continue to shop at the shopping center. And that concludes my report."

**President Kathy Pucci:** "Thank you. I received an e-mail from Mrs. Cynthia Walker, Superintendent of Schools. She basically was advising us of the results of the yearly organizational meeting of the Brooklyn Board of Education. Mr. Kit Krause was re-elected as President of the Board of Education, and Mr. Rocky Neale as Vice President. She goes onto say, 'Please let your friends and family know that they can contact me to be part of our key communicators by sending their e-mail address directly to me. Also, if you know of any parents who are not yet signed up for leader alert, direct them to [www.brooklyn.k12.oh.us](http://www.brooklyn.k12.oh.us). Click on the leader alert icon and follow the very easy directions. Our goal is to keep the lines of communication open with all of our supporters.' I believe the Mayor is going to expand on it, but I too would like to congratulate Mr. Kennedy and his staff for another award on the CAFR. Thank you for your efforts."

Regarding our community calendars, we've had some phone calls, I know the city's been getting some phone calls too inquiring. For the past several years our calendar has been handled by the Town Planner. They notified the city late in the year that they would not be publishing the calendar in Brooklyn. I did not want to see this eliminated, so I worked with the Mayor's secretary, Jill Ludwig, and I contacted the Chamber of Commerce to see if we had any businesses that could help subsidize it with advertisements. We did have a few businesses that are participating. The calendar is at the printers now. And I just got an e-mail today that the final proof should be ready probably tomorrow. As soon as we sign off on it, it will be mailed directly to each household and business in the City of Brooklyn. And I would like to thank Jill for her efforts on this project. So it's a little late this year because we were not aware that we were going to have to be doing it on our own; but you will be getting a calendar, and it should be to everybody before the end of the month.

Our first e-newsletter is now available on our city website, which is [www.brooklynohio.gov](http://www.brooklynohio.gov). And we have additional paper copies that are available at the Senior Center and the Rec Center. Once we upgrade our

website, we will have the capability of sending out this e-newsletter to residents who sign up for it. But in the meantime, if every month you just go right to the homepage, there's a little icon that you can click on.

At the Organizational meeting I reminded all of Council that 2011 is a year for the Charter Review Commission. And I'm going to read right from the Charter. 'In January 1981 and every sixth year thereafter, a Charter Review Commission, consisting of nine electors of the City of Brooklyn, holding no other office or appointment in the city, shall be appointed. The membership of the Charter Review Commission shall be comprised of two members appointed by the Mayor, and one member appointed by each member of Council. Such Commission shall review and recommend to Council, not less than 90 days prior to the next November election, any alterations, revisions and amendments to this Charter as in its judgment seem advisable. The Council shall submit to the electors any such proposed alterations, revisions or amendments to the Charter at the next regular November election. Each said Charter Review Commission shall cease to function on the day of the next November election. The members shall serve without compensation unless otherwise provided by Ordinance.' So at our next Council meeting, which is January 24<sup>th</sup>, each Councilperson should be prepared to appoint their appointee of the Charter Review Commission, and then supply their name, address and telephone number to Mary-Jo. And as Mr. Murphy already announced, he made his appointment this evening.

Yesterday I had the opportunity attend the inauguration of our new County Executive Ed FitzGerald. It was a very nice ceremony. This is a very critical time in our county. And I have faith and confidence that Mr. FitzGerald is going to do a good job leading our county out of the mess we're in, and hopefully towards a brighter future. So I congratulate him and wish him luck in his new position.

Just another reminder to Council that, hopefully in February we'll start having our work sessions on the budget for the permanent budget. And Mrs. Gallagher already announced the Taste of Brooklyn function for the Chamber of Commerce. I too would like to thank the Chamber of Commerce. All the proceeds from this go towards a scholarship fund. They award scholarships to Brooklyn students graduating from high school every single year. And this is really a wonderful thing. Most of the businesses, the owners and managers who participate in our Chamber are not residents of our city; but as corporate citizens they recognize the importance of being involved in the community, and they provide scholarships to our students. So thank them. And if anybody's interested in going, it's really a nice time. My husband and I have been a couple times. It's really a nice time, and there's great music.

Just a comment very briefly on American Greetings. Obviously, with competition among communities, we're not going to be publicly stating what we've offered. However, we have offered everything in our power to keep them here. We have ongoing communication with them. And Mr. Murphy, you can call me anytime with any specific questions, I'm more than happy to talk to you about it. But the Mayor has stated a couple times, I've stated a couple times, it's not in our best interest to be talking about exactly what we're offering in a public setting. And I believe that completes my report. Next is the Mayor's report. Mayor Balbier."

**Mayor Rich Balbier:** "Thank you Mrs. Pucci. I'd also like to congratulate Mrs. Pucci on being elected President, and Mr. Magrey on Council Pro-Tem."

President Pucci: "Thank you."

Mayor Balbier: "I've got a bunch of notes here. If you travel Brookpark Road, there's been a water leak, another water leak. It's on Brookpark across from the VA, where they're building the VA hospital on Parma's side. We're well aware of it. We've been in constant contact with the Water Department almost daily. In fact, we talked to them again today, and they said we're on the list, as soon as we get down to you we'll get there. But it's on a main road, and I don't understand why they don't get there. So it's become so bad that today we closed off the curb lane. The fire hydrant's covered with ice. We're plowing the ice every day, salting continuously. But we have no control over it, it's the Water Department. And they were up there on Friday, I was told. They probably looked it over. I don't know if it's going to be a major project like it was on Biddulph and Ridge, but we're well aware of it. And it's gotten so bad, like I said, we had to close the lane today. So, I mean, everybody calls, but we call the Water Department constantly.

And like Mr. Murphy and Mrs. Pucci stated, our Charter states that every six years we have to have the Charter Review Commission. So each Councilman picks one, and I pick two. And I'm happy with Mr.

Murphy's pick, and I'm sure Mrs. Ritter will be happy with my two picks. And I've contacted both these individuals, and they've consented to be on the Charter Review Commission, and my two picks are Mr. Greg Frey and Mr. Don Hilberg. However, also in the Charter you cannot be on another committee. Mr. Hilberg was on the Community Reinvestment Council, which they only meet like once a year, so he resigned from that so he could be on this committee. So those are my two picks, so we have three people picked already.

I've got a couple monthly reports. From the Division of Fire, they had 47 runs in December; they had one automobile fire that resulted in a \$3,000 loss; mutual aid given was one; we received no mutual aid for the month; and they had 121 rescue squad runs; and they collected in ambulance fees for the month \$29,013.33. The Senior Center, in their social programs and receipts, they took in \$2,173.50; in charges and donations for services amounted to \$2,181; so for the month of December the Senior Center took in \$4,354.50.

I'm going to give a brief rundown on our finances. Mr. Kennedy gave me a lot of reports for the end of the year. I'm just happy to say we're in 100% different situation than we were a year ago. And all this is due, like we had that 1/2% increase in our city income tax. We've collected that for the whole year of 2010. We had, RITA's been collecting now our finances, and they've recovered 600 new accounts, which means 600 people they found that weren't paying their city income tax. So that brought in more money. When I started here we had 134 full time employees, we now have 114. So that's a 15% reduction in employees. And because of that, it's saved us about \$1.3 million, with their salaries and their benefits. So back in 2008 a payroll was approximately \$400,000 a payroll, and now in 2010 it averaged to \$347,00 a payroll. So that's a 53,000 difference, and you multiply that by the 26 payrolls, that saved us \$1.3 million. We also, I wouldn't allow anything to be spent on Capital Improvements, which is almost unheard of in a city. We didn't buy any new police cars, we didn't buy any fire trucks. The only thing we did was spend it on five roads to pave them. So in 2010 we're going to have to spend some more. But you put all these things together, and we're in pretty good shape. And that's why we're going to start that fund to put money aside so that if anything ever happens again, when you're in this position, you have something to draw on. But we're 100% improvement over last year. But like Mr. Murphy brought up about American Greetings, that's the gray cloud hanging over our head. Whichever way that goes will affect all of this. But right now we're doing pretty good.

It was also mentioned the reason we're doing so good is because of our financial director. The city received a Certificate of Achievement for Excellence in Financial Reporting. Presented to the City of Brooklyn, Ohio for its Comprehensive Annual Financial Report for fiscal year that ended December 31, 2009. And well all know this wouldn't be possible with our excellent Finance Director, so they also awarded him an award. And I'm going to read this to you. 'The Government Finance Officers Association of the United States and Canada presents this Award of Financial Reporting and Achievement to Dennis G. Kennedy, Director of Finance, City of Brooklyn, Ohio.' There's a small paragraph here I'm going to read. 'The Award of Financial Reporting Achievement is presented by the Government Finance Officers Association to individuals designated as instrumental in their government unit, achieving a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government finance reporting.' And I think Mr. Kennedy deserves a round of applause for this.

Dominion East Ohio expects to have completed their installations of automatic meter reading equipment by the end of 2011. And if you remember, a couple of months ago, I reported the Water Department's going to start putting in their automatic meters in 2011. They won't be finished by the end of the year. When this is all done that means that old process of meter readers coming into your back yard will no longer be taking effect. So those summer days when you hear the dogs barking when he works his way down are over with. So the only one left is the Illuminating Company, and I'm sure they're going to probably do something with that also.

I also was at the swearing-in of Mr. FitzGerald yesterday. I met privately with him a few times. I think he's the perfect man for this job. I know I wouldn't know where to begin with it. But he's got a good head on his shoulders, he's an excellent speaker, and if anybody can correct this mess in the county I think he can. And there was one item that was brought up that I thought was kind of interesting, Mr. Stokes, the retired Congressman, swore him in, and he had a little story to tell. He said he grew up on the east side of Cleveland, he attended Central High School, and his teacher that took him under his wing and made sure he advanced in his studies and so forth, and went on for his college degree, her name happened to be FitzGerald. And it was Mr. FitzGerald's aunt. So he looked up and he said, so my school teacher now is

looking down on her student swearing in her nephew as the County Executive in Cuyahoga County. So I thought that was a pretty nice little story.

City Hall will be closed next Monday, January 17<sup>th</sup>. That's Martin Luther King Day. I also received a call from a gentleman that he wanted to know what was going on with that senior living project on Northcliff. It's not dead. Once again it's financing. The Douglas Company had applied to RIFT, which is a realty investment trust, and they weren't accepted for 2010, but they're going to reapply in 2011. And I have to fill out a report, that magazine that rates the suburbs. I have to fill it out and send it in. But one of the questions were, what were the projects that were completed in Brooklyn last year. So Mr. Ockington gave me the five highest projects, and together the value of all the projects put together, just those five, came to \$3,836.200 worth of construction that was done in Brooklyn for 2010. And that completes my report."

President Pucci: "Thank you Mayor. Next we'll move onto reports of directors, Chiefs and department heads. And we'll begin with the Service Department, Mr. Brown."

Dir. Brown: "Thank you Mrs. Pucci. Just one item of note here. As most of you are aware, we began this composting program in the last half of 2010, and that's currently suspended until probably about April of this year. So what I would ask you to do is, and all residents, please help us out by being very conscious of what you're putting in with the solid waste versus the recycling. Since we don't have our savings now in the composting, we are going to try to make up a little bit of that difference by encouraging people to be more aware of putting the recycling items in the bin, as opposed to just in with the regular trash. Because now, instead of even just a lesser cost that we're paying for recycling, we're actually getting paid for that, and we're getting a rebate on the solid waste. So just ask your cooperation in that. And that concludes my report."

President Pucci: "Thank you. I've got a question about the recycling. Would you say that the majority of our residents are recycling the miscellaneous paper? You know how... I mean, pretty much, you know, most of the paper we have, whether it's cereal boxes or the magazines, anything you get in the mail, the junk mail?"

Dir. Brown: "Yeah, that would be my feeling on that. I mean, obviously, you know, some things slip in and miscellaneous items get put in with the regular; but on the whole we're still getting the separate bags of the, like the newspaper print, and the..."

President Pucci: "Okay."

Dir. Brown: "...cardboard boxes, materials, things like that."

President Pucci: "Okay. Mayor?"

Mayor Balbier: "Yes, the last statistics I saw, Brooklyn recycles 26% of their rubbish, and that's about average. However, now that we've got the compost, that also counts for recycling, so we should really move up in the statistics."

President Pucci: "Okay. Thank you. And thank you Mr. Brown. Next is the Building Department, Mr. Ockington."

Comm. Ockington: "Thank you Mrs. Pucci. The Building Department has recently received a few inquiries from residents about the Get-Go fuel station being constructed near the HH Gregg Store at Brookpark and Ridge Roads. For anyone who may not be aware, that location is in the City of Cleveland, and the City of Brooklyn had no input on the location or the construction of the fuel station. That concludes my report."

President Pucci: "Thank you. Next is the Police Department, Chief Tenaglia."

Chief Tenaglia: "Good evening. Mr. Tanski, at Ridge and 480, the colors that are used on the street are dictated by the Department of Transportation, State of Ohio. I have no control over that. I'm glad since they finished the striping, I've been in constant contact with a Mr. Travis Bonnett, traffic engineer over at Transportation Blvd. He has been going back and forth. What he's turning me onto was a placing of a decal on the girder for the railroad bridge, where it won't cause any damage to their structure in any way by drilling or to fasten signs onto it. This is what they do throughout the State of Ohio on all railroad

overpasses. He gave me a company that I can call, as far as getting quotes for the cost of and installation of this decal. But it can't be put up until the temperature reaches above 52 degrees. So I'm looking into that, putting it up, he says, because when they go to re-paint their structures, all they do is sandblast it off and they put another one back up again. But I think I can make these lanes colored pink and the people are still going to go straight up there. They just don't care. But I've been working on it diligently for the last year and a half. They're going to do a traffic study for me when the weather permits. They found some money where I'm not going to have to pay for it. And, because the traffic backs up all the way north of Biddulph Road in the southbound lanes on Ridge Road. So they're going to, they have to wait till the weather gets better, they're going to do a study, where we can re-cycle all the lights from that point south to Brookpark Road. Starting in February they're going to start a project at Ridge and Brookpark of traffic flow, see where they can make it better, if they may have to make improvements in the area of widening the road, and things of that nature. But it's being looked at constantly by me. I get calls daily from residents and non-residents. So the biggest problem is, all the traffic that dumps off of Ridge Road in the evening, going southbound, is going to the City of Parma. You can sit up there and you can see that very few of the vehicles are going north into Cleveland or into the City of Brooklyn. So if you want, you can stop by my office, I've got pictures of what's going to be done in the future up there."

Councilman Tanski: "Question real quick. Does that, is that sticker you're talking about, is that going to go on the rail bridge? Is that what you're talking about, on the rail?"

Chief Tenaglia: "On the metal girder, yes. It's just one big decal. It'll be about eight feet long, showing, it'll say merge, and it'll have arrows on it."

Councilman Tanski: "It'll have arrows on it? Okay."

Chief Tenaglia: "If you want to you can stop down after Council."

Councilman Tanski: "Thanks, I appreciate it."

Chief Tenaglia: "And that completes my report."

President Pucci: "Thank you Chief. Next is the Fire Department, Chief Zemek."

Chief Zemek: "I have no report."

President Pucci: "Thank you. Recreation Department, Mr. Hammond."

Mgr. Hammond: "Thank you Mrs. Pucci. All I really have is, between Christmas and New Year's this year we hosted two hockey tournaments, the Brooklyn Christmas tournament and the St. Ignatius Christmas tournament. We had 15 hockey games in four days. And hats off to all my co-workers at the Rec Center, their phenomenal job getting all those people in and out of there, and everyone did a great job. The Brooklyn tournament, first place winner was Lakewood High School. And they are coached by one of the greatest hockey minds in the State of Ohio, Mr. Josh Dress. And congratulations to St. Ignatius, they won their tournament. And coach Pat Oberg, congratulations to him. Thank you very much."

President Pucci: "Thank you. Finance Director, Mr. Kennedy."

Dir. Kennedy: "Thank you Mrs. Pucci. I'd just like to say thank you for all the kind words. And really, the yeoman's work went to all the people in the Finance Department, Mary-Jo included, she knows it's not fun dealing with the Auditors sometimes. But Tina Westfall, Linda Kelber and JoAnn Haig really carry the water all day long, and did a good job there. One note for everybody's benefit, the IRS extended the federal tax filing deadline to April 18<sup>th</sup>, and we received a notice from the Regional Income Tax Agency that they will do that also. So the date this year is April 18<sup>th</sup>, not April 15<sup>th</sup>. And that concludes my report."

President Pucci: "Thank you. Mr. Chessar's not with us this evening, so finally we're at the Law Director, Mr. Claussen."

Dir. Claussen: "No report this evening."

President Pucci: "Thank you. Next we'll move onto our legislation. **RESOLUTION 2011-1.** Authorizing and approving the expenditure of \$3,118.97 to John J. Morgan, Esquire for services rendered to the City of Brooklyn for an arbitration hearing, attached hereto as Exhibit A. And I'll just read the memo from Mr. Kennedy. I'm requesting that Council approve a payment authorization for one invoice that was not encumbered in advance of the services being provided to the city in 2010, and whose total costs exceeded \$3,000. In accordance with the provisions of the Ohio Revised Code, I, as Finance Director, am authorized to certify the availability of funds for goods and/or services provided without proper encumbering documents up to a level not to exceed \$3,000. In order to avoid an audit comment related to satisfaction of this liability, I am requesting that Council authorize by Resolution payment of the following item.' And it's the \$3,118.97 to John J. Morgan. And basically this was our share of payment for an arbitrator. And the reason it's coming this was is because there wasn't a purchase order put in prior. So because we want to get this gentleman paid, we want to pass this by emergency measure this evening."

Councilwoman Gallagher: "Introduced by all, suspend the rules."

Councilman DeMarco: "Second."

Clerk Banish: "To suspend the rules, Kevin Tanski."  
"Tom Murphy."  
"Kathy Pucci."  
"Tony DeMarco."  
"John Patta."  
"Colleen Gallagher."  
"Joe Magrey."

Councilman Tanski: "Yes."  
Councilman Murphy: "Yes."  
Councilwoman Pucci: "Yes."  
Councilman DeMarco: "Yes."  
Councilman Patta: "Yes."  
Councilwoman Gallagher: "Yes."

President Pucci: "Yes?"

Dir. Kennedy: "I believe the title on the agenda says \$3,188. It should read \$3,118."

President Pucci: "Okay, and that is what I read into the record just now, from the Ordinance itself. So, right, the agenda was incorrect by what I just read is correct. So we should be fine. Mr. Claussen."

Dir. Claussen: "Just for the record, I did review the bill, and it is accurate."

President Pucci: "Okay, so we voted to suspend the rules..."

Clerk Banish: "Wait a minute. Joe Magrey."

Councilman Magrey: "Yes."

Clerk Banish: "To adopt, Kevin Tanski."  
"Tom Murphy."  
"Kathy Pucci."  
"Tony DeMarco."  
"John Patta."  
"Colleen Gallagher."  
"Joe Magrey."

Councilman Tanski: "Yes."  
Councilman Murphy: "Yes."  
Councilwoman Pucci: "Yes."  
Councilman DeMarco: "Yes."  
Councilman Patta: "Yes."  
Councilwoman Gallagher: "Yes."  
Councilman Magrey: "Yes."

President Pucci: "Okay, the next Ordinance we're going to skip at this point. The Mayor has asked us to go into executive session, which I'll go into a little more detail at the end. So next we're going to take **ORDINANCE 2010-69**, which is up for third reading and adoption this evening. To provide for the creation and use of a Budget Stabilization Fund pursuant to Section 5705.13(A)(1) of the Ohio Revised Code. And we just need a motion to adopt."

Councilwoman Gallagher: "Move to adopt."

Councilman DeMarco: "Move to adopt."

Councilman Patta: "Second."

Clerk Banish: "To adopt, Kevin Tanski."  
"Tom Murphy."  
"Kathy Pucci."  
"Tony DeMarco."  
"John Patta."  
"Colleen Gallagher."  
"Joe Magrey."

Councilman Tanski: "Yes."  
Councilman Murphy: "Yes."  
Councilwoman Pucci: "Yes."  
Councilman DeMarco: "Yes."  
Councilman Patta: "Yes."  
Councilwoman Gallagher: "Yes."  
Councilman Magrey: "Yes."

President Pucci: "Okay, prior to going into executive session, does the Mayor or any other Councilperson have anything they'd like to say? Okay. The Mayor's asked us to go into executive session with the Law Director and the Mayor to discuss..."

Mayor Balbier: "Fire Chief also."

President Pucci: "...and Fire Chief, to discuss matters of labor negotiations. And Mr. Claussen, I just want to make sure that everything is covered, because the Mayor wants to give us a report on the arbitration."

Dir. Claussen: "Right. You could just add legal decisions."

President Pucci: "And also legal... Is legal decisions covered?"

Dir. Claussen: "For an ongoing..."

President Pucci: "Current, ongoing legal matters and matters of personnel. So we need a motion and a second. And I do want to say that normally when we go into executive session we state ahead of time that the only action we will take coming out of executive session is to reconvene and then adjourn. We do anticipate that one way or another we will take action on Ordinance 2010-66 this evening. So if there's anybody that wants to know the outcome, they're free to stay, or you could check with Mary-Jo... You could call City Hall tomorrow if you can't stay this evening."

Councilman Magrey: "Move to go into executive session."

Councilman Tanski: "Second."

Councilwoman Gallagher: "Second."

Clerk Banish: "To adjourn to executive session, Kevin Tanski."  
"Tom Murphy."  
"Kathy Pucci."  
"Tony DeMarco."  
"John Patta."  
"Colleen Gallagher."  
"Joe Magrey."

Councilman Tanski: "Yes."  
Councilman Murphy: "Yes."  
Councilwoman Pucci: "Yes."  
Councilman DeMarco: "Yes."  
Councilman Patta: "Yes."  
Councilwoman Gallagher: "Yes."  
Councilman Magrey: "Yes."

COUNCIL ADJOURNED TO EXECUTIVE SESSION AND THEN RECONVENED.

Councilwoman Gallagher: "Move to reconvene."

Councilman DeMarco: "Second."

Clerk Banish: "To reconvene, Kevin Tanski."  
"Tom Murphy."  
"Kathy Pucci."  
"Tony DeMarco."  
"John Patta."  
"Colleen Gallagher."  
"Joe Magrey."

Councilman Tanski: "Yes."  
Councilman Murphy: "Yes."  
Councilwoman Pucci: "Yes."  
Councilman DeMarco: "Yes."  
Councilman Patta: "Yes."  
Councilwoman Gallagher: "Yes."  
Councilman Magrey: "Yes."

President Pucci: "Okay, we have **ORDINANCE 2010-66**, which is up for third reading and adoption this evening. Authorizing the Mayor to retain Johnson, Miller and Schmitz LLP to conduct labor negotiations on behalf of the City of Brooklyn. And in Section 2 there is a cap on it in an amount not to exceed \$25,000. The Mayor has committed that he is going to assemble a team, an internal team, with representatives from the city, and make every attempt possible to negotiate this on our own. When we vote on this this evening, if it's passed, the Mayor has given his word that we will only be using the outside counsel for negotiations if the city cannot accomplish this on our own. Is that accurate Mayor? Did you want to add anything or...?"

Mayor Balbier: "All I'm going to say, we're going to try to negotiate this without this company, and if we can't do it, then at least I have the authority to bring them in."

President Pucci: "Okay. So we need a motion to adopt."

Councilwoman Gallagher: "Move to adopt."

Councilman Tanski: "Second."

Clerk Banish: "To adopt, Kevin Tanski."  
"Tom Murphy."  
"Kathy Pucci."  
"Tony DeMarco."  
"John Patta."  
"Colleen Gallagher."  
"Joe Magrey."

Councilman Tanski: "Yes."  
Councilman Murphy: "Yes."  
Councilwoman Pucci: "Yes."  
Councilman DeMarco: "Yes."  
Councilman Patta: "Yes."  
Councilwoman Gallagher: "Yes."  
Councilman Magrey: "Yes."

President Pucci: "Okay, and there being no other business, we need a motion to adjourn."

Councilman Tanski: "Motion to adjourn."

Councilman DeMarco: "Second."

Clerk Banish: "To adjourn, Kevin Tanski."  
"Tom Murphy."  
"Kathy Pucci."  
"Tony DeMarco."  
"John Patta."  
"Colleen Gallagher."  
"Joe Magrey."

Councilman Tanski: "Yes."  
Councilman Murphy: "Yes."  
Councilwoman Pucci: "Yes."  
Councilman DeMarco: "Yes."  
Councilman Patta: "Yes."  
Councilwoman Gallagher: "Yes."  
Councilman Magrey: "Yes."

Meeting adjourned.

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Asst. Clerk of Council

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President of Council