

**MINUTES OF A REGULAR MEETING**

**BROOKLYN CITY COUNCIL**

**May 9, 2011**

**7:00 p.m.**

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

President Pucci: "Mary-Jo, will you call the roll please?"

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

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

President Pucci: "Next we'll have the reading of the agenda. Approval of minutes of February 14, 2011 and March 14, 2011 public hearing; public session; reports of committees, commissions and boards; Council reports; Mayor's report; directors' reports; confirmation of appointment for Service Director; authorizing advertising for bids for the 2011 streets program; public participation for legislative items on the agenda only; Ordinance 2011-25, Authorizing the purchase of Tasar devices and related accessories for use by the Brooklyn Police Department; Ordinance 2011-29, Amending the Codified Ordinances of the City of Brooklyn by amending Section 538.12(A) entitled Firearms, of Chapter 539, Parks and Playgrounds; Ordinance 2011-33, Replacing Section 1369.01 of the Codified Ordinances of the City of Brooklyn entitled, 'Smoke Detectors Required in all Residential and Multi-Family Units'; Ordinance 2011-34, Authorizing inter-fund transfers and advances during 2011; other matters that may come before the Council; and adjournment. We have two sets of minutes this evening. The first is from our regular meeting of February 14, 2011. And there is one minor correction on page six, the first paragraph under Mr. Patta, the last line towards the left. Instead of 'fixes' it should be 'fixed'. And if there are no other changes we'll need a motion to approve as amended."

Councilman DeMarco: "Motion to approve as amended."

Councilman Patta: "Second."

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

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

President Pucci: "Next we have a set of minutes from our public hearing of March 14, 2011."

Councilman DeMarco: "Move to approve."

Councilman Tanski: "Second."

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

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

President Pucci: "Next we'll have our public session. If anyone has anything to say for the good and welfare of the City of Brooklyn, please step to the podium, state your name and address for the record, and please recognize that we have a five minute time limit."

**Angret Georgi:** "Angret Georgi, 9508 Behrwald. On, and this is, I'm just taking liberty of clarifying something, because some people may have misunderstood. On April 15<sup>th</sup>, Larry Amato of the County Veterans service office made a presentation to the Democratic Club. It was the same as at Council a couple of weeks later, or a week later. But on April 16<sup>th</sup> I attended a social function and found that by chance an attorney who was familiar with the county for many years sat down at the table where I was, and during the course of our conversation I asked him whether the County Veterans service office has received increased funding that it can give added support to the veterans, specifically to the older generation to which my brother also belongs. He said no, and was puzzled that someone from that office may have given that impression. The comment that made me look on-line, and what it says is that the service offices of the County Veterans Administration help veterans in completing different types of forms, as Mr. Amato listed. But we should all note that they are not a branch of the Department of Veterans Affairs, and do not approve or deny VA claims. So while making everybody aware what's available, I think that was not clear that nothing is being approved while you go to the local offices. And then, this is what I've really thought about, and after seeing a Sun News letterhead, I mean front page article, the times that we have are difficult, and everybody knows it. And when companies that, upon which a community depends to maintain its services, come and ask for tax relief instead, then it becomes more and more difficult for a Mayor to put together a budget that will hurt a community the least. Because regardless, I think every community has to make adjustments. When a Mayor then manages to garner grants, that is outstanding. And when a Mayor arranges that the city is paid for recyclables, rather than pay for them, as has been the case for so many years, that is resourceful, and in our interest. I ask Mayor Rich Balbier whether he could distribute a paper copy of his State of the City report that he made to the Democratic Club on February 18<sup>th</sup>, and I hope you will. Mayor Balbier deserves to be commended for what has been accomplished. If any Councilmember can say he or she also initiated this, that or the other other, to help the city through these very difficult times, then say so. Everything that is presented at a Council meeting is recorded, including the seeming expectation, and I'm just kidding, that Mayor Balbier grab a pickaxe, or whatever is used to fix buckling sidewalks, as I heard earlier last meeting. I thought it was addressed to the wrong person. I think it is rather reassuring that Mayor Balbier has and is managing the city in his usual calm and pleasant manner. It is our right, anyone can follow, as is our right, anyone can follow his or her ambition to run for anything; but sometimes it's much more helpful for its leadership to stand united, to focus on the community's needs and concerns, and I mean this in reference to what I began saying, for instance, companies come ask for relief. If such companies get the impression that what one Mayor won't give them the next one will, that is not helping the community. And it weakens the current Mayor in negotiations done on behalf of the community if a local paper publishes how many of those that should stand united with him are running for his job. Thank you."

**Bob Kinney:** "Bob Kinney, 4208 Springcrest Drive. I have three or four items that I'd like to talk about. A couple of Council meetings ago I asked, and I never did get any kind of definitive answer, what I wanted to know who represents the general public in Brooklyn regarding the Board of Education. I know we have two separate entities, the city and the Board of Education; but I'd still like an answer to that question. Who represents the taxpayers? My second item is going to be directed at Mr. Tanski. Mr. Tanski, I'd like to know which of the five properties that you own you consider your residence? I think it's Vandalia, but at the same time you are claiming a tax deduction of 2½% on all five properties. And to do that they have to be your primary residence. Mr. DeMarco, same question to you. Where do you reside? Springcrest or Memphis Villas South? Because you also, tax purpose-wise, claim both as personal residence. I don't know if you're going to respond to any of this tonight, but... My final comment, it's my understanding that this is not to be a political agenda in speaking here. Well, Council President Kathy Pucci, at the last Council meeting, I know you're running for office, you made reference to, I believe, five politically related courses that you just completed via Kent State University. I think that's politicking. And that being the case, then I believe that anyone that wants to come up here and talk about politics should be allowed to do so. Thank you."

**Barbara Paulitzky:** "Good evening, my name is Barbara Paulitzky; I live at 4795 Tiedeman Road. At the last City Council meeting the Brooklyn School Board announced that it was removing the tax issue from the May ballot. During these depressed economic times, it was an intelligent decision. I would like to thank them for the integrity it took to admit that now isn't the time for any new taxes. It's unfortunate that the City of Brooklyn didn't see that, when they asked for and got an income tax increase passed. It was, and still is, bad for business, and bad for residents. I have asked this Council to consider putting this issue back on the ballot several times during the past few months. Some of you have had the integrity to answer the question either yes or no. Others have sat there and totally ignored me. You are public servants, and I believe that a

taxpayer and a voter, I have a right to ask it, and you have an obligation to answer my question. Several residents have approached me on this, and voters are taking notice. Again, you can say yes or no; but please, state on record whether you trust the voters of this city to make an informed decision now that they know the repercussions of this tax. Our Governor has gone on record to say voters have that right. If some members of this Council are denying the voters that right, then maybe it's time to vote them out of office. Perhaps the Mayor and Councilpersons Pucci, DeMarco and Magrey are willing to respond with a yes or no answer tonight. Thank you for listening."

**Bill Anderson:** "Hi, my name's Bill Anderson, I live at 4338 Rodoan Road. I have several questions. One, Mr. Tanski, I don't want to start rumors, I don't want to be accused of slander again; I heard a rumor that someone came, approached me, and says that you told a union official that you voted yes for Senate Bill 5, and we all know you weren't even here. I would like to know if that's a true rumor or not. There are people here that says it is. Secondly, Mrs. Pucci, since you did take all those courses and you brought it out, did you use those courses when you dealt with American Greetings? And thirdly, young lady, I don't know Mr. Amato that well, but I was at both the Democratic Club and here when he spoke, and they don't directly, but he made it clear they do not directly do the VA work, but they all have the representatives, including the American Legion, the DAV, who I happen to be a life member of, the Veterans of Foreign War. They all do help with the county, and they're down there at those... I used that service at one time, so I know what he said was the truth. I even questioned him on a couple matters to make sure. But it was the truth. Thank you."

President Pucci: "Does anyone else have anything to say for the good and welfare of the City of Brooklyn? Okay, we'll move onto reports of committees, commissions and boards. We'll begin with the Finance Committee, which is chaired by Mr. DeMarco."

Councilman DeMarco: "Thank you. We met prior to the Council meeting this evening. We had a very short agenda. The Finance Committee recommended Council authorize the advertisement for bids for our street repair program for 2011. And the Finance Committee also recommended the Council adopt Ordinance 2011-34, which authorizes inter-fund transfers and advances during 2011. And that completes my report."

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

Councilman Magrey: "Good evening everyone. Last Monday night we had a combined Public Works Committee and Public Safety Committee meeting. Our discussion centered around two areas: city street repair projects, and the consideration of a new automated solid waste truck for trash collection. Our previously approved street budget permitted us to work on only four streets, at a cost of around \$535,000. These streets are Dawncliff, Memphis Villas So., Richard Drive and Brook Lane. Due to the number of streets needing repair, the Public Works Committee agreed to add two additional streets to this year's street repairs. They are Forest Edge and Elizabeth Lane. This would bring our summer street repair costs to around \$731,000. This increase in repairs would allow us to perform more work on our much needed street repairs. We also discussed the need for extensive work on Traymore west of Ridge. Our city engineer, Doug Courtney, said that over 55% of the road would have to be replaced. He considered Traymore beyond repair, requiring a complete street replacement, including sewers. The price tag on this one street would be around \$817,000. This one project for just one street would be more than our previously approved budget for all Brooklyn street repairs for this past year, for this year. Because of the high cost associated with Traymore, we discussed a two-step process. First, move forward with temporary patching of Traymore; and secondly, we agreed to allocate funding for engineering costs for three streets this year. Traymore, west of Ridge; Glencoe, east of Ridge; and Brookwood. This will be used to review and determine costs for street and sewer repairs on these streets. The engineering costs for these streets would be good for five years. We did receive some current information from our city engineer, Doug Courtney, and he informed us that this project could be submitted to the Ohio Public Works Commission for State of Ohio Issue 1 funding. Also, as I mentioned, the city is currently looking at an automated solid waste truck, and we're still investigating that and looking at the cost. And that concludes my report."

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

Councilman DeMarco: "Thank you. I really haven't much to add. It was a joint session of the Public Works and the Public Safety Committees. And I'm glad that I think we have the rest of Council's support to increase

our street repair program from four to six streets this year. And we've got to continue to concentrate on the infrastructure of the city to maintain it. So that's really all I have. Thank you."

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

Councilwoman Gallagher: "I have no report tonight Mrs. Pucci."

President Pucci: "Thank you. Planning Commission, Mr. Patta."

Councilman Patta: "Thank you. Good evening. The most recent meeting of the Planning Commission was May 5<sup>th</sup> at 6:00 in Mayor's Court. There were two items on the agenda. The first was a request from Timothy Reynolds of Lee Ministries for a Conditional Use Approval to locate a religious facility in the partially vacant building located at 4315 Ridge Road. The request for the conditional use was denied. The second item was a request for approval of a proposed new free-standing sign by Larson Architects for a proposed new building by McDonald's Corporation to be located at 10700 Brookpark Road. The request was for a 55 foot sign; and as part of the request they would reduce the current 36 foot sign to 16 feet. That request was also denied. That concludes my report."

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

Comm. Ockington: "Thank you Mrs. Pucci. The April Board of Zoning Appeals meeting was held on Thursday, April 28, 2011 in Brooklyn Mayor's Court to hear two requests. The first item was a request from Cynthia Hennings for an appeal of the Residential Code of Ohio to construct a 576 square foot garage without frost protection for the foundation to be located at 6606 Archmere Avenue. After discussion, the variance was granted. The second item was a request from Be Next Awning and Graphics for a height area and setback variances for a new ground sign at LaVilla Conference and Banquet Center located at 11500 Brookpark Road. After discussion the variances were granted. The May 19, 2011 Board of Zoning Appeals meeting's been cancelled due to lack of applications. And that concludes my report."

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

Councilman Tanski: "Thank you Mrs. Pucci. Council report for... Excuse me, the Recreation Department's Board meeting is scheduled for May 16<sup>th</sup> at 6:30 p.m. in the Mayor's Court Room. This year's ice show, Celebrate America, will be held on Friday, May 13<sup>th</sup> and Saturday, May 14<sup>th</sup> at 7 p.m. Ticket prices are \$5 for adults and \$3 for students and seniors. Super signups will be held on Saturday, May 14<sup>th</sup> and Sunday, May 15<sup>th</sup> from 11 a.m. to 1 p.m. And that concludes my report."

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

Councilman Murphy: "Thank you. As Mrs. Paulitzky said earlier, the School Board decided they would take the bond issue off the ballot. They did that, I supported that. And do support that. The state then advised them over the next two years they're going to be losing \$2.5 million in state funding. I encourage all to be involved and go to the next School Board meeting, which is May 19<sup>th</sup>. These are going to be tough times over the next few years. You know, you should be involved, it's your community. Thank you. May 17<sup>th</sup>. I probably said 19<sup>th</sup>. May 17<sup>th</sup>. Be there. I'll be there."

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

**Councilman John Patta:** "Thank you. As was mentioned, we had a meeting last Monday where we discussed the condition of the roads in the city, as well as looking into the purchasing of an automated trash collector. While the economics of our city have improved, we are not in a position to do a great deal of street repairs. We have been informed by our Service Director that we do not have enough workers now to make the necessary repairs to the streets. It has been suggested that we hire part-time workers so the street repairs can be done. I'm opposed to hiring any individuals at this time. You may recall that last year Council approved 4-3 a new contract with the union for the Service Department. You also may recall that Council also approved 4-3 a buyout for several employees of the Service Department. I voted against both of these

measures, believing that these agreements were not in the best interest of the city. All during these negotiations we heard that our Service Garage was sufficiently staffed, and the buyouts would not adversely impact the city, but in fact would result in a cost-saving measure for the city. At some of our meetings several employees at the Service Garage, as well as our lead negotiator, attended City Council meetings; and never once did we hear that we would be understaffed if these buyouts went through. Today, as a result of these buyouts, the city has not yet saved any money. And now we are hearing how understaffed our Service Department is. This is what the union asked for, and my position is that they have to work more efficiently and make do with the number of employees that they do have.

Regarding the automated trash collector, which we have been discussing for a few weeks, there are some benefits as well as some drawbacks. Currently we have two garbage trucks picking up our trash four days a week in the city. We have a total of three workers on each truck handling those; duties for a total of six workers just for trash collection alone. The city collects garbage from approximately 1,000 homes per day. Using an automatic trash collector, the city would be able to pick up garbage from the same 1,000 homes per day. The cost of the automated trash collector is more than a packer truck that we currently use. The benefit of the proposed new trash collector is that instead of using three workers per truck, we would be only needing one worker per truck, saving the city a substantial amount of money if some of these positions were eliminated. With only worker per truck picking up garbage instead of three, we should also see a savings in our workers compensation premiums. One drawback is the placement of the new garbage cans. Special garbage cans would be needed to be used. They are quite large, up to 96 gallons, and would need to be placed at the curb. During the winter months we need to deal with the snow piled up on the treelawns. During the summer months there would be a lot of on-street parking, which could make it difficult for an automated arm to get around the parked vehicles. While these issues could prove to be challenging, it is something that we can overcome. We are still looking into investigating the use of the automatic trash collector, and we will keep you posted.

One of my concerns in looking into the automated trash collector in general is to ensure that whatever route we choose it is the best option for the city. We have discussed at our meeting purchasing a new or used garbage truck similar to the ones we use now, and we discussed purchasing an automated trash collector. There is another option I believe should be looked into in order to make a properly informed decision. That option would be hire an outside company to handle all of the trash collection for the city. Mayor, I know you've started to look into that possibility in the past, and rather than me recreating the wheel, would you be able to provide all of Council with the information that you do have so we can look into that, so we can make an informed decision?"

Mayor Balbier: "I'll see if I find it. I'll look for it."

Councilman Patta: "Thank you. Also Mayor, with the nice weather, there are more and more advertising signs popping up at the exit ramps in the city. Would you ask the Service Department, or whoever checks those, to try to get out at least on a, especially on a Friday afternoon?"

Mayor Balbier: "I've done that already, and they took them all down last week. So if there's new ones up they were put up in the last week."

Councilman Patta: "Yeah, there were some up I saw Sunday."

Mayor Balbier: "Okay. Because I gave an order."

Councilman Patta: "Thank you, I appreciate that. That concludes my report."

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

***Councilwoman Colleen Gallagher:*** "Thank you Mrs. Pucci. Good evening. I had the opportunity on Saturday night to attend a benefit for Sgt. Greg Cahlik, who is a 22 year veteran of the Brooklyn Police Department, and is fighting an aggressive form of brain cancer. Greg is not only an outstanding officer, he is a wonderful individual that Brooklyn could be proud of. Brooklyn members of the FOP Lodge 121 did a great job organizing this event. I'd like to thank everyone who attended. The proceeds will be used to assist Greg with his medical expenses.

Last Monday the Public Works and Safety Committees held a joint meeting to discuss the conditions of the roads and streets in the city, and the automated trash collection. Diane Bickett, executive director of the Cuyahoga County Solid Waste Management District, spoke on the benefits of automation for the City of Brooklyn. Almost four years ago I brought this idea to members of Council and the former administration. According to Miss Bickett, automation can help workers maintain their jobs longer and reduce employees by attrition. As John said, instead of three-man crew hoisting garbage cans and bags into trucks, a one-person driver uses a joystick to make a mechanical claw grab and dump standardized cans. This would free up workers for other duties. I believe automation is the wave of the future. It's just a matter of time before every community will be automated or hire a private company to do collect trash. I hope in the near future members of Council will consider this venture. And that concludes my report."

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

***Councilman Joe Magrey:*** "Thank you. Good evening everyone. First of all I'd like to say I'm really excited about looking at different ways that our city could save money. Our committees have worked very hard on looking at different ways, as we heard tonight about the automated trash pickup. We're also looking at several other ideas, and we're trying to save our taxpayers money. I appreciate the fact that everyone came up to speak tonight. And I just wanted to repeat something. Brooklyn, Ohio is home of American Greetings, and I want to keep it that way. And several times I have stated over the past few months that I would not be talking about American Greetings. And I continue to follow that. I had a young lady this weekend from Brooklyn High School call me and asked me to be interviewed with a high school project. And again I declined, stating that while we are in negotiations I do not want to put the City of Brooklyn in jeopardy in any way, shape or form, so I will be silent on any kind of discussions, including the tax increase. With all due respect, Barb, I have heard you. You want a definitive yes or no; and unfortunately, I have answered that, and unfortunately you may not like my answer, but my answer is I'm not speaking about anything related to American Greetings. And that concludes my report."

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

***Councilman Kevin Tanski:*** "Thank you Mrs. Pucci. Mr. Anderson, to answer your question on Senate Bill 5, I am totally against Senate Bill 5. I've made that publicly several times. Although I am in favor of the Resolution on Senate Bill 5 that was put forth to Council, I believe a few weeks ago. One of the residents, Jim Gray, asked me to read a fundraiser for the Brooklyn Athletic Boosters. It's a four-man scramble golf outing Saturday, July 30, 2011. Deerpass Golf Course. Shotgun start 8 a.m., food and refreshments at turns, steak dinner to follow. Limited to 112 golfers. Door prizes, skins and giveaways. \$75 per golfer, \$70 if paid by June 1, 2011. Hole sponsor, \$100 corporate, \$50 family. Call Jim Gray at 216-702-0670. Also, Chief Zemek, are you going to talk about the pancake breakfast? I think that's a great idea. I believe you had something else in store, as far as what's going to go on there."

Chief Zemek: "Yes, I'll talk about it. Thank you."

Councilman Tanski: "I appreciate that. That concludes my report."

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

***Councilman Tom Murphy:*** "I thank everything everybody has said, whatever it is they have to say tonight. I was at the meeting for the one-armed bandits, if that's what you want to call it, for the trash haulers. Some of us... I will be able to attend and go down to the City of Akron and watch them for a day, or however long it's going to be, to see how efficient, or what the problems are with that. We do have to look for ways to save in the future. That's all I have."

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

***Councilman Tony DeMarco:*** "Thank you. I actually thought I wasn't going to talk about economic development tonight, but in last week's edition of Crain's Cleveland Business, which is a weekly publication that most business people in Cleveland read on a fairly regular basis, there is a two-page article basically interviewing the Mayor of University Hts. And in the article, the basic gist of the article is that she is looking

to hire a full-time economic development person for their town. Again, you know, 'The suburb's creating an economic development committee comprised of residents and development professionals, and it's considering hiring a part-time economic development coordinator to find a way to bring officer workers to a community that has little traditional office space.' Very similar to Brooklyn. The article goes on to say, 'We're growing up, and she acknowledged that the need to find new sources of tax revenue is pushing this new approach to development.' And as Mr. Magrey indicated a little bit earlier, I think we've all done a good job, starting with the Mayor, in terms of watching our costs the last few years. But there is a point in time where you can only cut so much, and you have to start figuring out new ways to generate revenue for this city. And that's why I'm a huge believer in economic development. So I just wanted to point that out, that there's other municipalities and inner ring suburbs that are considering adding this type of person to their staff, and I think we should do it as well.

Finally, as Mrs. Gallagher mentioned, it was just great to see that a bunch of our employees, their families, residents from the city, were out on Saturday night to attend the fundraiser for Sgt. Cahlik. It just shows the kindness and compassion that people in this city have. And then I was just kind of blown away, there were 300 people that were willing to attend that. And that's all I have."

***President Kathy Pucci:*** "Thank you. I'm not going to be redundant regarding the joint committee meeting that we had last week. We will be scheduling a trip to Akron, who they are considered one of the leaders in trash collection automation, so that we will be able to see for ourselves and have our questions and concerns addressed from a practical standpoint. Over the weekend I also had the opportunity to attend the fundraiser for Sgt. Cahlik that was sponsored by our police union, and they did an outstanding job. It was very nice to see our police, fire and employees from our other various departments come together for such a good cause. And I would ask our community to keep Sgt. Cahlik and his family in their prayers. I'd also like to encourage everyone to attend the pancake breakfast that's going to be at the Fire Station. Chief Zemek will expand on it, but the proceeds are going to go for a very worthy cause, which the Chief will get into.

The agenda form for the Council agenda is now available either on-line or as a hard copy. I will make sure that all members of Council receive several copies of this in their mailbox. So if any member of Council would like any legislation prepared, they too need to use this form. And if anybody has any questions once they get the form in their box, they can contact me. But it's the same form that we all agreed to earlier this year.

Mr. Kinney, you asked who represents the residents with the Board of Education; and as a community we elect five members of our community to represent us on the School Board. And regarding the comments about the class I participated in at Kent State, this has absolutely nothing to do with politics. I've participated in various classes and seminars over the years, and I always report back to my colleagues and the residents on what I've participated in. And Mrs. Paulitzky, I have responded to your suggestions at previous meetings. With all due respect, I think I stated before it's not that simple. I know the Mayor talked to you after one meeting. If it were that simple it would have already been done. So as Mr. Magrey stated, at this point in time we can't give a yes or no answer, because, I believe Mr. DeMarco a couple meetings ago even expanded a little bit on that. We need to have things finalized with American Greetings before we would make that decision. And next we'll move onto the Mayor's report, Mayor Balbier."

***Mayor Rich Balbier:*** "Thank you Mrs. Pucci. I've got a few announcements to make. At our Memorial Day parade, we always have a part of the ceremonies where we have a flag up from each of the Armed Services, so if anyone has any son or daughter in the Armed Services and you want their name announced, come to the Memorial Day parade, and you then you can stand behind the flag of each service.

I had to appoint Ron Van Kirk to the Charter Review Commission. He replaces Ron Tumino. Mr. Tumino had to leave because of health reasons. And Mrs. Georgi, I don't have a paper copy of my speech. I always just read from notes, and then I think I throw the notes away already. Same thing here when I talk tonight. I just have notes, I never write out a speech.

Let's see, the first thing I have is, a scholarship from Wal-Mart. It says, 'Now accepting nominations. Nominate a teen who demonstrates outstanding leadership in his or her family school or community. A panel of teen leaders will select the top 10 finalists. Project Love Purple America will award one teen with a

\$2500 scholarship. The 10 finalists will be recognized at Project Love's Good News Day, and the 10 finalists will be featured on Channel 8.

The other thing I have is, 'To honor and recognize the month of May as National Water Safety Month in the City of Brooklyn, Ohio.' I won't read the whole thing, I'll just read the last one. It says, 'Whereas, the citizens of Brooklyn understand the vital importance of communicating water safety rules and programs to families and individuals of all ages, whether they're owners of private pools, user of public swimming facilities, or visitors to water parks. Now, therefore, I, Richard H. Balbier, on behalf of the Brooklyn City Council and the citizens of the City of Brooklyn, do hereby proclaim the month of May as National Water Safety Month in the City of Brooklyn, Ohio.'

The next one is the Big Creek Watershed clean-up. That takes place on Saturday, June 4, 2011 from 9 a.m. till noon. And they need all the help they can get. And one of the locations where they need help will be at the Brooklyn City Fire Department. So if you're interested to help clean up the Watershed Big Creek, it'll be Saturday, June 4<sup>th</sup> from 9 a.m. till noon.

The Department of Health has started their spring oral rabies vaccination program. They will put out 84,000 fishmeal polymer baits, and they will be distributed throughout the county. This is aimed at raccoons. Brooklyn is not one of the locations they're going to drop them at, but they asked to read these three pieces of advice. This will be taking place from May 2<sup>nd</sup> through May 20<sup>th</sup>. It says, 'Avoid feeding or approaching wildlife while at a park or in the woods. Vaccinate your companion animals against rabies virus. And educate your children to stay away from wildlife, and remind them not to attempt to help or to pick up injured animals.'

Last Friday we had Arbor Day in the city, and all the third graders were here, and they all got a seedling to take home. And we have some left over and I have them in a box at the front door. So anybody, when you leave tonight, if you want to take a seedling, it's an Austrian Pine. They grow pretty tall, but there's some left out there.

The Public Works, they said that. I've got some monthly reports to read. From the Building Department, there were 64 permits issued, that took in \$5,941.46. There were 27 contractor registrations, and that took in \$2,200. The Senior Center for the month of April, their social programs took in \$3,946; and charges and donations for services took in \$1,995.

And the last item I'm going to speak about tonight is a controversial item. And I think when you have these types of items, I think you should know where your elected officials stand. And I'm going to tell you my position on Senate Bill 5. Just to give you a feeling of where I come from, my father was a lifelong Teamster. He didn't drive a truck, but he worked in a dairy bottling milk, and they were in the Teamsters union. My wife is in the Teamsters union. My uncles were Teamsters, they were in the Carpenters union and the Auto Workers union. I helped bring the union into the Police Department. So I think residents should know where I stand on this issue, and I'm going to tell you. There are things in this Bill that would help cities, and I'd be lying if I said there wasn't. And one of them that jumps out at me is that everybody would have to pay 15% of their medical coverage. And that would definitely help the city. And it would also help us when we negotiate with five unions, you wouldn't even have to bring this up because that would be the law. So that's a good thing. However, the Governor didn't stop there, he just kept adding and adding and adding to this Bill. And I think it's an over kill. And the example I use, it's like killing a fly with a sledge hammer, there's so much in this Bill. And there's some things in there that I think, even if you are anti-union that you wouldn't agree with. One of them is that you can lay people off if they've been on 25-30 years and keep people that have been on one or two years. So now if you were working somewhere and you were approaching retirement, I don't think you'd like it if you got laid off because the city would save more money because you're at the high end of the pay scale, and keep somebody that's at the bottom. So I don't like that either. And unfortunately, when you vote on this Bill, and it'll be on the ballot in November, you can't just pick out the parts you like or dislike, you have to vote for the whole thing. So I am 100% against Senate Bill 5. And if I get into the part where it deals with schools I could go on and on talking about that. But a lot of people seem to forget about unions. When they were formed they weren't formed for wages, it might have been part of it, they were formed for working conditions. And a perfect example would be the miners, how bad the working conditions were in mines; and now look at them today, it's still a dangerous occupation, but it would be a lot worse if they didn't have their union. And I worked in a company where there was no union, before I

became a policeman. And the job, I was making \$9,000 a year, and I took a job as a Brooklyn policeman at \$6,000 a year. So that's a 33% pay cut. Years ago nobody wanted government jobs because they didn't pay anything. The reason I took it was for the stability because I kept getting laid off all the time. But I had to give up 33% of my pay. So I'm against Issue 5. Thank you."

President Pucci: "Thank you Mayor. Next we'll move onto directors' reports, and we'll begin with the Service Department, Mr. Verba."

Dir. Verba: "Thank you Mrs. Pucci. I just want to give everyone an update on the Tiedeman Road construction project. The contract will not be signed until May 17<sup>th</sup>. We are looking at construction to begin on the following week, May 23<sup>rd</sup>. Karvo Paving and the county met today to set up a field office, and when that is finalized AT&T will set up the phone lines there, and when that is completed the county will send out a flyer through the mail to all residents on Tiedeman Road instructing them on the project. The intention at this time is to mail out that literature later this week, or early next week at the latest. I would just like to give everyone an update on our compost program. We did not start the program last year until June 21<sup>st</sup>. Last April we averaged 22.30 tons of municipal solid waste, which cost the city \$16,872 in disposal fees. By starting our program, on April 11<sup>th</sup> this year our daily average has diminished to 13.07 tons a day, which costs the city \$11,053. This equates into a \$5800 savings to the City of Brooklyn for just the month of April. Last year our daily average for the month of May was 28.72 tons of rubbish, which ended up costing the city \$20,450. Through the first week of May in 2011 we averaged only 13.40 tons. If the average stays near the estimated number, we would only have landfill costs of \$9,540 for the month of May. That is a savings of \$10,909 for overall savings of \$16,709 for the first two months. As you could see by the numbers, our compost program is an intricate part of our daily operations. I just wanted to reiterate to the residents to place their compostable material in an open container or a biodegradable brown bag. If materials are placed in plastic bags they cannot be composted. That concludes my report."

President Pucci: "Thank you. Next is the Building Department, Mr. Ockington."

Comm. Ockington: "No report."

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

Chief Tenaglia: "No report."

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

Chief Zemek: "Thank you Mrs. Pucci. As requested, we're going to have a simultaneous open house beginning with a pancake breakfast this Sunday the 15<sup>th</sup>. From 9 a.m. to 1 we'll be serving the pancakes, and the open house will go till... I'm sorry, 9-noon will be the pancakes, the open house will end around 1. Depending on the crowd it may end up being later. Weather permitting we're going to land a helicopter next door to the Fire Station, University Hospital's Medivac, so people can come look at a medical helicopter. There will be tables set up, as on the flyer. The pancake breakfast is \$5 for all you can eat, pancakes and sausage. I thank Kay Hutkay for being there. Firefighter Gary Husak is leading this charge. Part of the proceeds will be used to put our '41 truck back together and get on the road; and the other part of the proceeds will be donated to Sgt. Cahlik. And that concludes my report."

President Pucci: "Thank you. Next is Recreation Department, Mrs. McGinty."

Asst. Mgr. McGinty: "Good evening. I just want to let everyone know learn to swim sign-ups are this weekend. Residents can sign up Saturday, May 14<sup>th</sup> or Sunday, May 15<sup>th</sup> from 11-1. Nonresidents can sign up Sunday, May 15<sup>th</sup> from 11-1. And Day Camp registration will also be held this weekend during super sign-up from 11-1. That concludes my report."

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

Dir. Kennedy: "No report this evening."

President Pucci: "And Law Director, Mr. Claussen."

Dir. Claussen: "Just briefly. There was a question last time with regard to Ordinance 2011-29. That's the amendment to the firearm ordinance, with regard to whether we were covered still for people that didn't have a license to carry a weapon. And I just wanted to, we are covered by the state statute which is Revised Code Section 2923.12. And that is actually mirrored in another section of our local ordinances, which is Brooklyn local Ordinance 549.02. I know Mr. Patta had a question, so I just wanted to spell that out. And that concludes my report."

President Pucci: "Thank you. Next we have confirmation of appointment for Service Director. 'Dear members of Council. I'm requesting Council confirmation on the appointment of Mr. John Verba to the position of Service Director for the City of Brooklyn. Currently, Mr. Verba is serving as the Acting Service Director, and has performed well over the last two months. Mr. Verba is a resident of Brooklyn, and has worked for the city for the past 25 years. Mr. Verba was active in starting the composting program, and oversees the daily recycling operations. He has also obtained government grants to help fund the Recycle Department, in addition to the many daily office responsibilities that he has. I am confident that Mr. Verba will use his knowledge and abilities to serve our city effectively as the Service Director. Thank you. Sincerely, Richard H. Balbier, Mayor.'"

Councilwoman Gallagher: "Move to confirm the appointment of John, or Junior, Verba."

Councilman Magrey: "Second."

President Pucci: "Yes, the Mayor would like to be recognized."

Mayor Balbier: "I would just like to say, John's been acting Service Director for two months, and I think he's done an outstanding job. He researches everything I tell him to do. You can tell by his reports he's very thorough. And I hope Council approves him tonight."

Councilman DeMarco: "Mrs. Pucci, could I be recognized?"

President Pucci: "Yes, Mr. DeMarco."

Councilman DeMarco: "Just to follow up on the Mayor's comments. You know, Council's been asking for a lot of information the last two years, that we just haven't been able to get our hands on, and Mr. Verba's just been right on top of everything we've asked for, and he's provided in a very timely manner, and it's been very organized. So at least from my perspective, he's done a fantastic job, and I hope the rest of Council will confirm his appointment today."

President Pucci: "Mr. Magrey."

Councilman Magrey: "Yes, I too am very impressed with John Verba. He's delivered everything we've asked him. It's been very difficult. He's had a quick ramp up, but I think he's been very impressive with everyone on Council. Thank you."

President Pucci: "Anyone else have anything to say? I'll just echo that, I've stated this before, that we appreciate you getting us all the information. As has been stated before, some of this information we've been asking for for quite some time, and weren't able to get it; and we appreciate your prompt response and your thoroughness. Do we have a motion and a second?"

Clerk Banish: "We do."

President Pucci: "Okay."

Clerk Banish: "To confirm the appointment, Kathy Pucci."  
"Tony DeMarco."  
"John Patta."  
"Colleen Gallagher."  
"Joe Magrey."

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

"Kevin Tanski."  
"Tom Murphy."

Councilman Tanski: "Yes."  
Councilman Murphy: "Yes."

President Pucci: "Next we have authorization to advertise for bids for the 2011 streets program. 'Following the Public Works/Public Safety meeting on Monday, as requested on Council I have revised the budget costs related to the 2011 street repairs. Specifically, I've included Forest Edge Drive south and Elizabeth Lane to the streets recommended for repair this year. Attached is an updated local street repair summary recommendation. This list includes the streets from our April 5<sup>th</sup> recommendation, as well as the two additional streets requested by Council. With the addition of these streets, we have estimated the total project costs for this work to be \$731,100. We recommend that street maintenance, joint crack sealing and asphalt rejuvenation be postponed this year to address needed repairs. Please review the attached and feel free to contact me with any questions.' This is signed by Doug Courtney. And I'm just going to read the streets that will be done this year. We have Dawncliff Drive, Memphis Villas So., Forest Edge Drive south, Richard Drive, Brook Lane, and Elizabeth lane. So we need a motion to authorize advertising for bids."

Councilman DeMarco: "Can I be recognized just real quick? On the streets, I just want to make sure the residents are aware, on Dawncliff and Memphis Villas So. they will not only be repaired, but also get a new asphalt overlay. So I just wanted to clarify that."

Councilman Patta: "Move to approve."

Councilman DeMarco: "Second."

Clerk Banish: "To authorize advertising for bids, Kathy Pucci." Councilwoman Pucci: "Yes."  
"Tony DeMarco." Councilman DeMarco: "Yes."  
"John Patta." Councilman Patta: "Yes."  
"Colleen Gallagher." Councilwoman Gallagher: "Yes."  
"Joe Magrey." Councilman Magrey: "Yes."  
"Kevin Tanski." Councilman Tanski: "Yes."  
"Tom Murphy." Councilman Murphy: "Yes."

President Pucci: "Next we have public participation for legislative items on our agenda this evening. If anyone has any comments or questions on the legislation that appears on our agenda this evening, please step forward to the microphone, state your name and address for the record, and please recognize we have a three minute time limit. Okay, we have **ORDINANCE 2011-25**, which is up for third reading and adoption. Authorizing the purchase of Tasar devices and related accessories for use by the Brooklyn Police Department. And the total for this is \$21,730.85."

Councilwoman Gallagher: "Move to adopt."

Councilman Murphy: "Motion to approve."

Councilman DeMarco: "Second."

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

President Pucci: "**ORDINANCE 2011-29**, which is up for second reading. Amending the Codified Ordinances of the City of Brooklyn by amending Section 539.12(A) entitled Firearms of Chapter 539, Parks and Playgrounds. And this is the one that Mr. Patta had a question for Mr. Claussen on. Did you want to be recognized at all Mr. Patta?"

Councilman Patta: "Yes, thank you. I did have a chance to review what Mr. Claussen sent over to me. I still believe the way it's written does take a tool away from the Prosecutor and the Police Department. I'd like to put this on second reading and I'd like to get Scott an e-mail with my suggestion for amending this, and then we could vote on it next time."

President Pucci: "Okay. We need a motion to put on second reading."

Councilwoman Gallagher: "Move to put on second reading."

Councilman Magrey: "Second."

Clerk Banish: "For second reading, Kathy Pucci."

"Tony DeMarco."

"John Patta."

"Colleen Gallagher."

"Joe Magrey."

"Kevin Tanski."

"Tom Murphy."

Councilwoman Pucci: "Yes."

Councilman DeMarco: "Yes."

Councilman Patta: "Yes."

Councilwoman Gallagher: "Yes."

Councilman Magrey: "Yes."

Councilman Tanski: "Yes."

Councilman Murphy: "Yes."

President Pucci: "**ORDINANCE 2011-33**, which is up for first reading. Just to remind Council, we had the initial ordinance on this that combined the Building Department and the Fire Code, and we decided to separate it out. So this is the section that deals with the Building Department. Replacing Section 1369.01 of the Codified Ordinances of the City of Brooklyn entitled Smoke Detectors Required in all Residential and Multi-Family Units. And this would require in the future the photoelectric smoke detectors. And there is one minor change on page two under the power source. There's just a type in the center there. We need to put the word battery in there, and I gave that to Mary-Jo earlier today. So first we'll amend it to make that correction. So I need a motion to amend."

Councilman DeMarco: "Move to amend."

Councilman Tanski: "Second."

Clerk Banish: "To amend, Kathy Pucci."

"Tony DeMarco."

"John Patta."

"Colleen Gallagher."

"Joe Magrey."

"Kevin Tanski."

"Tom Murphy."

Councilwoman Pucci: "Yes."

Councilman DeMarco: "Yes."

Councilman Patta: "Yes."

Councilwoman Gallagher: "Yes."

Councilman Magrey: "Yes."

Councilman Tanski: "Yes."

Councilman Murphy: "Yes."

President Pucci: "And does anyone have any comments or questions about it? Okay, so we need a motion to put on first reading, as amended."

Councilman Tanski: "I make a motion to put it on first reading."

Councilman Magrey: "Second."

Clerk Banish: "To place on first reading, as amended, Kathy Pucci."

"Tony DeMarco."

"John Patta."

"Colleen Gallagher."

"Joe Magrey."

"Kevin Tanski."

"Tom Murphy."

Councilwoman Pucci: "Yes."

Councilman DeMarco: "Yes."

Councilman Patta: "Yes."

Councilwoman Gallagher: "Yes."

Councilman Magrey: "Yes."

Councilman Tanski: "Yes."

Councilman Murphy: "Yes."

President Pucci: "Next is **ORDINANCE 2011-34**, which we'll be passing by emergency measure this evening so that Mr. Kennedy can make these transfers. Authorizing inter-fund transfers and advances during 2011. There are two. We're going to be transferring from the General Fund to the Safety Forces

Construction Fund \$27,619.14; and then from the General Fund into the Bond Retirement Fund \$118,030. So we need a motion to suspend the rules."

Councilman DeMarco: "Introduced by all, suspend the rules."

Councilman Tanski: "Second."

Clerk Banish: "To suspend the rules, Kathy Pucci."

"Tony DeMarco."

"John Patta."

"Colleen Gallagher."

"Joe Magrey."

"Kevin Tanski."

"Tom Murphy."

Councilwoman Pucci: "Yes."

Councilman DeMarco: "Yes."

Councilman Patta: "Yes."

Councilwoman Gallagher: "Yes."

Councilman Magrey: "Yes."

Councilman Tanski: "Yes."

Councilman Murphy: "Yes."

Clerk Banish: "To adopt, Kathy Pucci."

"Tony DeMarco."

"John Patta."

"Colleen Gallagher."

"Joe Magrey."

"Kevin Tanski."

"Tom Murphy."

Councilwoman Pucci: "Yes."

Councilman DeMarco: "Yes."

Councilman Patta: "Yes."

Councilwoman Gallagher: "Yes."

Councilman Magrey: "Yes."

Councilman Tanski: "Yes."

Councilman Murphy: "Yes."

President Pucci: "And we do intend to go into an executive session this evening to discuss matters of real estate. Before we do that, does the Mayor or any other Councilmember have anything further to say? Mayor."

Mayor Albier: "Yes. First of all I want to thank Council for affirming John Verba for the Service Director. And there was one monthly report I neglected, it was from the Fire Department for April. They had a total of 174 runs, 133 of them were rescue squad runs, and they took in a total of \$26,432.14 for the ambulance fees. Thank you."

President Pucci: "Anyone else? Mrs. Gallagher."

Councilwoman Gallagher: "I'd just like to congratulate John on your appointment. That's it."

President Pucci: "Okay. We do need a motion to adjourn into executive session to discuss matters of real estate..."

Councilman Magrey: "Move to adjourn."

Councilman Tanski: "Second."

President Pucci: "...and it'll be with the Mayor, and did you want Mr. Claussen? Who else?"

Mayor Albier: "I only need Mr. Ockington."

President Pucci: "Okay, with the Mayor and the Building Commissioner."

Clerk Banish: "To adjourn to executive session, Kathy Pucci."

"Tony DeMarco."

"John Patta."

"Colleen Gallagher."

"Joe Magrey."

"Kevin Tanski."

"Tom Murphy."

Councilwoman Pucci: "Yes."

Councilman DeMarco: "Yes."

Councilman Patta: "Yes."

Councilwoman Gallagher: "Yes."

Councilman Magrey: "Yes."

Councilman Tanski: "Yes."

Councilman Murphy: "Yes."

**COUNCIL ADJOURNED TO EXECUTIVE SESSION AND THEN RECONVENED.**

Councilman Magrey: "Move to reconvene."

Councilwoman Gallagher: "Second."

Councilman Tanski: "Second."

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

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

Councilwoman Gallagher: "Move to adjourn.'

Councilman Magrey: "Second."

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

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

Meeting adjourned.

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Asst. Clerk of Council

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President of Council