

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**February 13, 2012**

**7:00 p.m.**

Present: Tom Murphy  
Tony DeMarco  
Kathy Pucci  
Ron Van Kirk  
Katie Gallagher  
Kevin Tanski

Absent: Colleen Gallagher

Pledge of Allegiance.

Mayor Balbier asked for confirmation of his appointment to Police Chief, Scott Mielke. He read his qualifications and background. **MOTION** by Pucci, second by Murphy to confirm the appointment. **VOTE RESULTED:** Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. Chief Mielke was sworn in and administered the Oath of Office.

Mayor Balbier swore in two Police Detectives to Sergeants: Joe Tenhunfeld and Cindy Eschweiler.

#### **DISPOSAL OF MINUTES:**

**MOTION** by Pucci, second by Tanski to approve the minutes of September 12, 2011. **VOTE RESULTED:** Yes: Murphy, DeMarco, Pucci, Tanski. Abstain: Van Kirk, K.Gallagher. No: None.

**MOTION** by Pucci, second by Tanski to approve the minutes of January 3, 2012. **VOTE RESULTED:** Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None.

**MOTION** by Pucci, second by Tanski, to approve the minutes of January 9, 2012, as amended. **VOTE RESULTED:** Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None.

**MOTION** by Tanski, second by Pucci, to approve the minutes of January 23, 2012, as amended. **VOTE RESULTED:** Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None.

#### **PUBLIC SESSION:**

*Pat Tamburo* of 7606 Traymore Avenue passed out information to Council and spoke about 'Zero Waste' alternatives.

*Lou Changeri* of 8972 Trail Run Drive spoke of the closing of the Brooklyn Animal Shelter, and asked what will occur with the vacant building and expressed concerns for animals. He thanked those residents and other people who volunteered at the Shelter.

*Rob Slattery* of 4396 W. 62<sup>nd</sup> Street said he went to the APL and received a public record report regarding the Animal Shelter investigation. He picked out and read some items from the report, and requested that the Brooklyn Police Department be given back the investigation to complete.

*Paula Ritter* of 8974 Boxwood Circle, questioned how insurance companies reimburse the city for the Silver Sneaker program, and costs per client, and asked if an instructor will be available at any time. Mgr. McGinty explained some aspects of how the Silver Sneakers program works with reimbursement, and that the Rec. Department is adamantly seeking an instructor, but that they have to be Silver Sneakers certified, and then a new contract has to be entered into. She added their biggest goal is to get a water aerobics instructor.

President DeMarco took a moment to offer condolences to Law Director Scott Claussen on the passing of his grandfather, Roy Beppler.

*Victor Ardito* of 7439 Outlook Avenue commented on the previously proposed Get-Go gas station and that it was a shame it was not built in Brooklyn.

### **REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:**

Finance Committee (Chairman DeMarco): Recommended Council adopt Res. 2012-4, Ord. 2012-4, Ord. 2012-5 and put on first reading Ord. 2012-7 and Ord. 2012-8. Reported that the Mayor, Council and all directors met for a discussion on the 2012 Budget, presented by the Mayor and Finance Director. The next scheduled budget meeting will be after the conclusion of the regular Council meeting Feb. 27, 2012. He thanked all the directors for their input and time, and also to the Finance Director and everyone who put the information together.

Public Safety & Environmental (Chairman Murphy): Reported that he and three other Councilmembers attended a gasification public meeting on Feb. 8<sup>th</sup> from 6-9 p.m. The majority of those present were against the proposed plant. The intention of the Safety Comm. is to educate residents on what gasification is. An informational brochure and DVD is available at the reception desk. He repeated the concerns of residents and Council and concerned groups. He is still seeking an available expert to answer questions in this process. He will stay abreast of the situation and report back as more is learned. President DeMarco added that he wanted the residents to know that all of Council is gathering information and will keep everyone informed.

Recreation Board (Councilman Tanski): Asked Mgr. McGinty if the Silver Sneakers' instructor the city is applying for have their salary picked up by Silver Sneakers or come from the city's profit of the program. Mgr. McGinty said Silver Sneakers has to accept the instructor, and then go through the contract process. Since there is no one on staff at this time she will have to look into that further. The next Rec Board meeting will be Feb. 21<sup>st</sup> at 6:30 p.m. in the Mayor's Court.

Bd. of Zoning Appeals (Comm. Ockington): The next meeting will be Thursday, Feb. 16<sup>th</sup> at 7 p.m. in the Mayor's Court to hear a request from Ferragon Corp. for a 44 foot front yard setback variance to construct a replacement security guard shelter with an increase in size to 144 sq. feet, at 11103 Memphis Avenue.

### **REPORTS OF COUNCIL:**

#### **Councilman Tom Murphy:**

Thanked Mr. Tamburo for the Zero Waste information. Agrees with Mr. Changeri on his praise of Animal Shelter volunteers. He feels the Shelter predictably failed for various reasons. According to a report he read there could be criminal charges, and questioned why there hasn't been; and said if anyone interfered they should stay away from it. He felt the city put a lot of money forward and didn't get enough for it, and there's more to this than meets the eye.

#### **Councilwoman Kathy Pucci:**

Congratulated Chief Mielke and newly appointed Sgts. Also attended the gasification meeting last week, and stated she is opposed to the proposed plant. Brooklyn will be more negatively impacted than the vast majority of Cleveland residents, and we have to stay on top of this. Said Council has asked for months for a report from the APL on the Animal Shelter, were told it was under investigation and unavailable, so questioned how someone else requested and received it from the APL. (The Mayor said he will check with the Police Dept. Chief Mielke said the person has the APL report, the Brooklyn Police Dept. has not released any investigative reports.)

#### **Ron Van Kirk:**

Council met with the Mayor and directors for the 2012 budget presentation, and he also thanked Fin. Dir. Esarey. More work has to be done, and he has two issues. Thanked the Animal Shelter volunteers for their hard work and dedication, and will continue to find answers as to why it closed, and to not let this happen again. A service was provided for the city, and he expressed concern for animals now, and that the Shelter will be missed. Based upon budget meetings the city is in fairly good financial condition, with the Mayor and City doing a good job the past few years banking money and re-establishing a healthy balance in the General

Fund, due mainly to the increase in the income tax. We must be kept in good financial condition and prepare for the 2014 exit of American Greetings. We need to make plans to replace AG, pay down as much debt as possible, and purchase items that can be paid for in cash.

**Katie Gallagher:**

Has items the city needs to work on. Thanked the Animal Shelter volunteers, and expressed disappointment for how the situation was handled by the city. As for the process by which Council confirms the Mayors' appointments, feels all positions should be advertised and a multi-layer interview process be established for all candidates. This would bring a broader range of candidates, ideas, and increased confidence from residents. She will have to vote no in the future unless these steps are performed. She asked the Mayor to create a uniform hiring process for each department, to include advertising and screening. Also attended gasification meeting, and is against it. She also respectfully requests that when the city wishes the Council to consider a Resolution or Ordinance that speaks on behalf of the city, that the issue, including both the pros and cons be fully developed by a staff member in a committee well in advance of any vote to allow Council time to weigh the stances and develop an opinion.

**Kevin Tanski:**

Congratulated new Sgts. and Chief Mielke. Asked the Mayor, in regard to the proposed gasification plant, if he has been in touch with Mayor Jackson or Cleveland Councilmen about it, and where they stand on a vote. (Mayor Balbier said he knew Mayor Jackson was for it, but that all of the Council is not. He does not know when a vote is scheduled.) (Mrs. Pucci said it is in committee, with no action yet, and more is being asked to be appropriated for an expert to analyze results.) Thanked Mr. Tamburo for Zero Waste information. Thinks recycling needs to be addressed more aggressively, in Brooklyn and everywhere.

**Tony DeMarco:**

Attended ribbon cutting at Michael's Crafts, and welcomed them to Brooklyn. The volunteers and Animal Shelter provided a valuable service to the city, and it's unfortunate the situation is what it is today. Regarding the budget, was disappointed original budget presented to Council had no strategies or expenditures to deal with revenue issues, and feels it needs to be addressed immediately.

**MAYOR'S REPORT:**

**Mayor Balbier:**

New Day Cleveland (TV 8) filmed at the Historical Society, and other places, to be aired Feb. 20<sup>th</sup>. Has gathered a lot of information on proposed gasification program and hasn't met anyone outside of government that is for it. Doesn't know if it will ever get off ground, mostly because of money. Attended the ribbon cutting at Michael's, and one in January at Huntington Bank, with more to come during the year. Announced Rita Enovitch promoted to the position of Coordinator of Senior Services. Reported he will be meeting with Mr. Calabreeze from RTA, and Mayors DeGeeter (Parma) and Elliot (Brook Park) to re-establish the bus route on Brookpark Road, which will hopefully benefit the Kaplan School and the soon to be opened VA medical center, as well as K-Mart, Wal-Mart, Sam's Club and others. Has meetings with our current and future area State Representatives in the next couple weeks. Said there is an education program for adults for removing home-based hazardous materials, to register for, on May 10<sup>th</sup> at Parma City Hall. Attended the Brooklyn Chamber of Commerce's 6<sup>th</sup> Taste of Brooklyn recently, where they raised money for scholarships. Gave a State of the City Address to the Chamber last week. Congratulated the promoted employees. Read from the Building Dept. 2011 annual report, available for review.

**DIRECTORS' REPORTS:**

**Service Dir. Verba:**

Condolences to friends/family of former employee Tony Hernandez. Reported the recycling rate for 2011 was 42%, an increase of 11% from last year, and 15% from 2009.

**Police Chief Mielke:**

Congratulations to Sgts. Eschweiler and Tenhunfeld, both chosen through an extensive interview process.

Rec. Mgr. McGinty:

Thanked all associated with a successful Baron Cup Tournament, and congratulated St. Ignatius for winning Baron Cup Red, Amherst Steele for winning the Baron Cup White, and Midview for winning the Baron Cup Blue. Announced the Sectional District hockey tournament begins today.

Finance Dir. Esarey:

Reported that for the 2011 Financial Audit, Local Government Services will begin GAAP conversion on Tuesday. She said there are changes for the 2011 Financial Audit, which is put out for bid through a State process, which resulted in the award of the financial audit for Brooklyn by James G. Zupka, to begin on March 5<sup>th</sup>.

#### **LIQUOR PERMITS:**

Ace's Bar and Grill, Biddulph Plaza. Mr. Ockington had informed President DeMarco of substantial improvements to be made to the property before the issuance of an occupancy permit. The Police Chief had no objection to this permit. **MOTION** by Pucci, second by Murphy for a position of no objection. **VOTE RESULTED:** Yes: Murphy, DeMarco, Pucci, K.Gallagher, Tanski. Abstain: Van Kirk. No: None.

Valu King, 4798 Ridge Road (former vacant portion of Tops), for the sale of beer and wine. The Police Chief had no objection to this permit. **MOTION** by Pucci, second by Tanski for a position of no objection. **VOTE RESULTED:** Yes: Murphy, DeMarco, Pucci, K.Gallagher, Tanski. Abstain: Van Kirk. No: None.

#### **LEGISLATION:**

**RESOLUTION 2012-3:** In support of Issue 15, the Cuyahoga County Health and Human Services 4.8 mill renewal levy. **MOTION** by Pucci, second by Van Kirk to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. *Adoption:* Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. **(ADOPTED)**

**RESOLUTION 2012-4:** Opposing a state operated program for the central collection of municipal income tax collection and declaring an emergency. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. *Adoption:* Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. At the request of Councilman Van Kirk, President DeMarco gave a brief explanation of this proposed change to income tax collections. **(ADOPTED)**

**ORDINANCE 2012-3:** Authorizing department directors to advertise for bids for various products and purchases by the city for the year 2012. **MOTION** by DeMarco, second by Pucci to table the Ordinance. **VOTE RESULTED:** *To Table:* Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. **(TABLED)**

**ORDINANCE 2012-4:** Authorizing the Mayor to enter into an agreement with the Juvenile Diversion Coordinator. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. *Adoption:* Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. **(ADOPTED)**

**ORDINANCE 2012-5:** Authorizing the Mayor of the City of Brooklyn to apply to the Ohio Department of Transportation for funding of infrastructure improvements relating to the Brooklyn Safe Routes to School travel plan. **MOTION** by Tanski, second by Pucci to suspend the rules. (Councilwoman Pucci stated this was a no-match grant.) **VOTE RESULTED:** *Suspend the Rules:* Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. *Adoption:* Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. **(ADOPTED)**

**ORDINANCE 2012-6:** Amending Ordinance 2006-15 entitled, 'Providing for the compensation for the full-time and administrative employees (non-bargaining agreement) of the City of Brooklyn, Ohio' to reduce the top limit on the wage tables that were effective 1/1/08 by 5%.' **MOTION** by DeMarco, second by Murphy to table the Ordinance. **VOTE RESULTED:** *To Table:* Yes: DeMarco, Murphy, Tanski. No: Pucci,

Van Kirk, K.Gallagher. (MOTION FAILED) **MOTION** by Pucci, second by K.Gallagher to suspend the rules. **VOTE RESULTED: To Suspend the Rules:** Yes: Murphy, Pucci, Van Kirk, K.Gallagher. No: DeMarco, Tanski. **(ON FIRST READING)**

**ORDINANCE 2012-7:** Providing for the issuance and sale of \$480,000 in notes in anticipation of the issuance of bonds to pay costs of acquiring a one-armed garbage truck and related toters. (President DeMarco explained the estimated cost of the truck is approximately \$270,000 and the toters an additional \$200,000.) **MOTION** by Murphy, second by Tanski to place on first reading. **VOTE RESULTED: First Reading:** Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. **(ON FIRST READING)**

**ORDINANCE 2012-8:** Providing for the issuance and sale of \$1,500,000 in notes in anticipation of the issuance of bonds to pay costs of 1) acquiring property known as Marquardt Park to be used for recreational purposes; 2) reconstructing Biddulph Road in cooperation with the Ohio Department of Transportation between Tiedeman Road and Ridge Road; 3) acquiring and equipping a technical rescue vehicle; 4) acquiring motor vehicles for operation of the City's Police Department; 5) acquiring and installing communication equipment for the City's Police Department; 6) resurfacing city streets to be approved by City Council, together with all work incidental thereto; and 7) acquiring road servicing vehicles and declaring an emergency. (President DeMarco explained this is rolling over a portion of the notes and paying down the principal balance.) **MOTION** by Pucci, second by Van Kirk to place on first reading. **VOTE RESULTED: First Reading:** Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. **(ON FIRST READING)**

President DeMarco announced there will be a Public Hearing at the beginning of the next Council meeting on February 27<sup>th</sup> for a Community Development Block Grant presentation. Also, he noted the city offices are closed Monday, February 20<sup>th</sup> in observance of President's Day.

Mayor Balbier thanked the Council for confirming the appointment of Chief Scott Mielke.

There being no further business, **MOTION** by Tanski, second by Van Kirk to adjourn. **VOTE:** Yes: Murphy, DeMarco, Pucci, Van Kirk, K.Gallagher, Tanski. No: None. **(ADJOURNED)**

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Asst. Clerk of Council

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President of Council