

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

February 27, 2012

7:00 p.m.

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

Absent: None

Pledge of Allegiance. A moment of silence was observed for the victims and all involved in the tragic events that took place at Chardon High School.

PUBLIC HEARING

A public hearing was held for Community Development Block Grant application that the city is going to apply for. Mayor's Secretary Jill Ludwig gave a presentation. The project being applied for is: Installation of ADA compliant splash pad at the Natatorium, in a Tier 2 amount of \$150,000. An authorizing Resolution will be presented at the March 26th Council meeting.

DISPOSAL OF MINUTES:

MOTION by Van Kirk, second by K.Gallagher to approve the minutes of February 13, 2012. **VOTE RESULTED:** Yes: Pucci, Van Kirk, K.Gallagher, Tanski, Murphy, DeMarco. Abstain: C.Gallagher. No: None.

PUBLIC SESSION:

Rob Slattery of 4396 W. 62nd Street requested Council to comment on the APL report on the Animal Shelter. Referred to Councilwoman K.Gallagher's comments on positions and interview processes for employees, and was interrupted by President DeMarco when the comments became personal in nature of her family, as it did not pertain to the good and welfare of the City of Brooklyn, and in violation of Council Rules.

Dave Stepic of 4607 Tiedeman Road asked if there were laws/ordinance prohibiting or restricting wind generators on private property. (Comm. Ockington responded he didn't believe there were specific ordinances for this.) His other question was what the lifespan for Tiedeman Road was, which was just refinished and experiencing some holes. (Comm. Ockington responded that City Engineer Courtney looked into this, and reported that the County still has open punch list items that include the holes, which means there are items the contractor has to come back in the spring to fix.)

Victor Ardito of 7439 Outlook Avenue said he didn't want the incinerator project, with the pollution and other conditions involved; but also said we have to move forward in the ways of technology and suggested to help Cleveland do this properly.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Finance Committee (Chairman DeMarco): Recommended Council approve acceptance of two Fire Department grants (Bureau of Workers Compensation Safety Grant; and FEMA Assistance to Firefighters Grant); Ord. 2012-9 and 2012-12 be placed on first reading; Ord. 2012-10, 2012-11 and 2012-13 be adopted. Reminded that Finance Comm. is at 6:30 prior to regular Council meetings, unless otherwise posted, and all are welcome to attend.

Public Safety & Environmental (Chairman Murphy): Said the gasification plant appears to be in jeopardy due to a few factors, including financing. The City of Brooklyn will continue to monitor this. An invitation to a representative from the City has been sent to a seminar out of state. Announced the Safety Committee will hold a meeting March 6th at 6 p.m. in regard to police dispatchers, Fire Department, and the jail.

Recreation Board (Councilman Tanski): The Rec Board welcomed new member Robert Kelber. Announced upcoming registrations for learn to swim and learn to skate sessions, and registration for baseball. The Board had discussions regarding solar panels, exercise room proposal, splash pad and cash registers. The next meeting will be Monday, March 19th at 6:30 p.m. in the Mayor's Court room.

Legislative Update/Domestic Violence/Juvenile Diversion (Councilwoman C.Gallagher): Reported the Domestic Violence Comm. was held on Feb. 1st. A Presidential Proclamation proclaimed February 2012 as National Teen Dating Violence Awareness and Prevention Month, and she read some statistics relating to it. The helpline can be reached at 1-866-331-9474. Reported that the Ohio House and Senate approved several Bills (HB 244, HB 215, HB 14, HB 32, SB 130, SB 202, SB 268, HB 365.)

Bd. of Zoning Appeals (Comm. Ockington): A meeting was held Thursday, Feb. 16th to hear a request from Ferragon Corp. for a 44 foot front yard setback variance to construct a replacement security guard shelter to be located at 11103 Memphis Avenue, which was approved. The next meeting will be held March 15, 2012 at 7 p.m. in the Mayor's Court room.

Planning Commission (Councilwoman K.Gallagher): A meeting will be held Thursday, March 1, 2012 at 6 p.m. in the Mayor's Court room to discuss a request from Bruce Rinker on behalf of Sheetz, Inc. for a Conditional Use Approval and preliminary site plan approve, for food service, car wash, fueling station, to be located at 10315 Cascade Crossings.

Economic Development (Councilman DeMarco): A meeting was held Friday, February 17th. Discussions included how to go about marketing Brooklyn, and ways to entice businesses. In regard to the proposed Sheetz, said he is adamantly against the project, and that the Committee recommended that the project not move forward to the Planning Commission.

REPORTS OF COUNCIL:

Kathy Pucci: Said our Safe Routes for School Grant application was submitted, and we should hear in April if our project will be funded. To Chief Mielke – received a complaint of speeding cars on Dawncliff. Regarding Ord. 2012-6, said this legislation is to lower top of range by 5% and then commit to looking at how employees are compensated, and that she still wants to have a performance audit for employee compensation. Reminded everyone to vote, and stressed support of Issue 15, Health and Human Services renewal. Gasification – future is uncertain but there is conflicting information, as Cleveland Administration still wants to pursue it. Thanked Councilman Cummins of Cleveland for all his assistance.

Ron Van Kirk: Feels Katie Gallagher's comments regarding multi-layer process of hiring are wise, and he backs her on that. Had a tour of the fire station last week. Has been asking for information on the Brooklyn Animal Shelter, and has been met with silence, though received an APL preliminary report; and found out that the city's investigation is still ongoing. Feels there is conflicting information and it is troubling. He is questioning costs and purpose, and concludes that the volunteers were harassed and bullied till they decided it was no longer worth the aggravation. He thanked all the volunteers for their time. He proposes the city pay down its debt as much as possible to further our good financial position. He would like the city to be debt free by 2014. He also agrees that a performance audit be performed. Also reminded people to vote.

Colleen Gallagher: Congratulated Chief Mielke and Sgts. Tenhunfeld and Eschweiler on their appointments. Stated she is against Cleveland's gasification proposal, and that Councilmembers will stay on top of the issue. Also thanked Mr. Tamburro for information he's given. Received info that Orange Village passed an ordinance regarding hoarding, and suggested Brooklyn look at it as a model ordinance, and a Safety Committee meeting be held to further discuss it.

Katie Gallagher: Repeated some comments from the previous Council meeting due to it not being shown in entirety on TV. Thanked Shelter volunteers for work and dedication. Reiterated the need for a competitive hiring procedure, advertising job postings, and multi-layer interview process. Opposed to gasification plan as proposed. Attended a public records seminar last week and learned a lot. Spoke of a request of her personnel file by someone and then shared her personal experience in her current job with the interview process.

Kevin Tanski: Has had further discussion and in-depth look into solar and wind energy for powering city buildings, and contacted a business relating to it. Hopefully there will be grants to support it. Thanked the Rec Board and Mayor for being open and supportive in his seeking further information. Stated his support of Ord. 2012-6 if it could be made more evenly and fairly, suggesting all non-union staff's top range be reduced by 5%, not some, to avoid animosity or attitudes. He asked support for a motion he will make to reduce all top ranges for the non-union staff by 5%.

Tom Murphy: Concerned about lack of information about the Animal Shelter. Cited an example of concern from the APL report. Included the subject of hoarding on the March 6th Safety Committee meeting, and thanked Mrs. Gallagher for her information. Expressed shock the new rule of decorum was not instituted against someone talking about him, even though he voted against the rule. He asked the Law Director to let him know if silencing a speaker is a violation of free speech.

Tony DeMarco: Apologized for some recording issues from the last Council meeting, and explained we're in the process of trying to upgrade hardware that provides sounds and recording of meetings. Thanked Chief Zemek for the Fire Dept's annual report. Repeated that with our biggest issue, the loss of revenue in 2014-2015, we still don't have a solid plan to generate additional revenues, and finds it alarming. With Ord. 2012-6, if the reduction is going to be made it should be across all positions and not to pick and choose. Also he feels there's no real basis for this legislation, if salary information could be studied first. Noted that this legislation has been in effect since 2008, and wondering why four years later there's proposed reductions. He is not in support of this Ordinance.

MAYOR'S REPORT:

Mayor Balbier: Is against Ord. 2012-6; and added that there are 14 non-union positions, and with raises he intended to give, the increase is \$131,000 less than what the positions were being paid in 2008. Had good feedback on how the Rec Dept. ran the hockey tournaments. He, Mayor DeGeeter (Parma) and Mayor Elliott (Brook Park) met with the RTA and re-established the Brookpark Road bus route, on a 6 month trial/pilot program, for transportation for businesses all along Brookpark, including the new VA facility. Informed that the Ridge Park Square AMC theater has a special once a month movie for autistic children and their parents. It's not advertised, but the theater can be contacted for more information. Read some statistics from the 2010 Fire Dept's annual report. Announced a breakfast March 8th for senior seniors at the High School Board of Ed to go with a special preview of the musical The Wiz. Gave information on the Chamber of Commerce's scholarship, which can be obtained through the Chamber, with a deadline of April 13.

DIRECTORS' REPORTS:

Rec. Mgr. McGinty:
Holding learn to swim this weekend and gave rates.

President DeMarco reminded everyone that after the conclusion of the Council meeting the Council will be holding its second Budget work session in the conference room.

GRANT ACCEPTANCE:

-From Bureau of Worker's Compensation in the amount of \$9,478, with the city's share being \$13,274. **MOTION** by C.Gallagher, second by Tanski to accept the grant. **VOTE RESULTED:** Yes: Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco. No: None.

-From FEMA's Assistance for Firefighters Grant Program in the amount of \$63,806, with the city's share being 5% or \$3,190 for the replacement of two 15-year old patient care monitors and defibrillators for the rescue squads. **MOTION** by Pucci, second by K.Gallagher to accept the grant. **VOTE RESULTED:** Yes: Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco. No: None.

LEGISLATION:

ORDINANCE 2012-6 (2nd Reading): 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 Tanski, second by Van Kirk to amend to reduce all non-union top limit on wage tables by 5% across the board. Comments: Mrs. Pucci said when she drafted the legislation it originally included all, but some had wages reinstated, and she removed those particular positions so as not to be punitive. President DeMarco said if this passes it will penalize a current employee, and reminded that the non-union staff has experienced a 13.5% reduction in payroll costs. **VOTE RESULTED:** *Amend:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski. No: Pucci, Murphy, DeMarco. (MOTION PASSES TO AMEND) **MOTION** by Pucci, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski. No: Murphy, DeMarco. Comments: Mrs. Pucci said it is up to Council to establish ranges. It has not been an issue until now because in 2009 the pay was reduced. Again stressed that compensation as a whole needs to be examined. President DeMarco questioned why to move forward on something that will be amended. Katie Gallagher asked for the Mayor's explanation on the unions and this Ordinance. Mayor Balbier said we're negotiating with the unions for their wage re-opener, and this could affect this because you're giving something to union members, and a non-union person is having something taken away. Dir. Claussen noted the administrative staff doesn't have to be negotiated with. K.Gallagher noted the union members took furlough days. Mr. Tanski said we don't know if the unions will get raises, that is subject to negotiations, and that process is not ended. Mrs. Pucci said the various unions had different combinations of giving back. There was further discussion. *Adopt:* Yes: Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski. No: Murphy, DeMarco. **(ADOPTED)**

ORDINANCE 2012-7 (2nd Reading): 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. **MOTION** by Pucci, second by C.Gallagher to place on second reading. **(ON SECOND READING)**

ORDINANCE 2012-8 (2nd Reading): 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. **(ON SECOND READING)**

ORDINANCE 2012-9: Annual Appropriations. To make appropriations for current and other expenditures of the City of Brooklyn, State of Ohio, for the period January 1, 2012 to December 31, 2012. Pres. DeMarco reminded there will be another budget mtg. tonight, and there could be more changes to this Ordinance. It will go on first reading tonight, and it has to be passed prior to the end of March. **MOTION** by Pucci, second by Tanski to place on first reading. **(ON FIRST READING)**

ORDINANCE 2012-10: Providing for the compensation for the position of Auxiliary Firefighter within the Department of Public Safety. President DeMarco informed that the new proposed rate is for not less than \$13/hour nor more than \$18/hour, payable bi-weekly. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco. No: None. *Adopt:* Yes: Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco. No: None. **(ADOPTED)**

ORDINANCE 2012-11: Authorizing the Mayor to enter into a contract with the Northern Ohio Patrolmen's Benevolent Association – Jailer's Unit. **MOTION** by C.Gallagher, second by Van Kirk to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco. No: None. *Adopt:* Yes: Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco. No: None. **(ADOPTED)**

ORDINANCE 2012-12: Authorizing the sale of certain city owned vehicles through the Greater Cleveland Auto Auction, Public Auctioneers, for the purpose of disposing of city vehicles and equipment at public sale. **MOTION** by C.Gallagher, second by Pucci to put on first reading. **(ON FIRST READING)**

ORDINANCE 2012-13: To amend Ordinance #2007-35, entitled, 'An Ordinance to establish rental fees for use of the City of Brooklyn Natatorium Complex for use by swim teams for practice and/or meets. **MOTION** by Pucci, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco. No: None. *Adopt:* Yes: Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco. No: None. **(ADOPTED)**

President DeMarco asked if Dir. Verba could get information, for the next meeting if necessary, on the longevity of road on Tiedeman.

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

Asst. Clerk of Council

President of Council