

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

October 22, 2012

7:00 p.m.

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

Absent: None

Pledge of Allegiance.

DISPOSAL OF MINUTES:

MOTION by Pucci, second by VanKirk to approve the minutes of October 9, 2012. **VOTE RESULTED:**
Approve: Yes: C.Gallagher, K.Gallagher, Murphy, DeMarco, Pucci, VanKirk. Abstain: Tanski. No: None.
(APPROVED)

President DeMarco announced that the next regularly scheduled meeting of Council will take place Tuesday, November 13, 2012 due to the Veterans Day holiday.

PUBLIC SESSION:

No audience comments.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Finance Committee (Councilman DeMarco): The Committee met at 6:30 and addressed the following: recommended approval of advertising for bids for the weight room project, and the full maintenance service program, HVAC at the Recreation Center. Meetings are usually at 6:30 and all are welcome to attend.

Recreation Board (Councilman Tanski); The Board met October 15th. Halloween Scream Skate will be Oct. 26th, 8-9:15 p.m. Don't Be Tricked on Halloween contest for pre-school-grade 3. Drawing held at the Halloween Scream Skate. The Rec. Dept. is having an art contest for artwork to be hung in the Rec Center lobby, for adults, students, or any water or ice rental groups to submit work by Nov. 30th. More information and details at 351-5334. Trick or Treat is Wednesday, October 31st from 6-8 p.m. The Dept. is in the green in membership and retaining membership. Silver Sneaker ratings show Brooklyn stands at number 10, and congratulated Mgr. McGinty and Recreation employees.

Legislative Update, Domestic Violence, Juvenile Diversion (Councilwoman C.Gallagher): Domestic Violence Comm. mtg. on Oct. 30th at 7 p.m. at the Senior-Comm. Center.

Bd. of Zoning Appeals (Comm. Ockington): The Board met on October 18 for the following: A.Coyne representing Sheetz, a request for a 13' driveway variance and 12' canopy height variance at 10315 Cascade Crossing, which was approved; J.Green for a six foot solid dog-ear board fence including integral light poles at 10218 Biddulph Road, which was approved.

REPORTS OF COUNCIL:

Colleen Gallagher: Said after speaking with other Councilmembers, she made some changes to the ordinance allowing chickens. There are currently residents who have chickens and roosters on their property, which is illegal, which is not fair for those requesting to do it within the law. Changes include: no

more than 2 chickens or one rooster on one acre of land; no slaughtering on private property; no feces to be used as fertilizer. There could be other adjustments, so this will remain tabled. Oct. 15th Council met in Strategic Planning Committee to speak about marketing strategies. The Domestic Violence Committee is accepting cell phones and charger donations thru the end of the month.

Katie Gallagher: Gave update on possible construction of noise barriers along 480. Houses within 400 feet of 480 were given an opportunity to sign a petition asking for the noise barriers from ODOT. Letters were left with unavailable residents, and more homes on Melody Lane will be visited this week. Two more weeks will be extended to sign the petition. She asked to be contacted at 216-469-2561 or e-mail her at kagallagher@brooklynohio.gov. The petition will then be given to Dir. Verba to pass onto ODOT. Was initially going to vote in favor of the Ordinance to hire the outside labor negotiation firm, but is no longer comfortable voting for it. Dir. Claussen has taken part in negotiations in past three years, and it's time for him to take the lead in negotiations, as it should be a primary responsibility of a city law director, and they should be competent to handle it. Since SERB (State Employee Relations Board) has every union contract on its website the information is readily available; and with some research he can bring himself up to speed and handle negotiations at no additional cost to the city. All the contracts have clauses addressing rising healthcare costs, stating meetings will be held to discuss how the costs will be shared, or the employees absorb the increase. 2012's increase was 18.26% (\$279,000), which should have been covered by employees; but the city never called a healthcare committee meeting, and therefore was forced to absorb the costs. That could have covered new hires for departments, or half of a desperately needed new roof at City Hall. She refuses to approve funds for outside contract negotiators since we have someone on staff to handle them, and we have failed to enforce the terms of the contract. The Law Director would be best to negotiate on behalf of the city, as he is personally familiar with negotiated terms, and ensure they are carried out effectively.

Kevin Tanski: Corrected his vote on the approval of minutes to abstain, as he was absent. Gave brief update on Brooklyn Sustainability Advisory Committee, held Oct. 1st. Guest speakers were from Johnson Controls with ideas for reducing energy costs. Committee will continue exploring proposal of the company's documentation.

Tom Murphy: Still have not addressed the three part-time employees getting full-time healthcare benefits, amounting to more than \$45,000/year. Need to either stop it, or vote to agree with it. Has been contacted by some residents about the chicken ordinance, and he will be voting against it. Attended the Planning and Zoning Committee meetings, where they approved Sheetz's requests. Thinks putting cart before the horse. Never asked Sam's or Aldi's about changing lights. Sheetz's report says they will change all six lights in the corridor, but according to an ordinance nothing can be done with the 480 lights without the prior approval and consent of the State of Ohio. Asked Chief Zemek to comment if there are any concerns about a gas station being located next to a substation. Chief Zemek said he would check on it with the State Fire Marshall, but could not comment tonight. Mr. Murphy said his point is that we're approving this and don't know.

Kathy Pucci: Reminded that the Big Creek Watershed Balanced Growth Partnership meeting is being hosted by the City on Wednesday, October 24th from 4-6:30 (dinner included) at the Senior-Community Center. Mayors, Councils, Planning & Zoning Boards, and other agencies and entities should be in attendance. The Town Hall meeting scheduled for last Thursday was cancelled and will be rescheduled (no date yet). The Strategic Planning Comm. met October 15th, the topic discussed was strategies for marketing the city to businesses and residents, including the possibility of hiring a marketing firm. She hopes to be able to move forward with some ideas.

Ron Van Kirk: Reminded residents of Election Day, Tuesday, November 6th, with many state, federal and local offices and issues on the ballot. Visit the Board of Elections website, boe.cuyahogacounty.us to view the Brooklyn ballot. Call the Board with questions at 216-443-3298. Attended Brooklyn's final home football game for the season. Also attended the Strategic Planning meeting where various topics were discussed to help our city move forward with new businesses and help residential areas. It was a productive meeting, and he looks forward to implementing the new ideas. Commended Mrs. Pucci on the productive running of the meeting.

Tony DeMarco: In regard to last meeting's comments by Mrs. C.Gallagher on automated trash pickup, total of \$464,419 – all paid for in cash. He does support the collection method and believes it will serve the city well, if managed properly; but not one dollar has been saved, in payroll or other previously incurred expense. We think it may save money in the future but don't know. So nothing has been saved on this large expenditure/investment. Said that Mrs. C.Gallagher has been on Council more than 14 years and is curious why just recently she feels we should have a full-time Law Director now and eliminate a part-time Prosecutor, and not advocated it previously. She also advocates eliminating medical benefits for certain part-time employees, and again asks why wait till now to request the change. Successful business persons look to run operations as efficient as possible, and for Brooklyn that is the job of the Mayor and administration, as well as Councilmembers. Costs shouldn't be looked at to be cut only when times are tough, at that point it's too late to make an important decision. He said Councilwoman C.Gallagher also mentioned that there was a rumor that Donald Martens and Sons was not moving to Brooklyn due to a building issue. He thinks it was irresponsible for anyone to speculate on this issue, and facts should have been waited for before bringing something public. As an update, Mr. Martens came and pulled his exterior building permit and will begin work here shortly. This should bring 300-400 jobs to Brooklyn, when complete. He read part of an e-mail from Mr. Martens expressing his displeasure in the spreading of rumors. Repeated that the Charter says the job of Council is to appropriate and legislate, not run every city department and function. Asked Dir. Verba to provide an update on street repairs on Beech, Morton and Traymore. Stated he is against the legislation regarding chickens.

MAYOR'S REPORT:

Mayor Albier: Last week in a full page ad in the Plain Dealer the City of Brooklyn was listed as the only city listed as a 'Pacesetter' for United Way pledges, and thanked Linda Kelber, who has been involved on behalf of the city for over ten years. Congratulated the Terraces of Northridge on being awarded the 2012 Gold Award for upscale garden apartment communities, from the Northeast Ohio Apartment Association. Received an e-mail from the NEORS, advising they have workshops for non-single family residential customers to explain fees and available credits related to the Storm Water Management Program. (Oct 23 and 24 from 8-10 a.m., and Nov 7 from 1:30-3:30 p.m. at 4747 E. 69th St, Cuyahoga Hts). Said that he seldom reads a prepared speech, but has one tonight about his administration and directors. When he took office as Mayor in September of '09, the city was in horrible financial shape, actions had to be made quickly, with programs cut, services cut back, and layoffs made, all taking place during a recession. At the time we had 134 full-time employees; we now have about 112, representing a huge savings to the city. Every department is understaffed, but trying to make do with what they have. He had to make appointments for directors in every department except the Law Department. Mr. Ockington will be leaving shortly, and I will have to make an appointment in the Building Department. Every one of these directors are experts in their fields and are relied upon heavily for their input. Safety Dir. Chessar was a Fire Chief in Cleveland, taught at the Cuyahoga Community College, and gave interviews for Fire Chiefs across the State of Ohio. When Brooklyn needed a Fire Chief, we got 25 applications, from as far away as Alaska, and Chief Zemek, who had been Chief for the Cleveland Hopkins Airport Fire Department, was chosen. Police Chief Mielke worked his way through the ranks, graduated from John Carroll University, and has become an excellent Police Chief. Bldg. Comm. Ockington has spent his career in the Building Departments at Lakewood, and the last years with Brooklyn, has all the state certifications, and will be a hard person to replace. Service Dir. Verba, has worked for the city since he was a teenager, and worked his way up through the Service Department, has his college degree from Cleveland State, and has become an excellent Service Director. Finance Dir. Esarey was a Finance Director for University Hts., got her degrees from Baldwin Wallace College, is very motivated and intelligent. Law Director Claussen grew up and graduated from Brooklyn High School, got his law degree from John Marshall Law School, worked as an Assistant Law Director in Lakewood, and worked for six years as an Assistant County Prosecutor. Said he is saying this because he had to miss the last Council meeting because of a personal matter, and was told that the Law Director had come under attack by Council. Said he understands there are two or three Councilpersons that want to be the Mayor; but they're going to have to wait. Council forgets their role in government. It's Council's job to legislate, to approve Ordinances and Resolutions. He was elected by the residents of Brooklyn to run the day to day operations of this city, not Council. Six months ago two different Councilpersons came to him about making the Law Director's job full-time, and doing away with the Prosecutor. He feels if it's not broke, don't fix it; but told them he would look into it. There is a small number of cities that do both; however, they pay a lot more than we do. Our Mayor's Court is always one of the busiest in the State of Ohio. If the Law Director was made full-time and did his

job, and the Prosecutor's job, he would have to be paid a lot more, and he would have to be in our Mayor's Court every other week, in Parma Court every Monday. The Prosecutor is on call 24/7, if he or she is needed by the Police Department in the middle of the night. When the Law Director or Prosecutor is off for any reason, vacation time, sick time, or so forth, the other one fills in. He would love to have a full-time Law Director, but not at the expense of losing a Prosecutor, who is respected by both the Police and the Parma Court. Medical coverage of the Law Department. All three persons were hired before he became Mayor, and it's awkward because his brother is the Magistrate for the last 12 years. All three in the Law Department were told, when they were hired, that it would include medical coverage. As far back as we could check, the Law Director has been part-time and has had medical coverage, and he feels to take medical coverage away at this point is just plain wrong. A policy that would pay a percentage for the coverage is fine, or one in the future where someone who is hired in these positions would not receive the coverage could be fine, but not just to take it away. Instead of Council going in seven different directions, we should all be working together with one goal in mind, to make Brooklyn the best place in Ohio to live and raise a family. The last few years we have had to work under a financial problem of American Greetings; once that is settled we'll have a better sense of direction. He is asking that everyone work together and do the job we were elected to do.

DIRECTORS' REPORTS:

Finance Dir. Esarey: Also congratulated and thanked Linda Kelber on all she's done for the United Way campaign. Responded to a question from last Council meeting regarding the landfill closure and transfer. The budget included a \$166,700 transfer from General Fund to Landfill Closure Fund. Updated balance is \$4,153,408.52.

Safety Dir. Chessar: In regard to the traffic control device adjacent to the Sheetz construction site. Collected and reviewed available information, attended Sheetz engineering presentations, and studied the effects of the proposed light, per the construction plans submitted. Basing his decision on the traffic study provided by Sheetz, and their presentations, and information from their engineers, traffic would be as good or better than it is now, and Sheetz agreeing to re-time lights south of the construction site to Brookpark Road, and no objections from the Fire or Police Chief to the installation of the light, conditioned upon the extension of the entrance driveway to Tiedeman Road, no cost to the city for any part of the light, per Brooklyn Codified Ordinance 305.02 he authorizes the installation of the traffic control device for controlling traffic flow per the construction plans submitted by Sheetz.

Law Dir. Claussen: Doesn't understand why or how the ~~Sustainability~~ (Strategic Planning) Committee met and discussed the structure and operations of the Law Dept., but neither member of the department were invited or consulted. The Committee said other cities have combined Law Dir. and Prosecutor, and in his research he has found two, Berea and Middleburg, at a much higher rate of pay. Reiterated the Brooklyn's Law Dept. consists of himself and Hillary Goldberg (Prosecutor), no assistance, no secretary, no Human Resources, very bare bones. Sees no substantial savings or sense in combining these positions, or reducing a department from two to one. With regard to the Ordinance for retaining a firm for negotiations, the unions come to the city with lawyers and representatives, and people who do this on a daily basis; the city would be disadvantaged if we didn't have experts and tools to negotiate with them. He doesn't claim to be an expert, but has some experience in negotiating contracts, and though he feels he can do a decent job, the time that goes into negotiations (paperwork, secretarial, preparations) takes a lot of hours. Council wants him to be Law Director, Prosecutor, negotiate, and also cut his healthcare. This is why there are not seven Mayors.

Service Dir. Verba: Updated on street repair project that the contractor notified subcontractor on Beech and Morton the streets were ready to be paved; but the subcontractor says the contractor has to fix a few things before they pave. He does not have the exact day for paving, but should be either late this week or early next week. For Traymore, one side should be poured tomorrow, and excavation of the other side has begun. Things are moving along. President DeMarco asked if we're on track for the end date of November 15th, and Dir. Verba said yes, depending on the weather.

Councilwoman Pucci asked if Dir. Claussen had a Resolution prepared for Jerry Eschuk's retirement. Dir. Claussen said he hadn't had all the information in time for this meeting, but will for the next.

REQUESTS:

Request from Service Director for authorization to advertise for bids for renovation of the weight room at the John M. Coyne Recreation Center. **MOTION** by Pucci, second by Tanski to approve advertising for bids. **VOTE RESULTED:** *Approve:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci, VanKirk. No: None. **(APPROVED)**

Request from Service Director for authorization to advertise for bids for full maintenance service program, refrigeration, heating, ventilating and air conditioning systems at the John M. Coyne Recreation Center. **MOTION** by Pucci, second by VanKirk to authorize advertising for bids. **VOTE RESULTED:** *Approve:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci, VanKirk. No: None. **(APPROVED)**

LEGISLATION:

RESOLUTION 2012-15: Requesting the County Fiscal Officer to advance taxes from the proceeds of the 2012 tax levies pursuant to the Ohio Revised Code Section 321.34. **MOTION** by Pucci, second by VanKirk to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci, VanKirk. No: None. *Adopt:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci, VanKirk. **(ADOPTED)**

ORDINANCE 2012-64 (3rd Reading): Authorizing the Mayor to retain Johnson, Miller & Schmitz, LLP to conduct labor negotiations on behalf of the City of Brooklyn. **MOTION** by Pucci, second by VanKirk to adopt. Councilwoman Pucci commented she believes the city needs outside assistance when it comes to negotiating, as the city needs a strong position. President DeMarco thinks this will be the most important set of negotiations in a long time, and also agrees this is what this firm does for a living, does very well, and gets paid to do. If it does not pass the city will be in a deficit position when negotiations begin. Councilwoman C.Gallagher said she was the deciding vote a few years ago to confirm Dir. Claussen's appointment. He had assured her he had the experience of negotiations through Lakewood Law Dept. She approved outside counsel last negotiations so Dir. Claussen could brush up on this, and now thinks he should be able to negotiate the city contracts and save the city money; therefore she will vote no. Councilman Tanski asked Dir. Claussen if he's contacted a federal mediator to start mediation on the contracts. Dir. Claussen said you have to start negotiations before you start mediating. He was waiting to get outside counsel in order to prepare a plan and move forward with the city's proposals with the unions. Then if we couldn't get anywhere that's when he wanted to bring in the federal mediator. Mr. Tanski asked if we have sent letters to parties involved to have an intent to use a federal mediator, as they are free and so is the room. Dir. Claussen said we're not there yet, there is nothing to mediate yet, there have been no proposals yet. He knows they are there, and what they can do for a city, and we will use them, if the unions agree, when the time comes. **VOTE RESULTED:** *Adopt:* Yes: DeMarco, Pucci, VanKirk. No: C.Gallagher, K.Gallagher, Tanski, Murphy. **(NOT ADOPTED)**

ORDINANCE 2012-68: Establishing new Section 1359 Clandestine Drug Laboratories of the Brooklyn Codified Ordinances. **MOTION** by Pucci, second by C.Gallagher to suspend the rules. Councilwoman Pucci had a question, and then it was decided to put it on first reading since the Chief was not present. **(FIRST READING)**

President DeMarco commented that with the vote not to use outside counsel, they must think Dir. Claussen must have the time to handle negotiations in addition to everything else that he's doing. So we'll wait and see what happens.

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