

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

December 10, 2012

7:00 p.m.

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

Absent: Ron Van Kirk

Pledge of Allegiance.

President DeMarco had a few announcements. He reported there was a Special meeting on December 4, 2012 at 7 a.m. to discuss Ord. 2012-78, authorizing the Mayor to retain Zashin & Rich Co. to conduct labor negotiations on behalf of the city. The Ord. was adopted by a 5-2 vote. The last Council meeting of the year will be held Wednesday, December 26th at 7 p.m. (instead of Monday, Dec. 24th) The Brooklyn TV channel had been down due to hardware issues, and the Superintendent informed him the new hardware has been ordered and expected delivery this week, with the channel up and running next week. Appreciates everyone's patience. Extended condolences on behalf of Council on the passing of former Councilwoman Rita Brown. A moment of silence was observed.

DISPOSAL OF MINUTES:

MOTION by Murphy, second by Pucci to approve the minutes of November 26, 2012. **VOTE RESULTED:** *Approve:* Yes: DeMarco, Pucci, C.Gallagher, Tanski, Murphy. Abstain: K.Gallagher. No: None. **(APPROVED)**

MOTION by Murphy, second by Pucci to approve the minutes of the December 4, 2012 special meeting. **VOTE RESULTED:** *Approve:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(APPROVED)**

HOLIDAY DECORATING CONTEST WINNERS:

Mayor Balbier first apologized for lack of notification that this was taking place this year, it was last minute. 3rd place was 6125 Delora, the Koplín residence; 2nd place was 4759 Heather Lane, the Green residence; and 1st place was 4667 Century Circle, the Bowser residence. The Mayor encouraged residents to view these exceptional decorated homes.

PUBLIC SESSION:

Ronald Moore of 4892 Summer Lane addressed Council on an ongoing issue of a pile of railroad ties stacked by CSX behind his property, on CSX property, (about 2,000), ongoing since October. After a lot of back and forth communications, and issues with CSX and police, several were removed and moved. He expressed concern for the creosote present in the ties leaching into the ground, causing all kinds of problems. Regional Sewer confirmed leaching into the soil to the Big Creek, and they contacted the EPA. CSX then further asked him to provide a detailed map, photograph, crossing mark, and other information pertaining to the still remaining ties. More ties were removed, some remained, sitting on top of aviation gas line. Again expressed concern of the creosote and toxicity issues, and possible chemicals and pesticides on the ties. Also contacted and spoke with Dennis Kucinich's office, and a case was opened for it. Further run around occurred. A case also has been opened with Sherrod Brown's office. He is looking for some legislation that would require the city to be notified if any work of this magnitude is being done in a neighborhood and details. He feels the railroad is not concerned because there is no legislation about notifying communities, or fines involved. He passed out a folder of information. President DeMarco would like to see the Service Director and Law

Director involved to find out what can be done. Mayor Balbier said the city has had dealings with the railroad before, most recently with unprotected propane tanks. He agreed they are very hard to deal with.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Finance Committee (Councilman DeMarco): The Committee met at 6:30 and addressed the following: recommended approval of a bid for HVAC maintenance for Recreation Center; adoption of: Res. 2012-17, Ords. 2012-77, 79 and 80. Informed that the increase of the medical insurance coverage was 6.91%. Meetings are typically at 6:30 and all are invited to attend.

Recreation Board (Councilman Tanski): The next Recreation Board meeting will be Monday, December 17, 2012 at 6:30 p.m. in the Mayor's Court.

Board of Zoning Appeals (Comm. Ockington): The next Board of Zoning Appeals meeting will be Thursday, December 20, 2012 at 7 p.m. in the Mayor's Court to hear a request from M/M Abuasi for an appeal of denial by the Commission for a solid privacy fence at 4729 Fairway Drive Sect. 1117.05(c)(6).

President DeMarco said this will be Mr. Ockington's last meeting; he is retiring at the end of this week. He congratulated him and wished him the best of luck.

Planning Commission (Councilwoman K.Gallagher): The Commission met December 6th and passed a request from Brilliant Electric Sign to install a 3'5"x20'3" electronic illuminated message sign for Ridge Park Square, 4832 Ridge Road.

REPORTS OF COUNCIL:

Tom Murphy: Wished everyone happy holidays and thanks for coming.

Kathy Pucci: Offered condolences to the family of Rita Brown, who served as Councilwoman for 21 years. She said that Rita represented residents to the best of her ability, approaching issues from the resident's standpoint, and fought for what she believed was in their best interest. Congratulated the holiday decorating contest winners. Reminded that with the cable channel down, the recording of the Council meetings are available on the city's website at www.brooklynohio.gov. Commended Mr. Moore for getting involved with the railroad situation. Railroads believe they are an entity unto themselves, but she is concerned the city hasn't gotten involved before this point, as it's been dragging on and on, and that it's also deplorable that the police were sent to his house. Hopefully Mr. Verba can get involved and get some action. Congratulated George Francis, road foreman, and Tom Ockington, Building Commissioner, on their retirements, and wished them the best. The city is losing a lot of institutional knowledge with Tom, and as our senior director he has served the community well. She thanked him for his dealings with her. Wished everyone a merry Christmas from her family.

Colleen Gallagher: Congratulated Christmas decorating contest winners. Extended condolences to family of Rita Brown, a friend and former colleague she will dearly miss. Rita listened and gave her honest opinion, while being feisty, opinionated, and not afraid to stand up for what she believed in. Congratulated Tom Ockington on his retirement, and said he's done an outstanding job for the city. Wished everyone a joyous and merry Christmas.

Katie Gallagher: Expressed condolences to Rita Brown's family. Attended a town hall meeting Dec. 5th hosted by County Executive Ed FitzGerald, addressing issues facing the county, cities and schools, and about cuts passed on by the state. She would like to see Brooklyn utilize the county's help where it makes sense fiscally and functionally. An interesting topic was the regionalizing of emergency dispatch, which would normally comprise of six call centers, which there currently is 48 in our county. Chief Mielke has been looking into this, and she asked if he had any input. Wished everyone a merry Christmas.

Kevin Tanski: The Sustainability Committee met December 7th, with a presentation from Johnson Controls on the possibility of the city saving money on energy costs. It was determined that it is not

economically feasible to proceed with changes to the city's energy structure at this time. The company will inform the city if any grants become available in the future that would benefit Brooklyn. Congratulated Tom Ockington; and wished everyone a merry Christmas.

Tony DeMarco: Updated where we stand financially, winding down for the year and heading into the next. Ord. 2012-77 is our temporary budget for next year, to be approved and filed before the end of the year. Highlighted information from the Finance Director: the premise is to end 2013 with the same balance that 2012 with in various funds, a conservative but responsible approach. Jan. 1, 2012 there was \$6.9M in the General Fund, and we're projecting to end the year with under \$4.4M in the fund, a decline of \$2.6M, with the bulk the extinguishing of all our short term debt. Next year a rough reduction in the fund's revenue receipts of \$670,000; and 2014 a loss of another \$204,000. This is a loss of revenue sources of \$875,000 over the next couple years; plus the unknown status of American Greetings. The Administration and Council need to come together with ideas on generating additional revenue for the city, as they have done the last couple years. Staffing is as thin as it can be. It was reported in the last Sun News that Independence is pounding away at economic development, and they're not facing the financial difficulties that Brooklyn is; so going into next year he thinks economic development is extremely important. Wished everyone a merry Christmas.

MAYOR'S REPORT:

Mayor Balbier: Read a proclamation to honor George 'Bull' Francis for his services to the city, on his retirement from the Service Department, most recently as foreman. Read and presented a proclamation to honor Tom Ockington for his services to the city, on his retirement as Building Commissioner. He also said he's a difficult person to replace, with all his certifications and knowledge. Comm. Ockington thanked everyone. Reported that the third graders from St. Thomas More and Brookridge trimmed the tree in the front lobby, and thanked those who participated in the successful Holiday Gathering, and also thanked his secretary Jill for working on it. Said the gas company will be replacing the gas line on Ridge Road from Memphis to 480, starting in January and completed in the spring. Attended a Mayor's meeting last week at NASA. There is a Resolution supporting the Plain Dealer remaining a daily paper, adding that they pay over \$1M in property tax, which the schools benefit from \$600,000 of that; he hopes it passes. Another very important Resolution is opposing the State of Ohio from interfering with the collection of our municipal income tax, and all municipalities. Offered condolences to the family of Rita Brown. Reiterated it's been a pleasure working with Comm. Ockington, and he will be very difficult to replace. Wished everyone a merry Christmas.

DIRECTORS' REPORTS:

Service Dir. Verba: In regard to Mr. Moore's concerns, they were just made aware of it last week, and he contacted him from home on Friday. He went there today and the railroad was there. The rest of the ties are stored off of everyone's property onto the road. They are currently going to have them bundled and removed in one-two weeks, as they're making their way from another couple cities. He will check back to be sure that happens. Stressed he was only made aware of this last week. He read from an e-mail from the program officer of the Cuyahoga County Solid Waste District complimenting and giving high praise to the Service Dept. employees for a job well done on exceptionally full-packing the flex bins they delivered. He announced the rubbish schedule for Christmas and New Year's weeks: Both Mondays' garbage will remain the same; Tuesdays', Wednesdays' and Thursdays' routes will be one day late. Also, during this two week period ONLY, due to high volume of trash, residents can put out excess rubbish on the curb. Christmas trees can be put on the treelawn to be recycled. Extended congratulations to George Francis "Bull" on his retirement, and personally thanked him for his help during his past few years as Service Director. Thanked and wished Comm. Ockington a happy retirement.

Police Chief Mielke: Reminded everyone to lock car doors, cover packages, during this busy holiday shopping time. Informed that the Safety Director has removed the stop sign on Rodoan Road in front of the school at Beech Avenue, both directions, and to let people be aware of the traffic pattern change.

REQUESTS:

Request from Dir. Verba for bid acceptance for one year full maintenance program for refrigeration, heating, ventilating and air conditioning systems at the John M. Coyne Recreation Center. He is requesting approval of the K Company for \$25,115; adding that they have had the contract the past several years, are familiar with the equipment, and do outstanding service. **MOTION** by Pucci, second by Tanski to accept the lowest and best bid from the K Company. **VOTE RESULTED:** *Approve:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(APPROVED)**

LEGISLATION:

RESOLUTION 2012-17: Strongly opposing the passage of House Bill 601 by the Ohio General Assembly which proposed uniformity measures for municipal income tax in the form of unfunded mandates and a substantial loss of revenue. **MOTION** by Pucci, second by DeMarco to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

RESOLUTION 2012-18: In support of the Plain Dealer remaining a seven day a week publication. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

ORDINANCE 2012-76 (3rd Reading/Adoption): Adopting the 2013 Residential Code of Ohio for one, two, and three-family dwellings. **MOTION** by Pucci, second by Tanski to adopt. **VOTE RESULTED:** *Adopt:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

ORDINANCE 2012-77: Temporary Appropriations Ordinance. An Ordinance to make appropriations for current and other expenditures of the City of Brooklyn, State of Ohio, for the period January 1, 2013 to December 31, 2013. **MOTION** by Pucci, second by DeMarco to amend by increasing employer contributions to Police and Fire Pensions and medical insurance renewal. **VOTE RESULTED:** *Amend:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **MOTION** by Pucci, second by C.Gallagher to suspend the rules, as amended. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt, as amended:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

ORDINANCE 2012-79: Amended annual appropriations. Amending Ord. 2012-5, as amended by Ords. 2012-54, 2012-67 and 2012-71, entitled, An Ordinance 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. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

ORDINANCE 2012-80: Accepting the medical insurance renewal from Medical Mutual of Ohio providing medical insurance coverage for city employees from January 1, 2013 to November 30, 2013. **MOTION** by DeMarco, second by Pucci to suspend the rules. Councilwoman Pucci asked the amount to be read for residents to know. President DeMarco said the total annual amount is \$1,648,341. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

ORDINANCE 2012-81: Amending Section 2 of Ordinance 2000-53, adopted June 26, 2000, relating to the positions of and compensations for part-time Jailers within the Division of Police. **MOTION** by Pucci, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

Councilman Murphy said he had briefly mentioned to the Mayor and the Police Chief that, with the Police Chief attending FBI Academy in the spring for over three months, and with no provision for bringing him

home during that time it can become a financial burden, he would like the Chief to come up with some airfare provision to get some free round trip fares. He added when he had attended in 1978, he and those other officers attending were provided with a city car, and feels we should consider the same. He asked the Chief to check out some numbers.

Finance Dir. Esarey asked to confirm that all the votes were taken for Ord. 2012-77. Clerk Banish confirmed both the suspension of the rules and adoption votes were taken.

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

Asst. Clerk of Council

President of Council