

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**January 14, 2013**

**7:00 p.m.**

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

Absent: None

Pledge of Allegiance.

President Pucci gave an update from the rescheduled December 28<sup>th</sup> meeting; and also the results of the January 7<sup>th</sup> Organizational meeting with Council assignments and Rules. She repeated her statement that she is committed to working with each and every Councilmember, the Mayor, and members of the Administration.

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

**MOTION** by C.Gallagher, second by Murphy to approve the minutes of December 10, 2012. **VOTE RESULTED:** *Approve:* Yes: Tanski, Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher. Abstain: VanKirk. No: None. **(APPROVED)**

**MOTION** by C.Gallagher, second by Murphy to approve the minutes of the December 28, 2012 Special meeting. **VOTE RESULTED:** *Approve:* Yes: Tanski, Murphy, Pucci, C.Gallagher, K.Gallagher. Abstain: DeMarco, VanKirk. No: None. **(APPROVED)**

**MOTION** by C.Gallagher, second by Tanski to approve the minutes of the January 7, 2013 Organizational meeting. **VOTE RESULTED:** *Approve:* Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. **(APPROVED)**

#### **PUBLIC SESSION:**

*Ronald Moore* of 4892 Summer Lane said he had addressed Council on December 10<sup>th</sup> about railroad ties, and they are still there. Also learned that any railroad ties the city disposes of go to the City of Cleveland, who said that is illegal, and the city has to cease that. It is still an ongoing problem. Senator Brown's office is still following up on it, the County Health Department's been out, and will do a water assessment; but still hasn't heard anything from the city as to its stance. This has been ongoing for three months, and thinks he's getting the runaround and no results. There are still over 1,000 ties. Also, the State of New York has banned railroad ties from any residential use. President Pucci said the Service Director was absent this evening, and asked the Mayor have him contact Mr. Moore. Councilman DeMarco asked that Dir. Claussen contact Cleveland and find out what information they have so we can come up with some legislation for Brooklyn to take a stand on this.

*Angret Georgi* of 9508 Behrwald related a personal situation with her brother, a Vietnam veteran. She wanted people to be aware that they should make the effort to check for any unclaimed funds through the Sheriff's Office. Also if someone is going through a foreclosure to check for these unclaimed funds, and through Common Pleas Court, to access these records.

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

Finance Committee (Councilwoman Pucci): The Committee met at 6:00 and addressed the following: a presentation from the County Public Works regarding night work on Ridge Road, which won't take place until 2015. The project starts at Memphis to School Drive, then from School Drive to Ira, then from the city line to Ira. The night work will be from April 15 to approximately November 15, 8 p.m. to 6 a.m. They also recommended approval of Ord. 2013-1.

Recreation Board (Councilman Tanski): The next Recreation Board meeting will be Tuesday, January 22, 2013 at 6:30 p.m. in the Mayor's Court.

Board of Zoning Appeals (Comm. Fitzgerald): The January Board of Zoning Appeals meeting has been deferred at the request of the applicant, who will be sending in a new drawing.

Planning Commission (Councilwoman K.Gallagher): The Commission met January 10<sup>th</sup> and approved a request for a Similar Conditional Use Approval to locate an Express Gold's Gym in a vacant store front at 6700 Biddulph (PP#432-28-009); and approved a request from Vertex Signs to install a free standing sign on the lot at 10750 Brookpark Rd. (PP#433-17-011), also subject to approval of the Board of Zoning Appeals (signage equal length to other signs along Brookpark.)

**REPORTS OF COUNCIL:**

**Kevin Tanski:** The next Sustainability Advisory Committee meeting is scheduled for Wednesday, January 23<sup>rd</sup> at 10 a.m. in the Conference Room.

**Tom Murphy:** Responded to Mrs. Georgi, that he has been involved with the Veterans Assn. at the county and federal level, and they will assist in any way. The county has wonderful benefits available to Vietnam veterans.

**Tony DeMarco:** Wished everyone happy new year. Congratulated President Pucci. Said he ably served as President in 2012, bringing frankness, common sense, fiscal responsibility, honesty and integrity, helping to tackle issues in a frank and straight forward manner. Feels current selection of President and Pro-Tem is a reversion back, with political games. Some on Council feel he does not play well with others, and if it entails supporting personal agendas, destroying peoples' personal and professional reputations, through slanderous statements and other actions, defending to a fault family members who are employees of the city at the expense of seasoned directors, etc., then he does not play well with others. Residents elected him to use his background and experience to advance ideas and solutions to solidify our city's future, and he will continue to do that, with straight facts. He will work with all members of Council to do what is best for the city and its residents. We need to recognize that real leadership is sorely needed to solve our problems, up to each and every resident to know who represents their interest, which should benefit the greater good of the community. If elected officials are not doing that, have the courage and confidence to make a change in these elected officials. Four Councilmembers are up for election in November, and he feels we cannot continue to have the same, tired names and faces attempt to lead our city when they have not shown that capacity previously. Said he has two simple themes that will be his focus for 2013: economic development and leadership. Hopes to be joined in his efforts in making these two things central to the leadership decisions in upcoming election.

**Ron Van Kirk:** Congratulated Misses Pucci and Gallagher on their elections as President and President Pro-Tem. Going into 2012, the year was being looked at with reservations for many reasons; but looking back, we are in a better position than we thought we would be. 2013 will be challenging; there are five union negotiations, a budget, and several expensive upcoming projects. In 2012 Council didn't always agree on policy or strategy, but he believes the decisions made put the city in a stronger overall position going forward. We must continue diligently working together, watching every dollar spent, to remain in firm financial ground. Received many emails on varying concerns in the city (road construction, other issues), and responded, and thanked those communicating. For 2013 welcomes positive and constructive comments. Everyone up here has the good and welfare of the city; though they won't always agree on issues. But the

best interest of the city is at heart. He challenges anyone who thinks otherwise to communicate that with them. Stated he has no personal agenda; his agenda is, and has been, to help the city any way he possibly can. His decisions are based on no personal attacks, but what he feels will benefit the city the most. We need to work together as a government and the individual's input. He feels it's been an honor and privilege to serve the past year, and looks forward to 2013. Told Mr. Moore they will try to resolve the issue with the railroad ties. Thanked everyone for the privilege of being elected.

**Colleen Gallagher:** Extended condolences to the family of Carl Farrell, a longtime resident volunteer for various groups. Congratulated Mrs. Pucci and Ms. Gallagher and she looks forward to working with all members of Council this year. Thanked Service Dir. Verba and the Service Dept. employees for their great job keeping streets salted and plowed during Christmas time.

**Katie Gallagher:** Wished all a happy new year. Commented on the night construction work authorization, expressing disappointment a public meeting wasn't held prior to a vote on it, as it would have been nice to let residents know ahead of time before the vote. But the money is needed from the county to help with the streets, so we're in a position that this is something that has to be done.

**Kathy Pucci:** Offered condolences to the family of Carl Farrell. There will be a CIC meeting Friday at 3:30. Shared information on the Heritage Home Program, where the city would pay (\$2,300 total program fee) for residents to be able to participate; but the city needs to know if residents are interested before committing. Asking info be placed on the website and distribute the flyers. It provides low interest loans for home improvements, expert suggestions and ideas on remodeling projects. It could benefit residents, but the city needs to know the interest.

#### **MAYOR'S REPORT:**

**Mayor Balbier:** Also spoke on the Heritage Home Program, that only one person looked into it last year. The Good Shepherd Lutheran Church will have a community meal the last Tuesday of each month (beginning Jan. 29) at 6 p.m., for anyone who wishes to come. Thanked the Weleski Trucking Co. on Tiedeman for supply all the trucks and drivers for the Toys for Tots program. The Brookpark Road RTA route is being continued because the required 17 riders per hour is on its way up from current 15 riders per hour. Updated changes on Brooklyn's representation: we are now represented by Marcie Kaptur (no longer Kucinich), Mike Foley as representative in District 14 (no longer 15), and new County Council District 5 with Dan Brady (no longer Germana). He will be meeting with Mr. Brady soon. Was notified that the anti-poaching legislation has been signed by 58 of 59 communities.

#### **DIRECTORS' REPORTS:**

Acting Rec. Mgr. McGinty: The Rec Center will be hosting Skate with Sully (Lake Erie Monster's mascot) on this Saturday's open skate from 7-8:30.

Acting Bldg. Comm. Fitzgerald: Requesting suspension of rules for Ord. 2012-87, Fee Schedule, Deposits. Currently the fee for Dominion Gas would have to pay over \$110,000 of deposits for the street obstructions and openings; but calculations show the fees to cover the city's costs would be about \$22,000. Drawings have been reviewed by Service, Police and Fire Depts., and they are ready to begin. Also informed that Aldi's will be doing a complete interior/exterior remodel this summer to bring up to national standards; and Dunkin' Donuts will be submitting a new sign package for their building.

#### **REQUESTS:**

Request from Cuyahoga County Public Works for authorization for night construction during the Ridge Road resurfacing project (between 480 and Ira only). **MOTION** by C.Gallagher, second by Tanski to approve. **VOTE RESULTED:** Approve: Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher No: None. (**APPROVED**)

Liquor permit from Sheetz on Tiedeman Road. **MOTION** by Murphy, second by K.Gallagher for a position of no objection. **VOTE RESULTED: No Objection:** Yes: Tanski, Murphy, Pucci, C.Gallagher, K.Gallagher. Abstain: VanKirk. No: Demarco. **(APPROVED)**

**LEGISLATION:**

**RESOLUTION 2013-1:** Resolution of support for upgrade work to IR-480 and Tiedeman Road interchange performed by the Ohio Dept. of Transportation in the City of Brooklyn. Explained there is over \$2 million 'Quick Fix/Interflush Program' money available for this, at no cost to the city. This will widen the off ramps at Tiedeman in both directions. The city is still pursuing a continuous right turn onto 480 west in front of the PD, but this is a separate upcoming project. Councilman Murphy stressed that there is a need for all the right turn lanes to be a part of the upcoming project. After further brief discussion, **MOTION** by Tanski, second by C.Gallagher to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. *Adopt:* Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. **(ADOPTED)**

**ORDINANCE 2012-87:** Amending Section 1345.01 Fee Schedule, subsection Deposits, of Chapter 1345 of the Building Code of the Codified Ordinances of the City of Brooklyn. **MOTION** by C.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. *Adopt:* Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. **(ADOPTED)**

**ORDINANCE 2012-88:** Amending the Fire Prevention Code of the Codified Ordinances of the City of Brooklyn by enacting new Section 1527, Key Box Installations. The Chief said that second reading was fine. **(SECOND READING)**

**ORDINANCE 2012-89:** Authorizing the purchase of video server and wireless cameras from Integrated Precision Systems for \$26,337.37. **MOTION** by C.Gallagher, second by VanKirk to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. *Adopt:* Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. **(ADOPTED)**

**ORDINANCE 2012-90:** Authorizing agreements between the City of Brooklyn and the Greater Cleveland High School Hockey League for the use of the John M. Coyne Recreation Center for the Baron Cup Ice Hockey Tournaments to be held February 4-10, 2013. **MOTION** by C.Gallagher, second by K.Gallagher to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. *Adopt:* Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. **(ADOPTED)**

**ORDINANCE 2012-91:** Health insurance coverage for the positions of part-time Law Director, Prosecutor and Magistrate. When asked, Dir. Esarey said it was not needed to be passed on emergency, as these employees are currently paying what full-time employees are paying. **(SECOND READING)**

**ORDINANCE 2013-1:** Amending Section 2 of Ord. 2012-83, which repealed the Plain Dealer Debt Service Fund. This amendment is in compliance with the ORC which states that remaining balance shall be transferred to the Bond Retirement Fund, not the General Fund as stated in the original ordinance. **MOTION** by VanKirk, second by Tanski to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. *Adopt:* Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. **(ADOPTED)**

**ORDINANCE 2013-2:** Amending Ord. 2004-32, as amended by Ords. 2007-1, 2010-1, 2011-5, 2012-1 and 2012-2 entitled, 'An Ordinance to establish and adopt Rules of the Brooklyn City Council. **MOTION** by C.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. *Adopt:* Yes: Tanski, Murphy, Pucci, DeMarco, VanKirk, C.Gallagher, K.Gallagher. No: None. **(ADOPTED)**

The Mayor thanked Council for passing the night work authorization and the work on I-480.

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

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Asst. Clerk of Council

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President of Council