

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

April 8, 2013

7:00 p.m.

Present: Tom Murphy
Kathy Pucci
Tony DeMarco
Ron Van Kirk (arrived at 7:20 p.m.)
Colleen Gallagher

Absent: Katie Gallagher
Kevin Tanski

Council President Pucci said that Councilman Van Kirk had a work commitment that he had to leave for before the conclusion of the Finance Committee meeting and will return at approx. 7:15/7:20 p.m.; and Councilwoman Katie Gallagher was absent due to the birth of her baby daughter a few hours earlier.

Pledge of Allegiance.

Mayor Balbier swore-in new Fire Fighter Brian Suesse.

PUBLIC SESSION:

Jim Lang of 3122 Seven Bridges Road, Medina. Here in support for the school levy. Born and raised in Brooklyn and attended Brooklyn schools, which he felt prepared him very well for Cleveland State, where he got his Bachelor of Science and Chemistry, and now director of research and development and quality for Permatex Corp. in Solon. He thinks it's a solid plan they have in place.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Finance Committee (Councilwoman Pucci): The Committee recommended adoption of all the legislation on the agenda, and the trade-in and acceptance of bids.

Domestic Violence Committee (Councilwoman C.Gallagher): The next meeting of the Domestic Abuse Commission will be April 10th at 7 p.m. at the Senior/Community Center.

Zoning Bd. of Appeals (Acting Comm. Fitzgerald): The Board met March 21st, and deferred for one month its decision for a fence variance at 4729 Fairway. Since that meeting the owner withdrew their request. The next meeting is April 18th for a sign variance request for the new sign package for Dunkin' Donuts/Baskin Robbins at 4740 Ridge Rd.

Planning Commission (Mayor Balbier for Councilwoman K. Gallagher): The Commission met on April 4th for: a sign approval at Super K-Mart, 7700 Brookpark; a sign approval for Huntington Bank inside Giant Eagle at 6300 Biddulph; an 'Open 24 Hours' sign approval for Giant Eagle; a new sign package for Dunkin' Donuts/Baskin Robbins was approved; a lot split approval from Neff and Assoc. for Sam's Club, 10250 Brookpark; and a sign approval for Donald Martens and Sons.

REPORTS OF COUNCIL:

Tom Murphy: No report.

Tony DeMarco: No report.

Colleen Gallagher: There will be a countywide Prescription Drug Drop Box Program to remove unsafe, unused or expired prescription drugs in a safe manner. Cited reasons for this initiative, including reducing the likelihood of abuse by family, friends or visitors; and reduced environmental impacts on drinking water and natural waterways. The Sheriff's Dept. will collect, inventory, weighing and transport for destruction. Thanked the Mayor and Chief Mielke for Brooklyn's participation for the betterment of the community.

Kathy Pucci: Congratulated and welcomed new Fire Fighter Suesse. On March 27th attended the Ohio Attorney General's Public Records Act and Open Meeting Law training session, which is mandated for elected officials to attend once during each term. Wants us to be in 100% compliance, as there have been issues the city has faced and is facing. Brought the drug boxes to the attention of Chief Tenaglia a few years ago, but at the time the box we had was not in conformance; but now it is moving forward countywide, and she is glad to see it.

MAYOR'S REPORT:

Mayor Balbier: Said he suggested the drug box to the Chief a couple years ago and we do have the new box for it. The old box we were originally going to use, an old mailbox, will now be utilized to hold old American flags for their proper disposal. He asked Sgt. Knapp to look into when it can start to be used. Sgt. Knapp replied he had spoken to someone from the Sheriff's Dept., who advised him that sometime this week they will send out more information on dates, etc., like no liquids or needles. The Mayor said there is a resolution opposing HB 5 (municipal income tax). He has attended many meetings where this was a topic, and knows of no mayors anywhere that are in favor of it. He hopes it gets passed tonight, as this could cost our city about \$150,000 in losses. The Plain Dealer has been discussed, and he is in contact with them, but doesn't have much more information than is in the paper. The three-day format is projected to start sometime in the end of summer; but Sunday will be published for sure. Because less papers will be produced there would be some layoffs here, but nothing as drastic as what will take place downtown. But there are no clear answers at this time. Read American Greetings' filing with the Security Exchange Commission, and it reports that everything is on hold until all the stock is taken over to become a family company again. Received a letter from the Water Dept., that there will be a lot of changes again. The automatic meter readings are up to date, with 60,000 installed in our area; Brooklyn is scheduled to be done the end of summer. Because of changes to the sewer regulations, in 2016 there will be two separate bills again, back to monthly billing. Council President Pucci asked if there will be a community meeting, as had been previously discussed, to inform residents about the automated meters. The Mayor said they said a lot of literature will be out toward the end of the summer, and they will have a meeting if we request it. President Pucci said we should be proactive and have them schedule a meeting.

DIRECTORS' REPORTS:

Service Dir. Verba: Congratulated Tim Rehker for his 23 years of service, he is retiring May 12th. The compost program officially begins April 15th.

Acting Bldg. Comm. Fitzgerald: Wanted to let everyone know that Giant Eagles and Aldi's both have permits to do major alterations to their interiors, and please be careful when shopping around the construction equipment.

****Councilman Van Kirk arrived at this time (7:20 p.m.)****

REQUESTS:

Request to authorize a trade-in (for \$600) for a power pump unit towards a new one from the Fire Dept. **MOTION** by Murphy, second by C.Gallagher to authorize the trade-in. **VOTE RESULTED:** Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. **(APPROVED)**

Request from Dir. Verba for approval for trade-ins of two Service Dept. lawnmowers, for a \$10,500 credit from Baker vehicles, which will be used to purchase the budgeted new lawnmower for \$10,372; the remaining \$128 will be used towards maintenance purchases for the current lawnmowers. **MOTION** by

C.Gallagher, second by VanKirk to approve. **VOTE RESULTED:** Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. **(APPROVED)**

From Dir. Verba: Request for a bid approval for the John M. Coyne Recreation Center's weight room renovations. Recommends acceptance of the bid from Whitehouse Construction as the best bid, due to their being able to complete the project in a shorter period of time than the lower bidder, and also the company had successfully performed the Senior Center restrooms last year. The bid is for \$47,700. President Pucci noted this project is part of the Domino Trust, which Mr. Domino's estate specified to be used for cardiovascular room use. The city will probably have to contribute approximately \$15,487 additional funds to complete the project. **MOTION** by VanKirk, second by Murphy to accept the bid. **VOTE RESULTED:** Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. **(APPROVED)**

LEGISLATION:

RESOLUTION 2013-3: Expressing strong opposition to the passage of HB 5, as it is currently written by the Ohio General Assembly, which proposes uniformity measures for municipal income tax in the form of unfunded mandates and a substantial loss of revenue. The Finance Dir. estimates there could be lost revenue to Brooklyn anywhere from \$157,000-\$162,000 per year; but it would also cause a severe problem in the cash flow area, because there would be no advance funds. **MOTION** by VanKirk, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. *Adopted:* Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. **(ADOPTED)**

ORDINANCE 2013-16: Providing for the issuance and sale of \$728,900 notes, in anticipation of the issuance of bonds, to pay costs of resurfacing certain city streets to be approved by City Council, together with all work incidental thereto. The Fiscal Officer's Certificate is attached. **(SECOND READING)**

ORDINANCE 2013-17: Providing for the issuance and sale of \$646,100 notes, in anticipation of the issuance of bonds, to pay for costs of improvements to city buildings, including parking therefor. The Fiscal Officer's Certificate is attached. **(SECOND READING)**

ORDINANCE 2013-18: Amending Sections 1360.16(b) and (e), License Application Form and Fee, of Chapter 1360, Property Maintenance and Rental Licensing Code, of the Brooklyn Codified Ordinances. (fee from \$50 to \$100; late fee from \$50 to \$100) **(FIRST READING)**

ORDINANCE 2013-19: Amending Section 749.08 Fee, of Chapter 749, Registration of Contractors, of the Brooklyn Codified Ordinances. (fee from \$75 to \$100; includes doubling penalty for failure to register prior to work) **MOTION** by VanKirk, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. *Adopted:* Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. **(ADOPTED)** Councilman Murphy pointed out that the city does not endorse or support a contractor, just that they are licensed in the city to work; the resident must use due diligence in investigating the contractor.

ORDINANCE 2013-20: Amending Section 1361.05, Occupancy Permit Fee, of Chapter 1361, Occupancy Permits, of the Brooklyn Codified Ordinances. (fee from \$25 for permanent and \$25 for temporary to \$75 for each) **(SECOND READING)**

ORDINANCE 2013-21: Authorizing the purchase of one Vermeer Chipper and associated equipment in the amount not to exceed \$27,301.56 from Vermeer Sales and Services, Inc. **MOTION** by VanKirk, second by Murphy to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. *Adopted:* Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. **(ADOPTED)**

ORDINANCE 2013-22: Authorizing the Mayor to retain Franz Ward LLP for consulting services on behalf of the City of Brooklyn in an amount not to exceed \$40,000. **MOTION** by VanKirk, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Murphy, Pucci, DeMarco, VanKirk,

C.Gallagher. No: None. *Adopted*: Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. **(ADOPTED)**

ORDINANCE 2013-23: Authorizing the Mayor to enter into a contract with the K Company for the replacement, conversion and repairs of the Poolpak at the Brooklyn Natatorium not to exceed \$18,000. **MOTION** by VanKirk, second by C.Gallagher to suspend the rules. **VOTE RESULTED**: *Suspend the Rules*: Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. *Adopted*: Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. **(ADOPTED)**

ORDINANCE 2013-24: Authorizing the purchase of three 2013 vehicles for use by the Brooklyn Police Department. (two Tauruses, \$29,047 each; one Explorer, \$30,196.93) **MOTION** by VanKirk, second by C.Gallagher to suspend the rules. **VOTE RESULTED**: *Suspend the Rules*: Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. *Adopted*: Yes: Murphy, Pucci, DeMarco, VanKirk, C.Gallagher. No: None. **(ADOPTED)**

Councilman DeMarco asked if there are any updates from the Economic Development Committee. President Pucci said she updated on their last meeting, and they have not met recently. She will speak with Dir. Migliorino about scheduling one, as their last scheduled meeting was cancelled.

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

Asst. Clerk of Council

President of Council