

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

June 10, 2013

7:00 p.m.

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

Absent: Ron Van Kirk (excused)

Pledge of Allegiance.

APPROVAL OF MINUTES:

Councilwoman K.Gallagher asked for a correction in her Planning Commission report to reflect a proposed *fitness center*. **MOTION** by K.Gallagher, second by C.Gallagher to approve the minutes from May 28, 2013, as amended. **VOTE RESULTED: Approve, as amended:** Yes: DeMarco, C.Gallagher, K.Gallagher, Pucci. Abstain: Tanski, Murphy. No: None. **(APPROVED)**

President Pucci offered condolences to the Stutzman/Bonodio family. She also said that the Council will be going into executive session with the attorney representing the city in negotiations after the public session for the purpose of Res. #2013-5, 'To authorize the City to accept the Fact Finder's recommendations regarding the collective bargaining agreement between the City of Brooklyn, Ohio and the Ohio Patrolmen's Benevolent Association Patrol and Sergeants bargaining unit.' Also to discuss an update on contract negotiations, and Ord. #2013-40, Authorizing the Mayor to amend and expand an agreement with Zashin & Rich Co., L.P.A. to provide and conduct additional labor negotiations on behalf of the City of Brooklyn. The meeting will be with the attorney, Mayor, Law Director and Finance Director.

PUBLIC SESSION:

None.

President Pucci said at this time the Council will be into executive session, as she had just stated, for the purpose of Res. #2013-5, 'To authorize the City to accept the Fact Finder's recommendations regarding the collective bargaining agreement between the City of Brooklyn, Ohio and the Ohio Patrolmen's Benevolent Association Patrol and Sergeants bargaining unit'. Also to discuss an update on contract negotiations, and Ord. #2013-40, Authorizing the Mayor to amend and expand an agreement with Zashin & Rich Co., L.P.A. to provide and conduct additional labor negotiations on behalf of the City of Brooklyn. The meeting will be with the attorney, Mayor, Law Director and Finance Director. After the executive session the Council will reconvene the regular session to finish the rest of the agenda. **MOTION** by Murphy, second by C.Gallagher to adjourn to executive session. **VOTE RESULTED: Adjourn to executive session:** Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. **(ADJOURNED TO EXECUTIVE SESSION)**

THE COUNCIL ADJOURNED TO EXECUTIVE SESSION AND THEN RECONVENED.

MOTION by C.Gallagher, second by Tanski to reconvene to regular session. **VOTE RESULTED: Reconvene:** Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(RECONVENED)**

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Finance Committee (Councilwoman Pucci): The Committee met at 6:30 and reviewed and recommended adoption of everything on the Agenda, except Res. 2013-5 (relating to labor negotiations) which had no recommendation due to upcoming discussing in executive session.

Recreation Board (Councilman Tanski): Basketballs are closed due to safety concerns. Asked for some updates on courts, pool, spray pad, weight room. Asst. Mgr. Puening said the new sport court is expected to be in mid-July, the courts are closed right now due to leaning poles and missing tiles. Also updated on swimming pool opening delay, which had a valve replaced, and some tile pieces came up while power washing, which have to go through a replacement process (grout has to cure), so the pool hopefully can be open and running next week. Dir. Verba updated on the spray pad, with some options to come to Council at next meeting. Asst. Mgr. Puening said the weight room should be opening end of June, early July.

Bd. of Zoning Appeals (Acting Bldg. Comm. Fitzgerald): The Board met at a special meeting on May 30th for the following: granted a 37' variance for a front yard fence at the Loving Cup Kids' Academy for the required play area at 4476 Ridge Rd.

Planning Commission (Councilwoman K. Gallagher): The Commission will met June 6th and approved the following: a request from Super Sign Guys to install wall mounted signs for Vision Works at 4762 Ridge; a request from Loving Cups Kids' Academy to install wall mounted and free-standing sign at 4476 Ridge; a request from Visconti Companies, LTD for Conditional Use for proposed 45,000 sq. ft. fitness center to be located southwest corner of I-480/Tiedeman Rd. between Max and Irma's and Key Bank, (LA Fitness, subject to Council's approval), PP#433-09-007; and reaffirmed an approval from 11/1/07 for a site approval to co-locate an existing Verizon telecommunications tower at 6650 Biddulph.

REPORTS OF COUNCIL:

Tony DeMarco: Said it seems at the last meeting he's made several people uncomfortable with questions or issues that previously had not been asked of them, specifically the Mayor and some of his administration, and also a fellow Councilmember. Believes people should be held accountable for their particular area of expertise, which they might not be used to. These comments were not to demean or belittle, as some said. He thinks part of a public servant's responsibility is being questioned or challenged by residents, and also about how we vote on various issues. If you can't stand behind it and explain it, then maybe this work is not for them. Our Economic Development Director talked about all the great things happening on Clinton Road, and suggestion again a quick drive down the street to form your own opinions. She continued on, but he asks where are the results, the jobs? He asked the Mayor to give him some idea of how many jobs the city's been directly responsible for bringing to the City of Brooklyn in the last one, three or five years. He requested some financial information from the Finance Director to provide him the withholding tax amounts in the City of Brooklyn from the years 2006 through 2012. At the level when we were collecting 2% versus 2.5%, our actual collections in the years 2010, 11 and 12 were down \$2.5 million, which with an average salary of \$50,000 is roughly 2500 jobs, some of which can be accounted for by residents that have lost jobs, wages decreased, etc., but a majority of this is that the employers in our city have either left or reduced their staffing levels. This is why he says he's adamant about economic development, and not understanding the hesitancy. He's not advocating to replace our Economic Development Director, but add resources to the effort. With the economic development needs of the city changed drastically in the last four or five years, and given a three year warning by one of our largest employers that they'd possibly be leaving the city, he doesn't believe much has been done to act upon that information. He thinks the information that he's uncovered was somewhat enlightening. 2500 jobs that we've lost, or \$2.5 million in payroll taxes, if you'd normalize it back to the 2%, which I think is a large number. So he will just continue to wait and see if anything happens on economic development.

Colleen Gallagher: Said last year, after being contacted by a resident interested in raising some chickens and told it was illegal, found out some residents were raising chickens and roosters. Found out from former Bldg. Comm. the city was turning a blind eye. A Safety Comm. mtg. was held, legislation was drafted, and an adjustment was made to it. She read an article this week regarding chickens in urban communities, and Cleveland Hts. and Cleveland both have adopted legislation allowing chickens, which cites that desirable cities are chicken friendly. She is asking Council to address the legislation again at the next meeting; if they vote it down though, she is asking the Mayor to contact our Animal Control Officer to notify the residents that are violating it and cite them for it. It's time for the city to do the right thing and follow the law.

Katie Gallagher: Received some calls from residents about the sound barriers from ODOT, and after contacting Dir. Verba, he says they are still in the process of ODOT determining if Brooklyn is eligible. She asked Dir. Verba to update Council if he hears any information. Received a complaint about Brock Park's condition, and asked if there's something to be done to clean it up.

Kevin Tanksi: Asked Dir. Verba to elaborate on trash cans in front of houses that are blocked by parked vehicles, and then warning slips being given. Dir. Verba explained the driver is instructed to put a warning slip on the vehicle instead of the can, since the can is sometimes put out before a car is parked, and then it gets blocked. We will move the can in order to pick up the rubbish, but will also try to instruct the cars parking there not to do that. Councilman Tanksi said this will hopefully help.

Tom Murphy: No report.

Kathy Pucci: Gave a report on the May 28th Work Session held after the Council meeting. Reviewed the proposed agreement with Cleveland Water, which would have the Water Dept. assume responsibility for water lines in exchange for revenue sharing for five years if a company leaves Cleveland and relocates to Brooklyn. The Council decided that at this time it is not in the city's interest, but will revisit it in the future. The other item was to review the presentation for the Breakfast for the Businesses, which Fran accepted input from Council and revamped the presentation. She thanked Fran and Jill for working on the project. Reported that on June 7th she attended the Post Audit Conference, also serving as the second quarter meeting for the Audit Committee. The meeting was not public, and the information is confidential until released by the Auditor of State; then it is a public record, available on the Auditor's and City of Brooklyn's websites. It was a very good audit. On May 30th the Bond Anticipation Notes went to market, successfully selling for \$1.375 with a .400% yield. The Finance Director noted the true interest costs will be .62%, due to variance issuance costs. It's a very good rate. She thanked the Finance Dir. for her work on it.

MAYOR'S REPORT:

Mayor Balbier: Received a letter outlining all the Library's programs for the summer and encouraged people to stop by the Library. June 14th is Flag Day. Reminded there is a box at City Hall for collection of old flags. Attended the High School graduation June 2nd; wished all the graduates well. Gave a talk to the Kiwanis last week, about what was upcoming in 2013, so he updated on the projects on Ridge, Tiedeman and 480. Was notified by Executive FitzGerald if he would a press conference last week, where 10 grants were given out, of which Brooklyn received one for \$150,000 for upgrading our parks and recreation areas. A new business is coming to Brooklyn (as was mentioned in the Planning Comm. report), LA Fitness, 41,00 square feet on first floor, 4,000 square feet mezzanine, a lap pool, basketball court, personal trainers, 250 parking spots, and approximately 75 jobs. Parma Hospital is sponsoring 5K runs during the summer: June 30th, July 6th, August 4th, and Sept, 14th. The city received information that we will receive \$66,980 in refunds back from the Bureau of Worker's Comp, hopefully by the end of the month or early July. He met on the 28th with the EPA, with attorneys from Columbus, and experts to testify, to get some information straightened out. We will wait to hear back from them again. Reminded people of the State law that when your windshield wipers are on you also have to have your headlights on. Received a letter that the National Senior Games are going to be held in Cleveland from July 19-August 1st, with 10,000 athletes 50 and over completing in 19 sports. If anyone wishes to volunteer call 216-443-3197.

Councilwoman C.Gallagher asked, in regards to Councilman DeMarco's comments about economic development, if there will be a meeting to discuss a marketing person. Mayor Balbier said he's against a marketing person, but if the Council President calls a meeting he will be there. President Pucci said there will be either a work session or Strategic Planning to discuss that and a couple other items, hopefully before Council ends.

DIRECTORS' REPORTS:

Service Dir. Verba: Passed along that the Laurel Garden Club is having their 2nd annual plant sale on June 12th from 4-7 p.m., in the Grande Pavilion. They recommend bringing a tote for your purchases. A pre-

construction meeting for the Ridge Road construction meeting will be held June 11th, and he will have more information at the next Council meeting. He reminded residents if they have extra rubbish that does not fit in your container it must be placed on the treelawn for a Friday pickup, and the resident must call the Garage at 216-635-4232 to arrange for the pickup. Also, if your collection day is, for example, Monday and you put it out and it's not picked up, the Service Dept. will be working with the Police Dept. to enforce the ordinances for leaving rubbish on your treelawn. And special pickups cannot remain on the treelawn for days before the Friday pickup.

Acting Police Chief Knapp: Said he addressed Mr. Adamski's question while Council was in executive session about CodeRED. The next decision is determining how to populate the database, which will wait for when Chief Mielke returns on the 17th, as he wishes to be part of that. Stated the city does have an Ordinance 337.02 Lighted Lights, which says anytime you use your windshield wipers you're required to have your headlights on. Chief Mielke returns on June 17th, and at this time would like to publicly thank the Mayor, Councilmembers, directors, administrators and staff, and Police Dept. members for their patience and support during this time, especially Chief Mielke for his confidence in his abilities to act in his stead.

President Pucci thanked Officer Knapp for stepping up and taking on the additional responsibilities.

REQUESTS:

Request from Engineer Courtney for approval of bids for the Associate Avenue project. Engineer's estimate is \$134,010. Bid results were attached and reviewed, and the letter from the Engineer read. Konstruction King, Sect. 1 and 1A, and \$148,7300; for Sect. 2, \$13,875, totaling \$162,605 (21.3% above estimate). A & J Cement Contractors, Sect. 1 and 1A, \$175,060; Sect. 2, \$11,340, totaling \$186,400 (39% above estimate). **MOTION** by Van Kirk, second by C.Gallagher to approve the bid from Konstruction King for Sect. 1 and 1A in the amount of \$202,690. A curve turnout widening had to be redesigned because property could not be acquired, so Sect. 2 will not be needed, and other items in Sect. 1 and 1A will not be needed. With all that taken into consideration the bid from Konstruction King is reduced to \$135,050 (.8% above estimate); and A & J Contractor's reduced to \$153,100 (14.4% above estimate). An amended tabulation and adjusted bid results are as follows: Konstruction King, Sect. 1, \$124,310 and 1A, \$10,740 totaling \$135,050; A & J Cement Contractors, Sect. 1 \$139,945 and 1A \$13,155 totaling \$153,100. The Engineer recommends awarding the contract to Konstruction King for Sect.. 1 and 1A for \$135,050. **MOTION** by Murphy, second by Tanski to accept the bid from Konstruction King for Sect. 1 and 1A in the amount of \$135,050. **VOTE RESULTED: Accept the bid for Sect. 1 and 1A for Konstruction King:** Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. **(ACCEPTED THE BID)**

Request from Chief Zemek to accept a \$300 grant award from the Firefighters Charitable Foundation, to be used for fire and/or EMS equipment. **MOTION** by C.Gallagher, second by K.Gallagher to accept the grant award. **VOTE RESULTED: Accept grant award:** Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. **(APPROVED)**

Request from Acting Mgr. McGinty for authorization for items relating to the CDBG playground upgrades. 1) Authorize park rehab project as submitted by David Williams and Assoc., Inc. for \$79,798.24. **MOTION** by C.Gallagher, second by K.Gallagher to approve. **VOTE RESULTED: Approve:** Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. **(APPROVED)** 2) Authorize sport court project as submitted by Connors Sport Court International for \$75,905.75. **MOTION** by C.Gallagher, second by K.Gallagher to approve. **VOTE RESULTED: Approve:** Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. **(APPROVED)** 3) Authorize additional amount of \$2,684 for performance bonds not included in initial quotes. **MOTION** by C.Gallagher, second by K.Gallagher to approve. **VOTE RESULTED: Approve:** Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. **(APPROVED)**

Request from Dir. Verba to advertise for bids for construction of west parking lot at John M. Coyne Recreation Center. **MOTION** by C.Gallagher, second by K.Gallagher to advertise for bids. **VOTE RESULTED: Advertise for bids:** Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. **(APPROVED)**

Request from Dir. Verba to advertise for bids for renovation of restrooms at John M. Coyne Recreation Center. **MOTION** by C.Gallagher, second by K.Gallagher to advertise for bids. **VOTE RESULTED:** *Advertise for bids:* Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. **(APPROVED)**

LEGISLATION:

RESOLUTION 2013-4: Adopting the Tax Budget for the fiscal year 2014. Millage will remain at 5.9 mills, reduced by Council from 6.9 mills in 2009. **(FIRST READING)**

RESOLUTION 2013-5: Authorize the city to accept the Fact Finder's recommendations regarding the Collective Bargaining Agreement between the City of Brooklyn, Ohio and the Ohio Patrolmen's Benevolent Association Patrol and Sergeants Bargaining Unit. It will be amended to include the attachment. There are seven days to accept, reject, or do nothing (same as accepting it). Amendments in 5th Whereas, and Section 1 to include, "Exhibit A attached." **MOTION** by Pucci, second by C.Gallagher to amend. **VOTE RESULTED:** *Amend:* Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. **(AMENDED)** **MOTION** by Pucci, second by DeMarco to suspend the rules, as amended. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. *Adopt, as amended:* Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. **(ADOPTED, AS AMENDED)**

ORDINANCE 2013-40: Authorizing the Mayor to amend and expand an agreement with Zashin and Rich Co., LPA to provide and conduct additional labor negotiations on behalf of the City of Brooklyn. (\$50,000 was initially allotted, and this is for an additional amount not to exceed \$25,000) **(FIRST READING)**

ORDINANCE 2013-41: Amending Sect. 1345.01(K) and (Y), Fee Schedule, of Chapter 1345, Permit Fees of the Brooklyn Codified Ordinances. (change to the recent increase adding window replacement, \$30; and non-residential plan review certificate, \$50) **MOTION** by C.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. *Adopt:* Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2013-42: Enacting new Section 1527 entitled, 'Announcements' of the Codified Ordinances of the City of Brooklyn, Ohio. (announcements prior to start of specified programs to notify occupants of exits to use in fire/emergency, with exemptions to church services and outdoor events) **MOTION** by C.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. *Adopt:* Yes: DeMarco, C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci. No: None. **(ADOPTED)**

Councilwoman K.Gallagher asked that items from the Fact Finding report be shared with the public for their knowledge. Dir. Claussen explained the Police union and administration could not come to terms, so went to Fact Finding, mutually selecting a Fact Finder. They issued a report that: in 2013 the Police union would receive a 3.25% wage increase, in 2014 a 1.5% wage increase, and back to negotiations in the third year; the union is currently paying 6.9% for healthcare, 2014 it will increase to 10%, and 2015 re-open the contract for possible increase discussion; a proficiency pay for an extra \$850 for members that qualify for the proficiency pays. Those were the main items. With the acceptance of this the city will approach the other unions to try to come to an agreement without going to Fact Finding. The 3.25% increase for police was because several years ago the Fire Dept. received a 3.25% increase the other unions failed to achieve, so it jumped up the first year to equal.

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