

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**November 26, 2012**

**7:00 p.m.**

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

Absent: Katie Gallagher

Pledge of Allegiance.

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

**MOTION** by Pucci, second by VanKirk to approve the minutes of November 13, 2012. **VOTE RESULTED:**  
*Approve:* Yes: Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. Abstain: Tanski. No: None. (**APPROVED**)

#### **COMMENDATIONS:**

Chief Zemek presented commendations to Fire Fighters Lt. Matt Beni, Ed Coyne, Matt Antal, (John Stefanko, Ed Kriausky, George Cehelnik, not present at mtg) for quick response to an apartment fire and saving a resident's life.

President DeMarco extended condolences, on behalf of Council, on the passing of Catherine Musto, a former city employee and mother of employee Mary Grace Salvatore; the passing of Terry Stefanko, father of Fire Fighter John Stefanko; and the passing of William Paul father of Fire Lt. Kevin Paul.

#### **PUBLIC SESSION:**

*Ray (did not get last name)* of 4586 Memphis Villas So. complained about upraised sidewalks on his street, and offered a suggestion to get an apparatus to lift the slabs and shave the tree's roots and put the same slabs back down. President DeMarco said the Service Director will look into the street's sidewalks.

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

Finance Committee (Councilman DeMarco): The Committee met at 6:30 and addressed the following: recommended adoption of: Res. 2012-16, Ords. 2012-78; first reading for 2012-77. Meetings are typically at 6:30 and all are invited to attend.

Recreation Board (Councilman Tanski): Silver Sneakers program increases each month. Skate with Santa will be Sunday, December 16<sup>th</sup> from 2:30-3:30. Friday night basketball begins Jan. 11 thru Feb. 22, 2013 at the High School's east gym, and open to residents' grade 1-8, with registration at the Rec Center Dec. 1<sup>st</sup> and 2<sup>nd</sup> from 11-1, \$20 early bird registration, \$35 after Dec. 31<sup>st</sup>. Learn to swim registration will also be held on the same days and times. The next Recreation Board meeting is December 17<sup>th</sup> at 6:30 in the Court room.

Legislative Update, Domestic Violence, Juvenile Diversion (Councilwoman C.Gallagher): Domestic Violence Comm. met with Laurie Butterfield, Dir. of Development with the Domestic Violence and Child Advocacy Center, and informed about all services, programs and upcoming events the Center provides. A white ribbon campaign for men will be held Nov. 28<sup>th</sup> to promote healthy, non-violent relationships sponsored by the Healthy Fathering Collaborative of Greater Cleveland and the Domestic Violence Center. The Committee

thanked everyone who donated cell phones and charges, and wished residents merry Christmas and happy New Year.

Planning Commission (Councilwoman C.Gallagher on behalf of Councilwoman K.Gallagher): The Commission met Nov. 18<sup>th</sup> and passed the final site approval for Sheetz. The next mtg. is Thursday, December 6<sup>th</sup> at 6 p.m. in the Mayor's Court for a request from Brilliant Electric Sign to install a 3'5"x20'3" electronic message center/illuminated sign for Ridge Park Square (4832 Ridge Road), and any other business. All are welcome to attend.

### **REPORTS OF COUNCIL:**

**Kevin Tanski:** Ord. 2012-64, to retain Johnson, Miller and Schmitz for negotiations, was voted down by majority of Council, mostly due to the high profile firm and waste of taxpayer money. Now 2012-78 another firm presented, at a lower cost. Expressed outrage that the administration will come with firms until it gets passed, wasting time and money. Thousands were spent on last negotiations with outside law firms. Said the Mayor at a previous meeting gave biography of staff and expressed how well versed and educated they are, and agrees; but this is the time to show the residents by using the same staff in handling these negotiations. Said Dir. Claussen stated numerous times to him during past negotiations, etc., he would fully understand all those procedures. But now at time to negotiation we're still searching for outside firms to do our work, instead of having our proposals ready and directors involved, and a plan of action in place. Time, energy and money is spent looking for other sources to do our work. We need to not do what other cities do, and lead, not follow. Appalled at the situation. City workers and residents watch what's spent during negotiations. If we put an effort to begin negotiations, maybe we could save tax dollars. He's asking Council to vote against Ord. 2012-78.

**Tom Murphy:** Dec. 5<sup>th</sup> there will be a (rescheduled) Town Hall meeting by County Executive Ed FitzGerald at Parma City Hall. Thanked Ray (did not get last name) for speaking about sidewalks and that Councilman Tanski is very involved in it. Congratulated the Firefighters on their commendations, noting they just came back from the Parma Theater fire when they got this call.

**Kathy Pucci:** Offered condolences to the employees who lost loved ones: Firefighter Stefanko, Lt. Paul, and Gracie Salvatore. Also condolences to Mr. Changeri on the loss of his brother. Congratulated the Firefighters on their call. Safe Routes to School meeting Nov. 28<sup>th</sup> at 7:30 a.m., Brookridge Library conference room. Ordinance on Agenda to hire outside counsel for negotiations, and as mentioned, a similar ordinance was defeated; this Ordinance is for a different law firm. During Executive Session some members had a change in heart. Thanked everyone for listening and being willing to compromise, and understands those members who believe it should be done in house. She is looking at who is best qualified to carry out the task, and that is what she based her decision on. In regard to the Temporary Appropriations, there's a mention of a possibility of considering increasing revenues such as fees, charged to residents, and/or property taxes; and stated in Finance Comm. meeting, and here now, that while she recognizes the serious situation being faced with 2013 budget, she doesn't think enough was done to explore and implement changes as to how the city operates. It's not the whole answer. It must be done in earnest before increasing taxes and/or fees to residents. This does not refer to reducing numbers of employees, because with reductions the ranks are thin in every single department; but it's imperative to explore any and all options to change how we do business in the future.

**Ron Van Kirk:** Also thanked Mr. Ray (did not get last name) for his concerns expressed. In regard to Ord. 2012-78, he shares the same opinion as Councilwoman Pucci. He understands where Councilman Tanski is coming from in regard to keeping this in-house; but based upon information from the Administration, he too is looking for the best possible solution. These negotiations are vital for the city's future, especially since the 2013 budget is looking pretty rough. This decision is to put forth contracts to the unions that are in the best interest of the city; and hiring this outside firm he believes is the best step for that, so is in favor of the legislation.

**Colleen Gallagher:** Extended condolences to the employees' loss: Caterina Musto, a longtime employee of City Hall and mother of Grace Salvatore; and the fathers of Kevin Paul and Jonathan Stefanko. Commended the Firefighters on their bravery. There's a new ordinance for compensation for an outside law firm for

negotiations, which she voted against previously in favor of using our own Law Director; but in recent executive sessions, and discussions with the Mayor, the additional compensation the Law Director is asking for outweighs her decision to hire a firm that has the expertise to settle the contract. In the future she hopes the Mayor will change his mind and hire a full-time Law Director with the knowledge and expertise of negotiating contracts and a human resources background.

**Tony DeMarco:** No report.

Councilman Tanski asked Dir. Verba to give an update on sidewalks on Memphis Villas So. in his report.

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

**Mayor Balbier:** Thanked his secretary, Jill Ludwig, for putting together and coordinating the city's food basket and turkey program, given out to 36 families this year. Also thanked those who helped, including St. Thomas More for gathering the bulk of the food. The traffic light on Clinton Road by Eaton which was knocked down by a police pursuit has been replaced. Congratulated Police Chief Scott Mielke for being accepted at the FBI Academy for training, starting in spring 2013. This will be a great help to our department and city. At the last meeting the Council confirmed his recommendation for Building Commissioner, but two days later the man notified that he was not taking the job, since the city he was working in offered him more when they saw that we wanted him; so back to square one and interviewing again. Our part-time inspector, Mr. Fitzgerald, will work additional hours to get the city through this. As mentioned, Sheetz was approved, and they will start construction spring 2013, and projected open in spring 2014. Contacted the Water Dept. about the new meter readers, which everyone has to have. Brooklyn is slated for the 4<sup>th</sup> quarter of 2013. He will be getting material from the Dept. addressing concerns about health problems and the new meters, and will inform when he has it. The Holiday Gathering is Sunday, Dec. 2<sup>nd</sup> from 3-6 p.m., with entertainment from local church choirs, pictures with Santa, hot chocolate and cookies. Senior Center skylights are two-thirds done, hopefully complete by the end of the week. In regard to Councilman Tanski's comments on negotiations, he feels we do need an outside firm.

### **DIRECTORS' REPORTS:**

Fire Chief Zemek: Offered sympathies and condolences to Fire Fighter Stefanko and Lt. Paul for the passing of their fathers. Reiterated congratulations to the A shift crew and all the safety forces involved, police and dispatchers. Informed residents they are out of smoke detectors, and he is applying for a federal grant to hopefully get more.

Service Dir. Verba: Sidewalks replaced this year alone is 109 blocks, affecting 30 homes. Additional work this year could not be accomplished because they ran out of time due to the weather. He apologized to those residents who were promised work would be done on theirs this year, but time did not allow it; they will be first on next year's list, and letters will be sent to them stating that. He will check out Memphis Villas So. and see what can be done for next year; but if there is a safety issue now they will see what patch could be done to address it. The Mayor asked he update on leaves. They are working with a bare bones crew, and the Sandy storm set them back a couple weeks. So the last day for composting will be Thursday, Nov. 30<sup>th</sup>. After that time rake leaves to treelawn. This will free up three more workers, so two trucks can go out each day starting first week of December, and without any snow the leaves will be taken care of. Signs should be posted. Stressed to get leaves to treelawns to be collected as soon as they can.

### **REQUESTS:**

Liquor permit transfer from Biddulph Ridge Ext., LLC to Paul Holdings, LTD, dba Steve's Diner. The Chief had no objections. **MOTION** by Pucci, second by C.Gallagher for a position of no objection. **VOTE RESULTED:** *No Objection:* Yes: Tanski, Murphy, DeMarco, Pucci, C.Gallagher. Abstain: VanKirk. No: None. **(NO OBJECTION)**

**LEGISLATION:**

**RESOLUTION 2012-16:** Authorizing the Mayor to enter into a contract with the District Board of Health of Cuyahoga County for Health Services for the year 2013. **MOTION** by Pucci, second by C.Gallagher to suspend the rules. Councilman VanKirk asked he be excluded. **VOTE RESULTED:** *Suspend the Rules:* Yes: Tanski, Murphy, DeMarco, Pucci, C.Gallagher. No: VanKirk. *Adopt:* Yes: Tanski, Murphy, DeMarco, Pucci, C.Gallagher. No: VanKirk. **(ADOPTED)**

**ORDINANCE 2012-68 (3<sup>rd</sup> Reading/Adoption):** Establishing new Section 1359 Clandestine Drug Laboratories of the Brooklyn Codified Ordinances. **MOTION** by Pucci, second by VanKirk to adopt. **VOTE RESULTED:** *Adopt:* Yes: Tanski, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(ADOPTED)**

**ORDINANCE 2012-76:** Adopting the 2013 Residential Code of Ohio for one, two, and three-family dwellings. **(SECOND READING)**

**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. **(FIRST READING)**

**ORDINANCE 2012-78:** Authorizing the Mayor to retain Zashin & Rich Co., LPA to conduct labor negotiations on behalf of the City of Brooklyn. **MOTION** by Tanski, second by Pucci to adjourn to Executive Session with the Mayor and Dir. Claussen for the purpose of negotiations. **VOTE RESULTED:** *Adjourn to Executive Session:* Yes: Tanski, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(ADJOURN TO EXECUTIVE SESSION)**

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

**MOTION** by Pucci, second by DeMarco to suspend the rules on Ord. 2012-78. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher. No: Tanski, Murphy. **(FIRST READING)**

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

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Asst. Clerk of Council

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President of Council