

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JANUARY 28, 2014**

The meeting was called to order by Council President Patten at 8:06 p.m. The clerk called the roll and the following Members of Council answered:

D'AMICO, TROYER, SALVATORE, MENCINI, BURGIO, POWERS, HIGGINS

Also in attendance were Mayor Coyne, Law Director Jamison, Finance Director Cingle, Engineer Piatak and Recreation Director Marken.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Council Meeting held on January 7, 2014.

Motion by Mr. Salvatore, supported by Mr. D'Amico, to approve as printed. Members of Council voted AYE. The motion carried.

REMARKS FROM THE AUDIENCE (ON ANY SUBJECT):

REPORTS FROM STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Higgins

Mr. Higgins stated Cleveland Hopkins has meetings every so often to give updates on the airport. There is a new tower being built and he will be attending the next meeting but the airport does not have much information to report for Brook Park.

Finance Committee – Chairman, D'Amico

Mr. D'Amico stated in discussion with Finance Director Cingle the State Auditors will begin the audit on February 4th. A rough draft of the budget has been presented to the Mayor for his review and will be forthcoming to Council in the near future. The Board of Control met on January 21st and approved 30 items and again on January 28th and approved 15 items. Mr. D'Amico continued that tax returns were sent out to residents at the beginning of the year.

Legislative Committee – Chairman, Troyer

Mr. Troyer stated no report this evening.

Parks & Recreation Committee – Chairman, Burgio

Mr. Burgio stated to the seniors that when schools are closed there is no senior meeting. The Titans Football Fundraiser held recently raised approximately \$4,000 and thanks to everyone who attended and participated. On tonight's agenda there are two Recreation Commission appointments for Shelley Chornak, who is a valuable asset, as well as Danny Colonna, who is very prepared with qualifications in sports background and familiarity of the Recreation Center.

Planning Committee – Chairman, Mencini

Mr. Mencini stated no report this evening and the next Planning Commission meeting will be held on Monday, February 3rd.

Reports from Standing Committees: cont.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated the Safety Committee has legislation on tonight’s agenda.

Service Committee – Chairwoman, Powers

Mrs. Powers stated no report this evening.

Board of Zoning Appeals – Chairman, D’Amico

Mr. D’Amico stated the February 3rd meeting was cancelled due to no applications being received. The next Zoning Board meeting is scheduled for March 3rd.

REPORTS FROM SPECIAL COMMITTEES:

Southwest General Health Center – Trustee, Salvatore

Mr. Salvatore stated the ribbon-cutting ceremony took place for the opening of the 40,000 square foot emergency room, which is a state-of-the art emergency room. The new emergency room has intake rooms; private rooms for evaluation; a rapid assessment area; a discharge corridor; clinical decision unit for evaluation purposes. There is also a section for heart patients only; patient care rooms and a special area called the Teddy Bear Clinic for when a child is brought in they receive a teddy bear. This new emergency room also consists of state-of-the-art technology and necessary data to be used for insurance purposes along with many, many other features.

Berea Board of Education – Representative, Mencini

Mr. Mencini stated that January is Board Recognition month and the board had a meeting on January 13th. The Administration consists of Superintendent, Michael Sheppard; Assistant Superintendent, Jeff Grosse; Treasurer, Ryan Ghizzoni. The Board Members consist of President, Neal Postel; Vice-President, David Tressel; Board Members Ann Chapman, Brook Park’s Fred Szabo and David Thureau. Mr. Menicini continued that many appointments and contracts were voted on for the Ohio Teachers Association and Polaris Association. The firm Albert Higley was approved for the demolition of Roehm Middle School and Early Education was approved to evaluate children possibly ready for Kindergarten. A contract was approved with Ombudsman on Snow Road and the board has begun a program called Reduction in Force to cut down on costs.

REPORTS FROM BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne thanked the service department staff for the outstanding job of keeping up with recent winter storms. The city used the emergency snow ban and notification to the seniors for the first time. When the seniors were contacted that driveway plowing would begin at 6:00 a.m. on Sunday morning the director received at least 40 calls at 6:00 a.m. on Sunday morning wondering where the plows were. Unfortunately, there was a fatal accident on Brookpark Road recently. The Recreation Department programs continued and under the recent conditions the city services did an outstanding job. Mayor Coyne continued due to the recent boiler break in this building a serious look has to be taken at the conditions that exist for the climate in the city buildings.

**REPORTS AND COMMUNICATIONS FROM OTHER DEPARTMENTS,
COMMISSIONS, PUBLIC OFFICIALS:****Service Director Cayet**

Mr. Cayet stated that the service department will begin to pickup rubbish at 6:00 a.m. with the automated trucks. During the recent storm the department plowed 1,140 driveways and with these heavy snows the department's goal is to get the main streets cleared such as Snow Road; Route 237; Brookpark Road and the other main arteries to allow traffic to move through the city. After the mains are cleaned then the crews clear the secondary streets and then the residential areas.

Mr. D'Amico asked Service Director Cayet how is the department doing with road salt; what is the minimum and how does it look for the future?

Mr. Cayet responded as of today the department has 200 ton in the salt dome and an order was put in yesterday for additional salt.

Mr. Higgins asked Service Director Cayet what is the reason for the 6:00 a.m. start for the rubbish pickup? Discussions took place a while back and the reason was for the crews to get used to operating the equipment, then return to the 7:00 a.m. start. In the winter isn't a bother but when the windows are open in the summer that could be in violation of the city's noise ordinance.

Mr. Cayet responded I will look into that but as you know this is the schedule that was being followed when I took office, if adjustments are necessary they will be made accordingly.

Mr. Troyer asked Service Director does the city have the new driveway plows or when are they expected?

Reports and Communications from other departments, commissions, public officials: cont.

Mr. Cayet responded the driveway plows are ready to go and the new plows have a double blade on them that are called snow dogs. Instead of the plows floating over the top of the snow it will dig in and bring the snow back.

Mr. Troyer asked if the new plows are currently being used.

Mr. Cayet responded pictures were received today but they are not on the street to date.

Engineer Piatak

Mr. Piatak stated that for clarification purposes regarding the Ruple Road landslide discussed at the Caucus meeting. There are multiple locations that are being looked at to remedy with the soil nails. The one location that caused the road closure is approximately 300 feet south of the Switzer Road intersection. That is the location that the city is seeking funding from OPWC (Ohio Public Works Commission) and that location was estimated at approximately \$125,000. The other location is further south which includes soil nails and a fix to the existing bin wall. That is a separate location and the approximate cost would be \$150,000 and does not qualify for public works program monies.

Mr. Mencini thanked Engineer Piatak for solving the recent problem on Engle Road, it's not totally completed but the resident is satisfied.

Safety Director Byrnes

Mr. Byrnes stated that the Mayor gave the Oath of Office today to Fire Chief Maund; Assistant Fire Chief Johnson and Fire Lieutenant McClain. Mr. Byrnes continued that yesterday there was an unfortunate traffic fatality on Brookpark Road. Mr. Byrnes commended the police officers who were out in the elements for many hours

Law Director Jamison

Mr. Jamison stated since last meeting the city has been named in a lawsuit filed on January 2, 2014 by the former city safety director, Angelo Nuzzo. Mr. Nuzzo is suing the city seeking a Worker's Compensation claim while employed by the city, unbeknownst to me. Mr. Nuzzo was denied through the various administrative levels by the Industrial Commission of Ohio and essentially Mr. Nuzzo's last appeal is to file a lawsuit in the Court of Common Pleas in Cuyahoga County. The city received the filed lawsuit last week and I will be filing the answer tomorrow in Common Pleas Court. Mr. Jamison had discussions with the Ohio Attorney General's office that represents the Industrial

Reports and Communications from other departments, commissions, public officials: cont.

Commission and at the appropriate time will bring the status of this case to Council for advisement.

Mr. Salvatore stated to Law Director Jamison maybe your department didn't know about this lawsuit but someone had to know about it. Isn't there any record of this at City Hall? Who do you file the claim through, nobody?

Mr. Jamison responded the claim is filed through the Industrial Commission and if any correspondence came to City Hall it did not come to my office. So essentially as working through a Workers' Compensation claim it is handled by the Industrial Commission. If the city received notification it most likely would be sent to either the Mayor's office or the Human Resources Commissioner. Mr. Jamison continued this happened years ago when Kim Reisinger who filed a claim with the Industrial Commission for a back injury that was denied. Ms. Reisinger sued the city and the suit was resolved with the State of Ohio Industrial Commission reached a settlement with Ms. Reisinger. That will probably be what will happen in this case and the issue becomes most likely that there won't be a monetary detriment to the city but it may affect the rating with the Industrial Commission. In discussions with the Assistant Attorney General recently those discussions will take place at the appropriate time depending on how this suit is resolved if there will be an impact to the city. This is not unusual that my office wouldn't have received the lawsuit because this is basically the last appeal the individual would have in going through this process.

Mr. Salvatore stated it seems odd that an individual would get hurt on the job and not report the injury to anyone. Not that it should have been reported to you because you're there for the legal aspect but if somebody gets hurt in the workplace somebody has to be told.

Mr. Jamison responded the allegation from the complaint is that Mr. Nuzzo while driving back from an out of the office meeting was involved in a motor vehicle accident. In the accident Mr. Nuzzo sustained injuries to his back and based on that accident made a Worker's Compensation claim.

Recreation Director Marken

Mr. Marken gave an oral and written report that is attached to these minutes.

Finance Director Cingle

Mr. Cingle stated no report tonight.

OTHER COMMUNICATIONS, PETITIONS, AND VERBAL APPROVAL:
(INTRODUCTION OF NEW LEGISLATION):

New Legislation:

1. An Ordinance authorizing the Mayor to advertise for bids and enter into a contract for the Engle Road Resurfacing Project (PID 85361) and declaring an emergency. Introduced by Mayor Coyne **Placed in Service Committee**
2. An Ordinance amending certain sections of the administrative code to provide adjustments in compensation for employees of the city, other than elected officials or those covered under negotiated labor contract and declaring an emergency Introduced by Mayor Coyne **Placed in Finance Committee**
3. An Ordinance amending sections 1705.01, 1705.02, 1713.02 (a) of the Brook Park Codified Ordinances providing for a two and one-half percent (2-1/2%) Income Tax and declaring an emergency. Introduced by Mayor Coyne **Placed in Finance Committee**
4. An Ordinance pursuant to Section 5705.03 of the Ohio Revised Code requesting the Cuyahoga County Fiscal Officer to certify to the Council of the City of Brook Park, Ohio, the total current tax valuation of the city of Brook Park, Ohio and the dollar amount of revenue generated by a tax levy of four and 00/50 (4.50) mills for an additional tax levy for parks and recreational purposes as authorized by section 5705.19 (h) of the Ohio Revised Code and for providing or maintaining senior citizen services or facilities as authorized by section 5705.19 (y) of the Ohio Revised Code and declaring an emergency Introduced by Mayor Coyne **Placed in Finance Committee**
5. An Ordinance enacting Section 131.11 of the Brook Park Codified Ordinances entitled 'Purchasing and Public Contracts Commissioner' and declaring an emergency Introduced by Mayor Coyne **Placed in Finance Committee**
6. An Ordinance enacting Chapter 755 of the Brook Park Codified Ordinances entitled 'Donation Boxes' and declaring an emergency Introduced by Mayor Coyne **Placed in Legislative Committee**

MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):

1. OATH OF OFFICE – FIRE CHIEF THOMAS MAUND

Mr. Patten stated that item number one should be removed from the agenda because Fire Chief Maund was sworn in this morning.

Miscellaneous Business, (Appointments, Confirmations: cont.

Mass Motion by Mr. Salvatore, supported by Mr. D'Amico, to approve the commission members. Members of Council voted AYE. The motion carried.

2. OATH OF OFFICE – DAVID A. MORRIS – CIVIL SERVICE COMMISSION
3. OATH OF OFFICE – CHANDRAN THYAGARJAN – PLANNING COMMISSION
4. OATH OF OFFICE – JOHN BERNATH – PLANNING COMMISSION
5. OATH OF OFFICE – DANNY V. COLONNA – RECREATION COMMISSION
6. OATH OF OFFICE – SHELLEY CHORNAK – RECREATION COMMISSION

Mayor Coyne stated to expedite the meeting the Oaths of Office will be given to the commission members after the meeting.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):

1. ORDINANCE NO. 9877-2014, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE SPECIFICATIONS AND TO ADVERTISE FOR BIDS AND FURTHER AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND/OR BEST BIDDER FOR THE DISPOSAL OF SOLID WASTE IN AN EPA APPROVED COMPOSTING FACILITY AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Motion by Mr. Burgio, supported by Mr. D'Amico, to suspend.

ROLL CALL: AYES: Burgio, D'Amico, Troyer, Salvatore, Mencini, Powers, Higgins
NAYS: None. The motion carried.

Motion by Mr. Salvatore, supported by Mr. Higgins, to adopt.

ROLL CALL: AYES: Salvatore, Higgins, Powers, Burgio, Mencini, Troyer, D'Amico
NAYS: None. Ord. No. 9877-2014, has passed under Suspension of the Rules. Adopted.

2. ORDINANCE NO. 9878-2014, APPROVING THE REZONING OF PERMANENT PARCEL NUMBERS 344-31-003 AND 344-31-006 FROM U7-ZONE B LIGHT INDUSTRIAL/COMMERCIAL TO A U7-ZONE D HIGHWAY ORIENTED. Introduced by Council as a Whole

Council President stated Ordinance No. 9878-2014 has had its **First Reading**.

3. ORDINANCE NO. 9879-2014, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT AGREEMENT WITH THE BROOK PARK FIREFIGHTERS ASSOCIATION, LOCAL 1141, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, AFL-CIO-CLC AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Motion by Mr. Salvatore, supported by Mr. Burgio, to suspend.

ROLL CALL: AYES: Salvatore, Burgio, Mencini, Powers, Higgins, D'Amico, Troyer
NAYS: None. The motion carried.

Introduction of Resolutions and Ordinances: (First Reading): cont.

Motion by Mr. Salvatore, supported by Mr. Higgins, to adopt.

Law Director Jamison stated if Council votes AYE the amendment goes through if Council wants to reject the amendment the proper vote would be NAY.

ROLL CALL: AYES: None.

NAYS: Salvatore, Higgins, Powers, Burgio, Mencini, Troyer, D'Amico
Ord. No. 9880-2014 is **DEFEATED** with a vote of 0-7.

- 4. ORDINANCE NO. 9880-2014, ENACTING SECTION 147.33 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COMMISSIONER OF LEISURE TIME ACTIVITIES AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

The Clerk read the legislation in its entirety since it was not properly posted.

Motion by Mr. Salvatore, supported by Mr. Troyer, to suspend.

ROLL CALL: AYES: Salvatore, Troyer, D'Amico, Higgins, Powers, Burgio, Mencini
NAYS: None. The motion carried.

Motion by Mr. Salvatore, supported by Mr. Higgins, to adopt.

ROLL CALL: AYES: Salvatore, Higgins, Powers, Burgio, Mencini, Troyer, D'Amico
NAYS: None. Ord. No. 9880-2014, has passed under Suspension of the Rules. Adopted.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):

THIRD READING OF RESOLUTIONS AND ORDINANCES:

Motion by Mr. D'Amico, supported by Mr. Mencini, to adjourn. Members of Council voted AYE. The motion carried at 8:46 p.m.

RESPECTFULLY SUBMITTED

Michelle Blazak
Michelle Blazak
Clerk of Council

APPROVED

February 4, 2014

THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.

*Met. 1-28-14
Council*

**Council Meeting 1/28/14
Recreation Department
Director's Report**

- As our Department is approaching the mid-season point in our Youth Basketball Leagues, Baseball/Softball registrations begin this Saturday and run throughout the whole month of February. Youth Football/ Cheerleading sign-ups will take place as well & if you register your son or daughter for both sports at the same time during February we'll take \$10 off your total fees.

