

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MARCH 18, 2014**

The meeting was called to order by Council President Patten at 8:00 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 Law Director Jamison, Mayor Coyne, Assistant Finance Director Healy, Finance Director Cingle, Service Director Cayet, Safety Director Byrnes and Building Commissioner Hurst.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Council meeting held on February 25, 2014.

Motion by Mr. Burgio, supported by Mr. Mencini, 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 no report this evening.

Finance Committee – Chairman, D'Amico

Mr. D'Amico stated the Board of Control met both on the 11th and 18th of March and approved ten items at both meetings. The city's tax department will be open the three next Tuesdays until 7:00 p.m.

Legislative Committee – Chairman, Troyer

Mr. Troyer stated no report this evening.

Parks & Recreation Committee – Chairman, Burgio

Mr. Burgio stated there will be a Titans Youth Football fundraiser held on Saturday, May 10th at the UAW Hall on Chevrolet Blvd. from 6:00 a.m. to 11:00 p.m. Tickets cost \$20.00 and can be purchased through Danny Colonna and the deadline for brochure sponsorship and/or purchase of a horse is April 15th. There was a second coaching clinic held last weekend that was a success.

Planning Committee – Chairman, Mencini

Mr. Mencini stated at the last meeting the Planning Commission reviewed the proposed Mini-Cooper dealership on Brookpark Road.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated the Safety Committee has one item on the agenda.

Reports from Standing Committees: cont.

Service Committee – Chairwoman, Powers

Mrs. Powers stated no report this evening.

Board of Zoning Appeals – Chairman, D’Amico

Mr. D’Amico stated the Board of Zoning Appeals held a special meeting on March 10th with two items being on the agenda. Number one is for Enterprise Vehicle Distribution and the second is the proposed Mini-Cooper dealership. The commission made several variances with conditions for both items that will hold the integrity of the city’s ordinances for construction of buildings and also to stimulate economic growth. Mr. D’Amico stated the next Board of Zoning Appeals meeting is scheduled for April 7th.

REPORTS FROM SPECIAL COMMITTEES:

Southwest General Health Center – Trustee, Salvatore

Mr. Salvatore stated the next board meeting will be held on March 26th.

Berea Board of Education – Representative, Mencini

Mr. Mencini stated the school board met on March 10th and the school board entered into an agreement with Cavanaugh Photo on Bagley Road. There will be a dance-a-thon on April 12th at Brook Park Memorial from 11:00 a.m. to 2:00 p.m. and all donations and sales will go to the new handicapped accessible playground and resurfacing of the other two playgrounds.

REPORTS FROM BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne stated no report this evening.

REPORTS AND COMMUNICATIONS FROM OTHER DEPARTMENTS, COMMISSIONS, PUBLIC OFFICIALS:

Engineer Piatak

Mr. Piatak stated that the Ruple Parkway slope repairs project work began earlier this week on the first repair site. The area was excavated and the soil mills were drilled and grouted earlier today. Mr. Piatak continued the Engle Road Resurfacing Project is currently being advertised for bids that are scheduled to be opened on April 26th at 10:00 a.m. The Agnes Reconstruction Project that was part of the 2013 Roads Program the contractor is scheduled to have the landscaping repairs completed.

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

Mr. Mencini stated to Engineer Piatak if the sinking tree lawns will be reassessed on Engle Road and Agnes Drive?

Mr. Piatak responded Agnes Drive tree lawns will be redone this spring. On Engle Road if there is any settlement then the proper repairs will be made and the final punch-list for Engle Road has not been done.

Service Director Cayet

Mr. Cayet stated the city has received the balance of road salt for the city streets. The mechanics are prepping the fleet of spring equipment. The crews have been taking care of the pot holes on a daily basis and a list is currently being compiled for sod repairs caused by city plow trucks and sidewalk plows.

Mr. Mencini thanked the service crews for the prompt response of the tree lawn trees.

Safety Director Byrnes

Mr. Byrnes stated no report this evening.

Law Director Jamison

Mr. Jamison stated no report this evening.

Recreation Director Fields

Ms. Fields stated the Annual Midnight Basketball event will be held on Friday, March 21st from 8:00 p.m. to midnight and the annual Easter Egg Hunt will be held on Saturday, April 19th from 12:00 noon to 2:00 p.m.

Mr. Salvatore asked if candy donations are being taken for the Easter Egg Hunt and Mr. Salvatore thanked the Recreation staff for extending the sign-up for the athletes and waiving of the late fees.

Ms. Fields responded yes candy donations are being accepted and that Andres and Rini are doing a good job with the extension of signups because the totals have not been accumulated to date and there will be no late fee charged, this is just so children are able to play.

Finance Director Cingle

Mr. Cingle stated no report this evening.

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

New Legislation:

- 1. An Ordinance authorizing the Mayor to enter into a contract with the Cleveland Restoration Society (CRS) to create the Heritage Home Program for the residents of Brook Park who own homes that are 50 years old and declaring an emergency. Introduced by Councilman Salvatore **Placed in Legislative Committee**

MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):

- 1. ORDINANCE NO. 9894-2014, AMENDING SECTIONS 1705.01, 1705.02, 1713.02 (a) OF THE BROOK PARK CODIFIED ORDINANCES PROVIDING FOR A TWO AND ONE-HALF (2-1/2 %) INCOME TAX AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Mr. Patten stated Ordinance No. 9894-2014 has had its First Reading.

- 2. RESOLUTION NO. 2-2014, DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTIONS OF APPROVING THE PASSAGE OF AN ORDINANCE AMENDING SECTIONS 1705.01, 1705.02, 1713.02 (a) OF THE BROOK PARK CODIFIED ORDINANCES IN ORDER TO INCREASE THE TAX RATE FOR THE PERIOD BEGINNING JANUARY 1, 2015 FROM TWO (2%) TO TWO AND ONE-HALF PERCENT (2 ½%) AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Mr. Patten stated Ordinance No. 9895-2014 has had its First Reading.

- 3. ORDINANCE NO. 9895-2014, 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

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

Mr. Patten stated that Ordinance No. 9895-2014 has had its First Reading.

4. ORDINANCE NO. 9896-2014, ENACTING CHAPTER 755 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'DONATION BOXES' AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Mr. Patten stated that Ordinance no. 9896-2014 has had its First Reading.

5. ORDINANCE NO. 9897-2014, ENACTING CHAPTER 1414 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'RESIDENTIAL RENTAL HOUSING REGISTRATION' AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Motion by Mr. Troyer, supported by Mrs. Powers, to amend section 1414.03 (a) by amending the \$100.00 fee to \$50.00.

Mr. Mencini stated the city has to do something with rental homes and this is a start.

Mr. Jamison asked for clarification of the motion because there are two sections of the legislation that speaks about fees. Section 1414.01 talks about the rental fee and 1414.03 (a) talks about the renewal fee.

Mr. Troyer reiterated the motion to amend sections 1414.03 (a) (1) and 1414.04 (a) from \$100.00 fee to a \$50.00 fee.

Mr. Salvatore – point of order to Law Director Jamison. Can an amendment be made on the First Reading prior to a motion being on the floor? Or is a motion on the floor needed to amend under adoption.

Mr. Jamison – That is something the Council President can determine.

Mayor Coyne stated there is a method to determine what fee amount for inspections will be charged and there is a cost involved in this. The \$100.00 under Rental Property is not an insignificant amount to some but it's also not one that is a burden on rental property owners. I heard the argument about not cutting the grass or improve the landscaping and if it's not done there will be a citation. The fact is that city personnel thinks this is a reasonable fee to charge and will provide the cost of the initial inspections that city personnel has to undertake. City personnel also think that this amount is sufficient that the person who owns the rental property to make sure that the sections of the law are complied with. If anybody thinks this legislation is not needed I'll be happy to walk any street of the

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

city with them and talk with the residents. One of the things being demanded, more than anything else, is addressing the rental property issues. There have been discussions that good rental property owners are being penalized and it may but the good rental property owners would want to charge sufficient rents to cover the mortgages or a return on the investment. This legislation will help enhance the property values of the city and is not regressive in any way, shape or form.

Mr. D'Amico stated the \$100.00 fee is the cost of doing business and once a person is a landlord. It's a small business and I will respect that but at the same token the \$100.00 broken down by twelve months is not a lot of money compared to what is being made on the property which is what property owners are in business for. The other thing is that these monies will go into the Economic Development and two points of interest talked about is that property maintenance needs to be taken up a notch and the monies going into the Economic Development funding is another big issue that the city is trying to achieve a higher mark.

Mr. Troyer clarified that he never said that I would not mow the lawn besides it would be my tenants mowing the lawn. What I said is that something has to give when running a business and it costs more. The rent either has to be raised or costs cut so what I said is that there would be less landscaping which is my cost.

ROLL CALL: AYES: Troyer, Powers, Mencini

NAYS: Higgins, Burgio, Salvatore, D'Amico The amendment failed by a vote of 3-5.

Motion by Mr. Troyer, to delete the word 'fee' in the legislation and insert the word 'tax'.

Mr. Patten stated the motion on the floor failed for a lack of a second.

Motion by Mr. Troyer, supported by Mrs. Powers, to amend section in 1414.06 (c) - Voiding Registrations by deleting the second line and third line beginning with the word 'with and ending with the word 'necessary'.

Mr. D'Amico asked Mr. Troyer for an explanation of the intent for this amendment.

Mr. Troyer stated there might be a tenant that parks an automobile halfway on the lawn which is in violation and according to what is stated here that would enable the city to void the registration and make the tenant get another inspection and pay another fee.

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

Mr. D'Amico asked for clarification from the law director on the intent of section 1414.06 (c).

Mr. Jamison stated what this legislation is saying is if the owner does not comply with the provisions of this chapter and anything else relating in the Brook Park Codes as it relates to maintaining the property or things like that. Then it's subject to the registration being voided so this is in there to give the legislation teeth so that if the landlord is not complying with either this chapter or not properly keeping the property in order or habitable then this gives the city some attempt.

Mayor Coyne stated if a vehicle is owned by an individual and is in violation of a city ordinance the vehicle's owner is cited for that violation. If a rental property owner permitted numerous cars to be parked on the front lawn there could be argument of a storage issue and proper pavement to provide for those vehicles that have to be on a hard surface, so there could be two different arguments. In reality any other business, for instance, if the city has contractors that fail to pay taxes they cannot be awarded a contract by the city or county. Business folks have to be responsible for their actions so this provision was adequately addressed by the law director for this reason. If the city has rental property operators that are not conforming to the ordinances of the community they should not get a license to operate until they correct the problem, that's what this section says.

Mr. D'Amico stated point of interest the landlord-tenant law provides that all landlords in the State of Ohio are responsible for all habitable units and fixing up of all the properties which hence then if they don't they violate and get the fees that are in the ordinance.

Mrs. Powers stated this legislation is too evasive; too restricting and too much control of the city instead of the individual rental owner. The rental owners are the ones that maintain their properties and have a right to inspect their properties so I don't see why the city should go in and inspect. According to the way the legislation is written is that every time a renter moves out or is forced to leave the rental owner has to pay another fee to have the property inspected again.

ROLL CALL: AYES: Troyer, Powers,

NAYS: Higgins, Burgio, Mencini, Salvatore, D'Amico. The motion failed by a vote of 2-5.

Motion by Mr. Troyer, supported by Mrs. Powers, to amend 1414.05 second line to strike the words 'with periodic re-inspections throughout the one year period as the designated city official determines necessary.

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

Mayor Coyne stated if that line is stricken as suggested and the section read 'the designated city official shall be authorized to make or cause to be made inspections once every year with periodic inspections throughout the one year period. To verify and ensure compliance with building and maintenance code requirements. Such inspections may also be made whenever the designated city official has reasonable cause to believe that any violation of this code exists therein or thereon.

Mr. Troyer stated the city already has the yearly inspections and then the ability that anytime if there possibly is a problem is to city personnel go in and inspect. Why is periodic re-inspections needed this could be considered harassment.

Mayor Coyne stated Building Department personnel do not have the time to harass anybody they just want to enforce the law. So what this legislation states is that city officials want the right to inspect properties periodically through the year in order to verify and ensure compliance. If you end the sentence after the one year period and delete 'as the designated city official determines necessary and continue on with 'in order to verify and ensure compliance. Next sentence would read 'such inspections may also be made whenever that official has reasonable cause'. So that would cover your concerns and give the city the teeth needed so there isn't any arbitrary inspection. It must be justified or for city personnel to verify that some improvements have been made and also this isn't only for building department personnel this could be for fire department personnel as well.

Mr. Troyer commented this legislation needs to be right and would allow for harassment and is overbearing on everyone involved. Even for the building department to be doing this many inspections whenever the designated official has reasonable cause to believe there are violations they can inspect the property. What does periodic mean that city personnel can go in a few times out of the year to inspect properties for no reason at all.

Mayor Coyne reiterated your concern, I believe, is addressed with the change 'as the designated city official determines necessary'. If that amendment is made to remove that verbiage I can support that. There is problem in this city that needs to be remedied and as time continues all building departments are going to be busy and this economy is not getting any better. This is something that is being demanded and other cities want to do this and when I met with the building commissioner there was a document prepared three years ago to address this problem that sat in the building department.

Mr. Troyer removed his motion to amend and Mrs. Powers removed her second.

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

Motion by Mr. Troyer, supported by Mr. Higgins, to delete the words 'as the designated city official determines necessary'.

Mr. Jamison commented if the words 'as the designated city official determines necessary' is stricken and end the sentence after the word period. A new sentence would begin with the words 'In order'. My suggestion would be that the period (.) become one sentence to read 'In order to verify and ensure compliance with building and maintenance code requirements such inspections may also be made whenever the designated city official has reasonable cause to believe that any violations of this code exist therein or thereon.'

Mr. Troyer removed his motion to amend and Mr. Higgins removed his second.

Mr. Troyer, supported by Mrs. Powers, to amend Section 1414.05 to delete the words 'as the designated city official determines necessary' and delete the period (.) after the word requirements.

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

Mr. Patten stated that Ordinance No. 9897-2014 has had its First Reading as amended.

6. ORDINANCE NO. 9898-2014 REPEALING CHAPTER 551 ENTITLED 'WEEDS' AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Mr. Patten stated that Ordinance No. 9898-2014 has had its First Reading.

7. ORDINANCE 9899-2014, ENACTING CHAPTER 1365 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'WEEDS OR TALL GRASS REMOVAL' AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Motion by Mr. Troyer, to amend section(c) ninth line to delete the word 'from' and replace with the word 'by'.

Mr. Patten stated motion dies for a lack of second.

Mr. Patten stated Ordinance No. 9898-2014 has had its First Reading.

8. ORDINANCE NO. 9900-2014, AUTHORIZING THE MAYOR TO SELL ONE 1998 FORD T91 TRUCK TO THE CITY OF NORTH OLMS TED FOR TWENTY-FOUR THOUSAND NINE HUNDRED DOLLARS (\$24,900) AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

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

Motion by Mr. Salvatore, supported by Mr. D'Amico, to support.

ROLL CALL: AYES: Salvatore, Troyer, D'Amico, Higgins, Powers, Burgio, Mencini

NAYS: None. The motion carried.

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

ROLL CALL: AYES: Salvatore, Burgio, Mencini, Powers, Higgins, D'Amico, Troyer

NAYS: None. Ord. No. 9900-2014, has passed under Suspension of the Rules.
Adopted.

- 9. ORDINANCE NO. 9901-2014, AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS FOR PROFESSIONAL CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH THE ENGLE ROAD RESURFACING PROJECT (PID 85361) 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.

Motion by Mr. D'Amico, supported by Mr. Salvatore, to adopt.

ROLL CALL: AYES: D'Amico, Salvatore, Troyer, Mencini, Burgio, Powers, Higgins

NAYS: None. Ord. No. 9902-2014 has passed under Suspension of the Rules.
Adopted.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):

- 1. ORDINANCE NO. 9893-2014, 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 CONTRACTS AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Mr. Patten stated Ordinance No. 9893-2014 has had its Second Reading.

- 2. ORDINANCE NO. 9902-2014, TO PROVIDE FOR THE APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR FISCAL YEAR ENDING DECEMBER 31, 2014 AND DECLARING AN EMERGENCY Introduced by Mayor Coyne & Councilman D'Amico

Mr. Patten stated Ordinance No. 9902-2014 has had its Second Reading.

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

Mr. Patten stated Ordinance No. 9902-2014 will appear on a Special Council meeting to be held on Tuesday, March 25, 2014 at 6:00 p.m.

THIRD READING OF RESOLUTIONS AND ORDINANCES:

Council/Administration Remarks:

Mr. Jamison reminded Council Members under M-3 on this agenda if Council does three readings on this legislation the deadline of May won't be met to have this placed on the ballot for August. This legislation must be sent down to the County Fiscal Officer to determine the millage that the city is requesting and what it will generate to then pass a Resolution to get this on the ballot for August. That all has to be done by the May 6th Primary. Mr. Jamison recommended this legislation be placed on the Special Council meeting for March 25th to suspend and adopt the legislation in order to get the necessary information from the county.

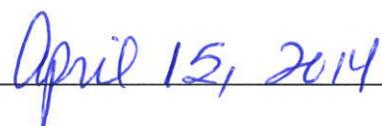
Mr. Patten stated we are going to make sure everything is timely in order to do whatever business Council sees necessary.

Motion by Mr. D'Amico, supported by Mr. Troyer, to adjourn. Members of Council voted AYE. The motion carried. Council President Patten declared this meeting adjourned at 8:43 p.m.

RESPECTFULLY SUBMITTED


Michelle Blazak
Clerk of Council

APPROVED



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