

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, APRIL 1, 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 Safety Director Byrnes, Service Director Cayet, Engineer Piatak, Finance Director Cingle, Law Director Jamison, Mayor Coyne, and Recreation Director Fields.

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**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Public Hearing held on March 4, 2014.

**Motion** by Mr. Salvatore, supported by Mr. Troyer, to approve as printed. Members of Council voted AYE. The motion carried.

2. Regular Council Meeting held on March 4, 2014.

**Motion** by Mr. Salvatore, supported by Mr. Troyer, to approve as printed. Members of Council voted AYE. The motion carried.

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**Motion** by Mr. Salvatore, supported by Mr. Higgins, to go out of the Regular Order of Business to letter H. Members of Council voted AYE. The motion carried.

1. A PROCLAMATION HONORING BEAR CUB PACK 780

The clerk read the Proclamation as Mayor Coyne presented the Proclamation and congratulated the Cub Pack and Den Leaders on all the projects they worked on and for earning their Bear Badge.

**Motion** by Mr. Salvatore, supported by Mr. Higgins, to go back to the Regular Order of Business. Members of Council voted AYE. The motion carried.

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**REMARKS FROM THE AUDIENCE (ON ANY SUBJECT):**

**Rudolph Viol**

**15550 Paulding Blvd.**

Mr. Viol expressed concerns of Solicitors getting permits; school children soliciting alone and the deer population in the city.

**Remarks from the Audience on any subject: cont.****Valerie Walker****Planet Aid****30901 Carter Street****Solon, OH**

Ms. Walker requested that the 'Donation Boxes' legislation be adopted this evening because there are for-profit companies that are placing two, three or four boxes at different locations throughout the city without permission.

**Gary Riva****16902 Sandhurst**

Mr. Riva expressed concerns of the long wait to increase the city's Income Tax and Recreation Center property tax. Mr. Riva stated if the Recreation Center tax passes improvements to the Recreation Center are needed, not just maintenance.

**Council/Administration Remarks:**

Mayor Coyne responded to Mr. Riva that he is unable to answer for what the past Administration did but in looking at the history. This city has been spending into the reserves and economic development fund for quite some time. This year the city will dip into the reserves to about \$2.5 million dollars which leaves \$1 million dollars in the reserves which is dangerous and leaves very little monies to create investments in the city. The city subsidizes the operations of the Recreation and Senior Programs to about \$1.8 million dollars a year out of the General Fund of the city. Currently without the influx of a structural deficit of going into the city's reserve monies the city couldn't operate the recreation center. If the city was challenged as to what are the priorities most citizens would say city services. The citizens of Brook Park have never voted for any recreation programs in this city the only vote that was outside the property taxes was for the Tri-City Senior Center many years ago. This city has 2,500 senior citizens on the snow-removal and grass-cutting lists and those programs are important to the seniors. The citizens should have a voice if this city shall continue to do that or scale back and do something different. The city income tax increase is a no-brainer just look at the shape of the city streets. Mayor Coyne continued that he will graphically show what the monies are going to be spent on and will not make the same mistake like with the airport agreement I will make sure that monies are earmarked for capital improvements in this city. If the property tax levy is passed that will allow relief of the city's general fund to provide for the payment of city employees and other day-to-day operating items. If one of these levies fails this city won't be recognized and my only role in coming back to run for Mayor is to get this city on an even keel and

**Council/Administration Remarks cont.**

get it going again. If more money comes in there is an ordinance on the books that says the city is obligated to return property taxes to the citizens of the city.

Mr. Higgins stated to Mr. Riva to answer your question as to why this took so long in coming forward I was not on Council the entire last time that Mayor Coyne was in office, he left in December, 2001. At that time the community of Brook Park had 208 full time employees and when Mayor Coyne took office in January, 2014 the city had 159 full time employees, which is a difference of 149 employees. So I think at one time the Administration's mission was to try and cut back on city employees and hopefully the development of jobs would happen. In 2008 this country had an economic crisis that is compared to the Great Depression and at that time it was difficult for the city to go to the taxpayers who were losing jobs and houses being foreclosed on to ask for something that the citizens didn't have. So at that time the city tried cutting payroll and expenses hoping to bring in the development of jobs. A former Council member used to have a saying that the Mayor and Council can disagree on things and still have a cup of tea the next day. The Mayor and I disagree on some things but on the levy of the taxes that will hopefully bring this city forward and back to the levels the city was, we both agree. Back in the 70's going to the Recreation Center was like country club living being able to take a steam bath and go swimming and many people were envious of this community. Hopefully this explanation helps as to why the former Administration didn't go to the taxpayers because of the difficult times.

Mr. Riva commented that he is in favor of the tax increases and if the city reaches the point of extra money don't give it all back to the taxpayers throw some dollars into the Recreation Center.

Mayor Coyne clarified that the property tax increase is earmarked for the Recreation and Senior programs so that revenue source will fund the Recreation Center. If Council wishes they could always do Capital Improvements with Capital Improvement money for Recreation Department programs also but the tax levy monies will go to the upkeep of the Recreation and Senior Programs.

Mr. Higgins addressed Mr. Viol that there is an ordinance on the books where solicitors and/or organizations have to register with the police department to solicit at residents' doors. At one time a provision of the ordinances was looked at that would prohibit them from knocking on doors after dark, because that is concerning to me also, and at that time Council was told that they couldn't limit the dark hours to solicitors.

**Council/Administration Remarks: cont.**

Mr. Viol commented that he is aware of the law on the books but if someone is knocking on the door without a permit what should a resident do call the police department.

Mayor Coyne and Mr. Higgins concurred that the police department should be called.

Mr. D'Amico stated to Mr. Viol with the deer population the Northeast Ohio City Council Association (NOCCA) will be having a seminar on April 10<sup>th</sup> about thinning of the deer.

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**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 March 25<sup>th</sup> and approved 22 items and also on April 1<sup>st</sup> and approved 14 items. The Finance Committee has legislation on the agenda.

**Legislative Committee – Chairman, Troyer**

Mr. Troyer stated Legislative has no report this evening.

**Parks & Recreation Committee – Chairman, Burgio**

Mr. Burgio reported that the Annual Spring Tea and Fashion Show on April 6<sup>th</sup> from 1:00 p.m. to 4:00 p.m. for a cost of \$15.00. On April 15<sup>th</sup> there will a Fun time Auction.

**Planning Committee – Chairman, Mencini**

Mr. Mencini stated the next meeting will be held on April 7, 2014 and the Planning Commission has one item on the agenda under Verbal Approval. Mr. Mencini complimented Bear Cub Pack 780 on their achievements.

**Safety Committee – Chairman, Salvatore**

Mr. Salvatore stated the Safety Committee has nothing on tonight's agenda.

**Service Committee – Chairwoman, Powers**

Mrs. Powers stated Service Committee has nothing on the agenda.

**Board of Zoning Appeals – Chairman, Salvatore**

Mr. D'Amico stated the next meeting will be on April 7<sup>th</sup> at 7:00 p.m. with four items appearing on the agenda.

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**REPORTS FROM SPECIAL COMMITTEES:****Southwest General Health Center – Trustee, Salvatore**

Mr. Salvatore apprised Council on the Rule Change that is being looked at changing the amount of votes necessary for passage in the event of the hospital being sold or a possible merger. The rule change passed from a 2/3 vote to a 50% plus one which will now go before the delegates that is still under the old rule of a 2/3 vote.

**Berea Board of Education – Representative, Mencini:**

Mr. Mencini reported there will be a meeting on April 4<sup>th</sup> at Brook Park Memorial for the handicapped accessible playground.

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**REPORTS FROM BOARDS AND COMMISSIONS:****INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

**Note:** Moved by motion to the beginning of the meeting.

**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Coyne requested City Council to reconsider their action on the property tax and putting that measure on the August ballot. The city needs that to pass not the most people voting for it or any other consideration. The fact of the matter is what is the best chance for this to pass is to isolate it where it is a Brook Park issue alone and the residents come to the ballot and decide it. The other issue that's important is that the sooner the city knows what the mind of the voter is the sooner the city can take the drastic measures that will have to be taken in preparation of next year. Because this city needs to have the funds to protect the city's interest for first two months of next year and to wait until November would almost make it impossible. The cuts that would have to be made would be so severe and drastic for the operation of this city and I don't think anyone wants to experience what that's going to be. Our greater responsibility is to the people of this city and I heard Councilman Higgins explain why the former administration did what they did. The primary responsibility is to keep the people aware, mine and the Finance Director's is to make the people aware of the financial condition of the city. Anyone who has any political experience, whatsoever, clearly understands there are reasons why schools put levies on at certain times and don't like them aggregated with other issues, because that's when they have the best chance of passing. If there are any politics involved in decisions and I don't believe that's the case there may be a lot of other side issues but smart politics says. Get it before the Brook Park voters where it is a city's issue so that we can go out and work the populous without the distraction of all the other races. If I could beg you to do this I would beg you to do that but I have to tell you something you have the same

**Reports and Communications from the Mayor: cont.**

responsibility as me and I'm going to do my duty and I'm asking you to do yours. All you have to do is put it on the ballot and if anyone is concerned with spending \$30,000 on the future of this city then I don't know what I'm dealing with up here. Finally I hope you're not planning on doing it with the other measure as well because you're playing with disaster.

Mr. Higgins stated to Mayor Coyne if I heard you correctly I don't understand how the politics of this works but you're telling me you want to isolate this in August so the majority of people that are voting in November don't have a say so on this levy.

Mayor Coyne responded I believe that the people of this community will come out in August and let us know how they feel. What I'm saying is voters come into the voting booth with a multitude of issues and I don't want this coupled with something else. Where people feel I'm not voting for this issue because I have to pay on this issue. People will vote for the Sin Tax but not vote on this because that is taking more money out of their pocket. I'm saying I want to isolate this as a Brook Park issue only and the people will turn out at the August election because I think they understand how important it is whether they are for it or against it. I'm just saying the politics of making that issue clear without confusing it with anything else on the ballot I think will give a clearer measure of what the residents feel.

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**REPORTS AND COMMUNICATIONS FROM OTHER DEPARTMENTS,  
COMMISSIONS, PUBLIC OFFICIALS:****Engineer Piatak**

Mr. Piatak stated with the Ruple slide emergency repair on the west-end the soil nailing and shot-creek wall work was completed late last week. There is still some sight cleanup work; landscaping and pavement work to be done. The Engle Road Resurfacing Project bids were opened last Wednesday with four contractors submitting proposals. Shelley Company was the official low bidder coming in approximately 13% under the engineer's estimate. The Board of Control approved this company prior to this meeting and contracts will be executed so that work can begin on this project.

Mr. Mencini thanked Engineer Piatak for the assistance provided to an Engle Road resident.

Mr. Burgio asked for an update on the Holland Road railroad crossing gates.

Mr. Piatak responded the entrance gates are functioning but the exit gates need some safety measures and vehicle detections that will be forthcoming.

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

Service Director Cayet

Mr. Cayet stated no report this evening.

Mr. Mencini thanked the service crews for the recent treelawn repairs.

Safety Director Byrnes

Mr. Byrnes stated that city officials met with the Ohio Rail Development Corporation about looking at the crossing on Eastland Road. The State of Ohio will be paying for a study to be done for relining of the traffic light.

Mr. Mencini asked if the city will be having public service warnings about fire safety with grills; speeding; running stop signs and so forth.

Mr. Byrnes responded when complaints are received about certain areas those complaints are passed on to the police chief. Both the police chief and captain have been very good at giving special attention to these areas.

Law Director Jamison

Mr. Jamison stated no report this evening.

Recreation Director Fields

Ms. Fields stated that the next two Sundays are being extended from 12:00 p.m. to 3:45 p.m. in the gym and 12:00 p.m. to 3:00 p.m. in the pool. The Bunny Patch will be held on Saturday, April 19<sup>th</sup> from 12:00 p.m. to 2:00 p.m. Harvest for Hunger non-perishable donations can be dropped off at the Recreation Center.

Finance Director Cingle

Mr. Cingle stated that March monthly financial reports will be distributed in the next few days. The auditors completed six weeks of on-site audit work and will be back in the next three to four weeks. The department is working through one issue and will apprise Council as the audit process ends.

Mr. Salvatore asked Finance Director Cingle if the city took in a profit or loss from the 2013 Community Days celebration.

Mr. Cingle responded the city took in a loss and Councilman Burgio has that information for recapping of the 2013 Community Days.

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

**New Legislation:**

1. An Ordinance approving the editing and inclusion of certain Ordinances as parts of the various component codes of the Codified Ordinances; providing for the adoption of new matter in the updated and revised Codified Ordinances; publishing the enactment of such new matter; repealing ordinances and resolutions in conflict therewith; and declaring an emergency. Introduced by Council President Patten Placed in Finance Committee
2. A Resolution opposing the passage of HB 5 by the Ohio General Assembly and encouraging the adoption of the changes recommended by the Ohio Municipal League and declaring an emergency. Introduced by Mayor Coyne & Councilman Patten, Higgins, D'Amico. Placed in Legislative Committee
3. An Ordinance authorizing the Mayor to hire an inspector for the 2014 sidewalk repair program and declaring an emergency. Introduced by Mayor Coyne Placed in Service Committee
4. An Ordinance amending Ordinance No. 8501-1998 entitled 'Creating an Insurance Claims Fund and declaring an emergency. Introduced by Mayor Coyne Placed in Finance Committee
5. An Ordinance enacting section 171.04 of the Brook Park Codified Ordinances entitled 'Mediator'. Placed in Finance Committee

**Verbal Approval:**

1. REQUEST APPROVAL TO CO-LOCATE THREE (3) ANTENNAS ONTO EXISTING WIRELESS TELECOMMUNICATION TOWER LOCATED AT 16845 HOLLAND ROAD (Brook Park Church of the Brethren)

**Motion** by Mr. Salvatore, supported by Mr. Higgins to verbally approve. Members of Council voted AYE. The motion carried.

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**MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):**

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**INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):**

1. RESOLUTION NO. 5-2014, ACCEPTING THE RECOMMENDATIONS AND APPROVING THE MINUTES OF THE HOUSING COUNCIL ON THE CITY OF BROOK PARK'S COMMUNITY REINVESTMENT AREA (CRA) AGREEMENTS AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

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

**Motion** by Mr. Salvatore, supported by Mrs. Powers, to suspend.

**ROLL CALL: AYES:** Salvatore, Powers, Burgio, Mencini, Troyer, D'Amico, Higgins  
**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. Res. No. 5-2014, has passed under Suspension of the rules. Adopted.

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**INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND 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 ½%) INCOME TAX AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Mr. Patten stated that Ordinance No. 9894-2014 has had its Second 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 Resolution No. 2-2014 has had its Second 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

Mr. Patten stated ordinance No. 9895-2014 has had its Second Reading.

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

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

**Motion** by Mr. Troyer, supported by Mr. Higgins, to suspend.

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

**NAYS:** None. The motion carried.

**Motion** by Mr. Troyer, supported by Mr. Higgins, to adopt.

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

**NAYS:** None. Ord. No. 9896-2014 has passed under Suspension of the rules. Adopted.

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

Mr. Patten stated that Ordinance No. 9897-2014 has had its Second Reading.

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 Second 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

Mr. Patten stated that Ordinance No. 9899-2014 has had its Second Reading.

**THIRD READING OF RESOLUTIONS AND ORDINANCES:**

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

**Motion** by Mrs. Powers supported by Mr. Troyer, to delete section 131.11 (d) of the employee salary schedule entitled 'Commissioner of Purchasing' 2013 minimum salary \$68,210.81 and 2013 maximum salary of \$78,210.81 and 2014 minimum salary of \$68,210.81 and maximum salary of \$78,210.81.

**Third Reading of Resolutions and Ordinances: (cont.)**

Mr. Salvatore questioned the reason for the amendment?

Mrs. Powers responded that I made a mistake a few meetings back when I voted for something that I really didn't intend to vote for and this is my way of amending that.

Mr. Jamison stated by making this amendment to that position that is not deleting the position. That Ordinance passed when Council voted for it two, three or four weeks ago whenever that was. Council at the appropriate time if that position is to be filled will have to set the compensation. The position cannot be deleted by taking it off the salary ordinance, Council can go back and revisit that ordinance to repeal it but at this point by deleting it from the salary schedule the position is not deleted. So you're not correcting your so-called mistake by now trying to delete it from the salary schedule. If at some point the Mayor decides to fill that position this Council would have the duty to set the compensation for that position.

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**ROLL CALL: AYES:** Powers, Troyer, D'Amico, Higgins  
**NAYS:** Salvatore, Mencini, Burgio. The amendment carried.

Mr. Patten stated that Ordinance No. 9893-2014 will appear under Third Reading at the April 15, 2014 Council agenda as amended.

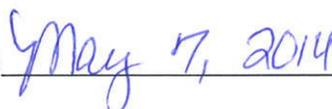
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**Motion** by Mr. Salvatore, supported by Mr. Troyer, to adjourn. Members of Council voted AYE. The motion carried. Council President Patten declared this meeting adjourned at 9:26 p.m.

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.

