

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, APRIL 15, 2014**

The meeting was called to order by Council President Patten at 8:21 p.m. The clerk called the roll and the following Members of Council answered:

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

Also in attendance were Finance Director Cingle, Mayor Elliott, Service Director Cayet, Safety Director Byrnes, Recreation Director Fields, Economic Development Commissioner Dolan, Building Commissioner Hurst and Law Director Jamison.

Council President Patten excused Councilman Burgio from tonight's meeting.  
-----

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Special Caucus meeting held on March 11, 2014.

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

2. Special Council meeting held on March 11, 2014.

**Motion** by Mr. Mencini, supported by Mr. Higgins, to approve as printed. Members of Council present voted AYE. The motion carried.

3. Regular Council meeting held on March 18, 2014.

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

4. Special Council meeting held on March 25, 2014.

**Motion** by Mr. Mencini, supported by Mr. Higgins, to approve as printed. Members of Council present voted AYE. The motion carried.  
-----

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

Rick Crumbley  
6541 Edgehurst Drive

Mr. Crumbley expressed concerns that the proposed income tax increase and property tax increase will be a burden on residents and households.

Mayor Coyne stated the only ones that can raise taxes are the residents of this city. The finances of this city are not good and with the closures and cutbacks in state aid that the city has experienced and the constant threat with NASA in federal funding. Monies are needed to rebuild the streets and sewers and parks in the amount of approximately \$40 million dollars. Some of the streets in this city are at the point to where they can no longer be resurfaced; they need to be replaced. The voters will

**Remarks from the audience on any subject: cont.**

make the decision as to what kind of city they want to live in. I can run this city with whatever monies the voters decide more or less; if it's less residents won't recognize the services in this city. During my past tenure as Mayor this city had superior services and major efforts were given to the city's streets and sewers and the homeowners were never assessed. The city income tax was last raised in 1990 for those very specific purposes with a 60/40 split on how the city was run; that means 60% was used for operating capital and 40% was used every single year to rebuild the city. Most of the city's streets were built in the 1950's and 1960's and are deteriorating at the same time. The other issue is recreation and every union has asked during negotiations how \$1.7 or \$1.8 can be spent on recreation and senior services and that has to end. If residents want a superior recreation program and facilities for the elderly and children to enjoy; then residents are going to have to pay for it; the recreation center has never been voted on by the residents of this city, past Councils and Mayors wanted the children of the community to have something. In order to bring this community back to what is was all of that income tax money is going to be needed to rebuild this city and the aging infrastructure will always be a challenge. General Fund monies will be freed up to address the issues of how to protect residents and operate various services in the city. There is a street sweeper that is being lent to the city for ten days and is being used constantly to clean this town of all the debris and you can't imagine the debris that came out of that machine. A lot of work has to be done in this city and if these increases go to the ballot I will be at every door explaining what will happen; what will be done with the money and what is hoped to be achieved. A new police and fire stations are needed and the City Hall buildings are sucking energy right out the door on a daily basis. So the residents will make the decision as to what kind of community is wanted. With the airport deal an Ordinance was passed and is still maintained to this day that in the event the city meets the requirements to provide for the security and reserves for that year Council can rebate property tax and when I was Mayor previously residents did not pay property tax for two years because it was abated and residents got a 100% credit for taxes paid. Mayor Coyne continued that residents were afforded services in this city that they never had to pay for. The loyal Members of Local 1250 paid for most of what this city has with the net profits from Ford. So as a community a choice needs to be made that if services are wanted there are very little Members of Local 1250 that can share in paying for those services.

John Bernath  
6242 Adair Court

Mr. Bernath stated opposition to Issue #7 the Sin Tax to finance the three stadiums located in the City of Cleveland. Mr. Bernath also expressed concerns with property maintenance issues throughout the city, overnight parking, and parking on the front yard and treelawn.

**Remarks from the audience on any subject: cont.**

Terry Young  
5973 Westbrook Drive

Mr. Young expressed concerns with the numerous number of trains that are parking on the tracks located immediately behind Westbrook Drive. When the trains are pulling out they are so noisy that it is now a nuisance to area residents. In the past the trains were allowed to sit on the tracks for approximately fifteen minutes and would be fined if the train sat longer. I timed a train that sat on the tracks for 24 minutes and there have been some trains that sit there for longer periods of time.

Mayor Coyne stated that the city, at one time, used to ticket the trains for blocking the tracks and Conrail would come to the city and write checks in the thousand of dollars every week; but this seems to be a different problem that needs to be discussed in more detail with the Law Department and Safety Director.

-----

**Motion** by Mr. D'Amico, supported by Mr. Troyer, to go into Executive Session for Attorney Conferences and Negotiations.

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

**NAYS:** None. The motion carried at 8:45 p.m.

In attendance: Members of Council; Mayor Coyne, Law Director Jamison; Finance Director Cingle, Economic Development Commissioner and Attorney, Steve Kaufman of the law office of Kaufman & Company.

**Note:** Economic Development Commissioner Dolan and Attorney Steve Kaufman left the Executive Session at 9:15 p.m.

**Motion** by Mr. Higgins, supported by Mr. Mencini, to adjourn the Executive Session. Members of Council present voted AYE. The motion carried. The motion carried at 10:25 p.m.

**Motion** by Mr. D'Amico, supported by Mr. Mencini, to go back to the Regular Order of Business. Members of Council present voted AYE. The motion carried.

**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 earlier this evening and approved 23 items and also on April 8<sup>th</sup> and approved 11 items.

Legislative Committee – Chairman, Troyer

Mr. Troyer stated the Legislative Committee has legislation on tonight's agenda.

Parks & Recreation Committee – Co-Chairman, D'Amico

Mr. Burgio stated on April 6<sup>th</sup> the seniors had their Spring Tea which was a great success and on April 8<sup>th</sup> Debra Rose was in concert. Also on April 15<sup>th</sup> the Family First Caregivers Auction was well attended and April 30<sup>th</sup> the seniors will have a trip to the West Side Market.

**Reports from Standing Committees: cont.**

Planning Committee – Chairman, Mencini

Mr. Mencini stated the Planning Committee met on April 7<sup>th</sup> and approved a new front porch on Sheldon Road; the operation of a 57,000 square foot Rose’s Department at Brookgate Shopping Center and for the operation of a Fastbacks restaurant and bar on the corner on Brookpark Road, the old Englebrook.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated no report this evening.

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 met on April 7<sup>th</sup> and granted several front porch variances for residents on Sheldon Road. The board also tabled a request for new home construction on Southway Drive and the Mini-Cooper dealership.

-----  
**REPORTS FROM SPECIAL COMMITTEES:**

Southwest General Health Center – Trustee, Salvatore

Mr. Salvatore stated the delegates will be meeting on April 21<sup>st</sup> and the System Board meeting to be held on April 30<sup>th</sup> was changed to May 7<sup>th</sup>. Mr. Salvatore was nominated and selected to serve on the hospital’s nominating committee.

Berea Board of Education – Representative, Mencini

Mr. Mencini stated the Brook Park Memorial dance-a-thon was held past Saturday and was a great success with approximately 80 to 90 children attending along with parents and faculty. The school board met on April 14<sup>th</sup> and suspended contracts for 12 certified staff and personnel for 2014-2015 through retirements or attrition; due to the decreased enrollment and/or financial difficulty. The system released 16 certified staff with non-renew contracts and in addition ten tutors will not have their contracts renewed for 2014-2015.

-----  
**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 with the Ruple Slide on the west end slope stabilization work is complete and the contractor is working on finishing up guard rail; pavement and landscape restorations and is hoping to have the road open to traffic later this week or early next week. The contractor will be finishing up tree lawn work and landscaping, weather permitting, for the Agnes Reconstruction project that began last year. The Service Department was alerted to a possible problem with the Harrison Sanitary Sewer late last week. The sewer truck camera'd the line and there appears to be a blockage in the section of the line and the city is currently getting a contractor secured to make the necessary repairs.

Service Director Cayet

Mr. Cayet stated yard waste pickup began this week and will be the same day as residents' rubbish pickup day and this program will continue through October.

Mr. Salvatore passed along a thank you to Mr. Cayet and the service department crews that assisted two residents recently.

Safety Director Byrnes

Mr. Byrnes stated no report this evening.

Law Director Jamison

Mr. Jamison stated no report this evening.

Recreation Director Fields

Mrs. Fields stated the Easter Egg Hunt is this coming Saturday from 12:00 noon to 2:00 p.m., there are many bikes and surprises and will be a wonderful event.

Mr. Mencini stated that with basketball wrapping up and having four teams this year the program went very well and a great success.

Finance Director Cingle

Mr. Cingle stated today was the last day to fill out city income tax returns and other than a glitch in the credit card machine and printer the tax season went very smoothly. The past few days there was a steady flow of residents' coming to the tax window and last Saturday was the last day for extended hours of 9:00 a.m. to 12:00 p.m. and there were approximately 30 residents' that filed their taxes.

-----

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

1. An Ordinance enacting Chapter 942 of the Brook Park Codified Ordinances entitled 'Local Brownfield Cleanup Program' and declaring an emergency.  
Introduced by Mayor Coyne **Placed on next Caucus agenda**

**Other Communications, Petitions, and Verbal Approval: cont.**

New Legislation: cont.

2. A Resolution Disapproving of the of the State's actions to restrict citizens' access to the ballot; urging the State to repeal these restrictions; and calling upon the State to instead work on increasing access to the ballot; urging the state to repeal these restrictions and calling upon the state to instead work on increasing access to the ballot. Introduced by Council President Patten, Councilman D'Amico and Councilman Higgins **Placed in Legislative Committee**
3. A Resolution proclaiming the month of May as Girls and Women's' Sports Month in the City of Brook Park. Introduced by Councilman Burgio **Placed in Recreation Committee**

**MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):****INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):**

1. RESOLUTION NO. 3-2014, DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY WITHIN THE TEN (10) MILL LIMITATION AND WITHOUT A VOTE OF THE ELECTORS IN THE CITY OF BROOK PARK TO BE INSUFFICIENT AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Mr. Jamison stated there is a proposal to amend this legislation in the following sections. In section 3 last line delete November 4, 2014 and insert August 5, 2014; in section 4 third line delete August and insert May and in section 4 fifth line delete November 4, 2014; insert August 5, 2014 and in section 6 fifth line delete August 6, 2014 and insert May 6, 2014. This legislation cannot be adopted until information is received from the County Fiscal Officer.

**Motion** by Mr. Higgins, supported by Mr. Troyer, to amend the legislation as stated by Mr. Jamison.

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

**NAYS:** None. The amendment carried.

Mr. Patten stated this will appear under Second Reading at a Special Council Meeting.

2. ORDINANCE NO. 9904-2014, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CLEVELAND RESTORATION SOCIETY (CRS) TO CREATE THE HERITAGE HOME PROGRAM FOR THE RESIDENTS OF BROOK PARK WHO OWN HOMES THAT ARE 50 YEARS AND OLDER AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore and Council Members Troyer, Mencini, Powers, Higgins, Burgio, D'Amico, Council President Patten

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

Mr. Patten stated Ordinance No. 9904-2014 has had its First Reading.

3. ORDINANCE NO. 9905-2014, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH TEAMSTERS LOCAL NO. 436. Introduced by Mayor Coyne

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

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

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

**Motion** by Mr. Higgins, supported by Mr. D'Amico, to adopt.

**ROLL CALL: AYES:** Higgins, D'Amico,

**NAYS:** Troyer, Salvatore, Mencini, Powers The motion failed by a vote of 2-4 **Defeated**

4. RESOLUTION NO. 6-2014, URGING OHIO VOTERS TO SUPPORT STATE ISSUE ONE RENEWAL OF THE STATE CAPITAL IMPROVEMENTS PROGRAM ON MAY 6, 2014 AND DECLARING AN EMERGENCY. Introduced Mayor Coyne, Council President Patten, D'Amico, Higgins, Troyer, Mencini, Powers, Burgio, Salvatore

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

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

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

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

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

**NAYS:** None. Res. No. 6-2014 has passed under Suspension of the Rules. Adopted.

5. RESOLUTION NO. 7-2014, OPPOSING THE PASSAGE OF HOUSE BILL 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, Council Members Troyer, Mencini, Powers, Higgins, Burgio, D'Amico, Salvatore, Council President Patten

**Motion** by Mr. Higgins, supported by Mr. D'Amico, to suspend.

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

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

**Motion** by Mr. D'Amico, supported by Mr. Mencini, to adopt.

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

**NAYS:** None. Res. No. 7-2014 has passed under Suspension of the Rules. Adopted.

-----  
**INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (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 Mr. Higgins, supported by Mr. D'Amico, to adopt.

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

**NAYS:** None. Ord. No. 9893-2014 has passed under Third Reading.  
Adopted.

2. 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

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

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

**NAYS:** None. Ord. No. 9894-2014, has passed under Third Reading. Adopted.

3. 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

**Motion** by Mr. Troyer, supported by Mr. Mencini, to insert 9894-2014 in section 2.

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

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

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

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

**NAYS:** None. Res. No. 2-2014 has passed under Third Reading.  
Adopted.

4. 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

**THIRD READING OF RESOLUTIONS AND ORDINANCES: CONT.**

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

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

**NAYS:** None. Ord. No. 9895-2014 has passed under Third Reading.  
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 and Council Members Salvatore, Higgins, Mencini, D'Amico and Council President Patten

Mr. Troyer is not in favor of this legislation but agrees that there is a need for the registration of rental properties and any problems that may occur with them; but in my opinion this legislation oversteps government authority and the wording 'going into peoples houses once they move in' is too strong.

Mrs. Powers is not in favor of this legislation because it is too invasive and gives too much authority to city personnel and violates the fourth amendment which guarantees rights to the privacy of your home. A registration fee for rental properties should be a one-time fee that continues for as long as the tenants rent the property.

Mr. Mencini stated to Law Director Jamison being a landlord in the City of Brook Park in your opinion is there any type of conflict of interest.

Mr. Jamison responded no, it's like the proposed income tax increase that will affect you and all residents. At the end of the day you make your own decision but being the fact that you own a rental and are voting on this I don't think is a conflict of interest.

Mr. Higgins expressed concerns that Councilwoman Powers had with inspectors going into a house that people are living in and shared those concerns with the law director; this legislation can be revisited at a later date for more discussion. I am in support of this legislation tonight but part of the discussion was an inspector going into a home that someone is living in and the next thing is that some type of item comes up missing. Mr. Higgins continued that the intent of the legislation is not for city personnel to go into every single house on a yearly basis. In speaking with building commissioners from other cities they don't go into people's homes; they get permission of the owner to go into the home if they see a potential problem from outside the structure.

Mr. D'Amico stated to Law Director Jamison this legislation was looked at before and know what the definition, maybe from the building department, may have been as far as home inspection. The actual legislation doesn't say anything about going

**THIRD READING OF RESOLUTIONS AND ORDINANCES: CONT.**

inside it was just the general reasoning that the building department may have had so there is really no teeth for city personnel to be running in there unless there is a problem. Mr. D'Amico continued there are good landlords and bad landlords, like everything else, but the thing is that with the landlords that don't properly fix up their homes to code we don't know about a lot of things that happened throughout these homes that may be detrimental to the neighbors, themselves or anybody else at that point.

Mayor Coyne stated unless the city gets a court order for somebody being non-responsive that city personnel would not go into a home without the property owner present.

Mr. Jamison stated in conversations with Mr. Higgins and in 1414.05 there is nothing in that section that mandates or states that the inspection has to be inside; it basically says a designated city official shall be authorized to make or cause to be made inspections once every year. In order to verify and insure 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. So there is nothing in there that mandates that they have to go inside and as the Mayor related the building department is not going to be in the practice of trying to go into every home as related by Councilmen Higgins and D'Amico city personnel doesn't want to put the city or themselves in that position.

Mr. Troyer stated in 1414.01 – Purpose which could be close related to intent in the middle of the paragraph it says the purpose or intent to authorize and establish procedures for the interior and exterior inspection of rental housing properties.

Mr. Jamison responded that is where it says the setup procedures to do that; it's not mandating that they be done. The more pertinent section is 1414.05 where it speaks that the inspections are to take place. That first paragraph is in introductory paragraph in terms of purpose and is just authorizing the Building Department to make the appropriate procedures. So the appropriate procedures might be in that scenario that if they deem it necessary to go in the home they either get the permission of the property owner or they get the appropriate search warrant or court authorization to go onto the premises of that property, it doesn't say they will be going to every house.

Mr. Patten stated it is my understanding that the only time that city personnel would go inside is for a re-occupancy permit.

-----

**THIRD READING OF RESOLUTIONS AND ORDINANCES: CONT.**

**Motion** by D'Amico, supported Mr. Higgins, to adopt.

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

**NAYS:** Powers, Troyer. Ord. No. 9897-2014 has passed by a vote of 4-2.  
Adopted.

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

**Motion** by Mr. Higgins, supported by Mr. D'Amico, to adopt.

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

**NAYS:** None. Ord. No. 9898-2014 has passed under Third Reading. Adopted.

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. D'Amico, supported by Mr. Mencini, to adopt.

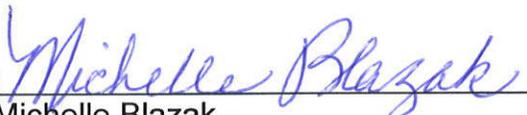
**ROLL CALL: AYES:** D'Amico, Mencini, Higgins, Troyer, Salvatore

**NAYS:** Powers, Ord. No. 9899-2014 has passed under Third Reading by a vote of 5-1. Adopted.

-----  
Mr. Patten wished everyone a Happy Easter.  
-----

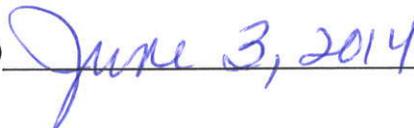
**Motion** by Mr. D'Amico, supported by Mr. Salvatore, to adjourn. Members of Council voted AYE. Council President Patten declared this meeting adjourned at 10:55 p.m.

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.



To: Mayor Coyne and all Members of Brook Park City Council  
From: Representatives of Brook Park Firefighters Local 1141 (Brook Park firefighters),  
Fraternal Order of Police Lodge 15 (Brook Park Police patrolmen and detectives), and  
Ohio Patrolmen's Benevolent Association (Brook Park Police Sergeants and Lieutenants)  
Re: 2014 Budget & Layoffs  
Date: April 14, 2014

We come together to sound the alarm about the hazards of the proposed layoffs of safety employees, and to provide reasonable alternatives to these dangerous cuts. It is shocking to us that just a few days after the 2014 budget is passed, we received notification that several of our members are facing layoffs. To our knowledge, the issue never came up during the budget talks or union negotiations. We are troubled that the effects of these proposed cuts to public safety have never been discussed with us, the safety professionals of the City.

We want to express as emphatically as we can that reductions to Police protection, the Ambulance service and Fire protection are ill-advised and present a grave and foreseeable danger to every resident and visitor of the City. Cuts to police officers and firefighters on the street, coupled with the closing of Fire Station #2 on Ruple Road is not the way to proceed. We cannot express in strong enough terms how these actions will be detrimental to the community. Our members know the community cannot sustain these proposed transformative reductions. Instead of layoffs and fire station closings, the City should consider other options, for the sake of the safety of the public.

It is upsetting to us that of the approximately \$900,000.00 that we have been told must be cut from the recently established budget, \$532,000.00 is proposed to be cut from the Police and Fire departments. The safety forces are being forced to shoulder approximately 60% of the proposed total reductions on a force that comprises approximately 40% City's budget.

As the city's public safety professionals, we believe too much is being reduced from public safety. We are asking for relief on the burden we (and ultimately, every person and building in the city) are being asked to bear in this matter. We are asking for the Mayor and City Council to take some of the following actions:

1. Modify the Income Tax split from the current 80%/20% split to an 85%/15% split. The 2014 Budget estimates \$17,700,000.00 of Income Tax Revenue. Revising the tax split by 5% will generate over \$800,000.00 for the General Fund. Even a modification of just 2.5% will generate over \$400,000.00 and reduce the burden being imposed on the Safety employees.

We realize the importance of attending to the infrastructure of this community, but we believe the residents of the community will have the opportunity to speak on that

3-13-14  
BROOK PARK CITY COUNCIL

matter with the proposed Income Tax increase. If the Tax Increase is approved by the voters, they will be providing the funding source for the needed capital improvements.

However, this community should not be subjected to reduced public safety without having the opportunity to speak on the matter. There was no discussion of these cuts during the budget process or union negotiations, and the Tax increase vote will be the voters' opportunity to speak.

2. Modify the allocation of the 690 account, the Medical Benefits Fund. We realize the City is facing a worst-case scenario of paying \$2.3 million in health care expenses this year. However, the reality of the budget is that the City has spent between \$1.819 million and \$1.878 million in each of the last 3 years. By budgeting for the worst-case scenario, the city is aggressively expanding the Fund Balance of the 690 Account for no reason.

We suggest placing \$2.0 million into the 690 Fund, and leave the remaining \$300,000 in the General Fund as an encumbered amount. If by the end of the year, the medical benefits experience is not approaching the worst-case scenario amount, the City will have the ability to determine the action needed on the encumbered amount. If the Income Tax increase is approved, it would make sense for the encumbered amount to be transferred to the 690 account for the reserve balance.

3. Currently, the City Council is addressing legislation that will amend certain sections of the City Ordinances to provide adjustments in compensation for employees of the City, other than elected officials or those covered under negotiated labor contracts. We believe some of these positions present a good opportunity to provide relief from the General Fund expenses and should not be insulated from the current proposed reductions. It should not only be union employees that are being cut. In the past few years we have seen other nearby communities implement a furlough program to reduce the expenses of appointed Directors, City Officials, and other non-union employees.

We think it would be a sign of leadership for some of these positions to be involved in the shared sacrifice. We have identified at least twelve positions that appear to be unaffected by the current proposed reductions. They are: Safety Director, Service Director, Recreation Director, Commissioner of Leisure Time, Clerk of Mayor's Court, Administrative Assistant to the Law Director, Building Commissioner, Assistant Deputy Finance Director, Assistant Finance Director, Executive Assistant to the Mayor, Commissioner of Human Resources, and Commissioner of Economic Development.

While we realize the importance of some of these positions, we also realize that other similarly situated cities either do not have all these positions, or make them part time.

Other cities combine some of these positions in one employee or Official.

The salary scales of the above employees represent over \$800,000 in expenses. This is an area that should be considered for reducing expenses in order to avoid laying off Police and Fire employees.

The organized members of the Police and Fire departments are willing to assist in the request for reduced expenses. Through the negotiation process, we have offered certain concessions, and we remain open to discussing other helpful ideas. However, we do not believe it is prudent to reduce the vital services that we provide without allowing the people of Brook Park the chance to speak on this matter. We want to be clear as to the detrimental effects the cuts would have; as the representatives of all the safety professionals of the City, we declare that the proposed cuts needlessly present a serious danger to both the City's residents and Public Safety employees.

Thank you for your immediate attention to this matter. We hope that you will take whatever action is necessary to avert the proposed cuts to Public Safety.

  
Signature

George Sakellakis  
Director, OPBA  
Printed name / Title

04/14/14  
Date

  
Signature

Mike Dulin  
Asst. Director, OPBA  
Printed name / Title

04/15/14  
Date

  
Signature

Matthew Wright  
President Local 1141  
Printed name / Title

4/14/14  
Date

  
Signature

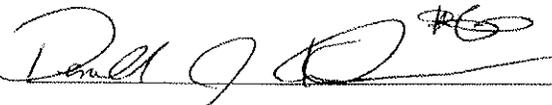
Brian McClain  
Vice President Local 1141  
Printed name / Title

4/14/14  
Date

  
Signature

EMIL WALENTEK  
F.O.P. LODGE #15, TRUSTEE  
Printed name / Title

04-15-2014  
Date

  
Signature

Prakash D.J. Kemerl  
Printed name / Title

4/15/14  
Date

