

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JANUARY 27, 2015**

The meeting was called to order by Council President Patten at 7:30 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, Service Director Cayet, Recreation Director Fields, Finance Director Cingle, Engineer Piatak, Law Director Jamison, Economic Development Commissioner Dolan (7:35 p.m.), Fire Chief Maund (7:35 p.m.), Assistant Fire Chief Johnson (7:35 p.m.) Fire Department personnel (7:35 p.m.) and Building Commissioner Hurst (7:54 p.m.)

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus meeting held on January 6, 2015.

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

DISCUSSION:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH OHIO GUIDESTONE, INC. AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Motion by Mr. D'Amico, supported by Mr. Higgins, to place on the Council agenda immediately following.

Mrs. Powers requested a breakdown of the water and sewer usage for this facility prior to taking a vote.

Mr. D'Amico stated the utilities are encompassed in this agreement the only item would be the water and sewer, as previously talked about, my personal opinion is to leave the water alone because it's not cost prohibitive. I spoke with Cleveland Water personnel earlier today and it is my understanding that the city would have to develop a plan to take action with the two meters that the city would like to put in place and once that plan is submitted to Cleveland Water they will have the option to approve or deny the plan. Without the opportunity to take a look at the city's infrastructure first of all Cleveland Water knows that with the two meters this may make more necessity in the changing of the lines; so additional lines may be needed. With that and after the actual plan was approved or not the city would have to contract this out and with no disrespect to the city's service department at this time I'm not sure the city has the tools necessary to do this job in-house. Since that's the case the city may end up spending \$20,000 to \$30,000 for the

Discussion: cont.

replacement of lines that are not there. Cleveland Water told me that after they do the examination of the plan potentially what could happen is that the city would not be allowed to do it because the infrastructure may not allow for the additional lines for what is needed to do; so as far as that goes the city would be getting into something that is not cost-prohibitive.

Mr. Troyer stated I was the one that spoke about the water and sewer and putting a meter in and stressed that it wasn't about having the water department come out to put it in and bill the city separately. The Mayor told me stated that he would check into this and what the city would do, if at all possible, would be to find a pipe going into that section of the building. City service crews could put in a meter to show the value of how much water is being used and what to charge for water and sewer; that would have to go into the contract. Mr. Troyer stated I'm a no vote on this until a budget proposal is received with all of this included. Also would like to see a drawing as to what is going to happen at the Recreation Center as a whole and not do this piece-meal because it seems to me that the recreation center is being closed slowly; not so much on this agreement but on the next agreement.

Mr. Mencini stated if this was to be placed on the Council agenda immediately following would the city draw income from these two facilities in early February?

Mr. D'Amico stated Ohio Guidestone is already in the Recreation Center and only paid \$1.00 rent and so with this agreement the city will be getting another \$29,999 more; along with the other \$4,800 that will be brought forward with this type of lease, the city is trying to keep the recreation center pleasant for people to visit.

Mayor Coyne stated the water and sewer bill for the total of the building is \$8,200 and the downstairs was not really used at all. The other day-care has been there for 15 years and I believe that it would cost an excess of \$30,000 to go in if the water department would approve the request. All this is going to do is add revenue to the city's budget and I don't how it is related to the budget. Currently, the city and Bowen Architects are working out the space planning of the Recreation Center that will be presented to Council and there currently there is legislation in the Finance Committee on the Requests for Proposals for an energy efficiency program that will further reduce the cost of operating the center, and a combination of all these things will keep the Recreation Center open. As far as I know Euphoria is moving forward with their plan to take over the pool area and what those rents are going to be is based on the square footage or the naming rights whatever is best for the city and that will also be presented. There have been a lot of cuts at the Recreation Center and the Recreation Director and her staff are making things work over there and if Euphoria leases spots in the center the city will make available their operations to our people for a blended rate of whatever that may be and will be part of the negotiations of the lease; you can't have things both ways. This enables the city to keep the recreation center open for residents and for Euphoria to open the pool to our residents, and as a matter of fact most of the time there were more people working the pool then actually using the pool. I think these are good

Discussion: cont.

solid leases and cover everything that makes sense for improvements; literally, and nothing has to be done to the downstairs of the building for that facility to come in; and this is a triple-net lease which is always advantageous to the property owner? So I think Council should move forward with this lease and once passed will be retroactive to some date to start collecting rent. Currently, there is nobody beating down the doors to rent this space and I can assure you when you see the final plan it is not related to these two leases because one has been a day-care since the day it opened and the downstairs is no longer being used for arts and crafts; photography or all the other things that were once done in the basement and that have been gone for a very long time.

Mr. Mencini stated on the \$8,200 could a breakdown be given on the utilities such as water, heat, etc.

Mayor Coyne responded the gas is \$39,000 and the electric is \$214,000 and to add to that these leases plus the city cuts make the Recreation Center an affordable place. Rates have not been raised whatsoever but what will have to be dealt with in the lease if Euphoria comes in is how that will be blended for our people to get a special rate for the use of what they are planning on doing.

Mr. Burgio commented looking over the lease it looks like it protects the city and is fair to the tenant and the bottom line is if it helps to keep the Recreation Center open and working towards that goal then it's a good thing. On page eight there may be a typo in Section 10.01 second line the word with should read without.

Mr. Jamison concurred and stated that will be corrected.

Mr. Salvatore commented that the city has not received anything from the day care for many years and that was a great idea when it started and served its purpose. Now the city has an opportunity to collect rents from this facility and this is the kickoff to keep the Recreation Center open; which I thought was a main goal of this Council when this started. To find ways to keep the Recreation Center open and to delay and turn away \$30,000 all because of a water meter that could be corrected simply with the law director putting into the agreement at a later date if and in the event that there should rise a need for an additional meter that would be an affordable split of water services. Right now I see no reason to delay this because this will save the Recreation Center for this community and once this begins the Recreation Center will stay open; this facility is the city's anchor tenant and will start the ball rolling.

Mr. Troyer stated this agreement is retroactive to January 1st so the city is not losing any money and doesn't affect anything because there is a temporary budget. This agreement also includes cable and phone is there a cost estimate of what it would cost the city and also is there a percentage of what the day care center would be paying for heat from the \$39,000 and lights from \$214,000 based on square footage.

Discussion: cont.

Mr. Salvatore commented being in the real estate business for the last 30 years did you ever hear of 'Buyers Remorse' so until there is an agreed and signed contract this facility could change their minds at anytime to go elsewhere.

Mr. Burgio stated the insurance coverage is the same for both leases and the amounts look to cover everything; is that about the normal with other lease agreements?

Mr. Jamison responded yes, this is in the normal range for what is being charged and also based on discussions with the city's insurance company an additional rider was requested for any acts of sexual abuse or molestation to make sure that if any instances did occur the city is covered in that scenario.

Mr. Burgio continued that he likes the fact that if any alterations are done to the facilities and they decide to move out the alterations stay with the building.

Mrs. Powers stated to Mr. Salvatore that Council does not need to move quickly because this day care center has been there for 15 years at no cost so I don't think that if this Council takes three readings for this that it's likely that they will leave. The day care center is established there and everything is going well for them and they know the area and if they do move they may lose some of their clientele.

Mr. Higgins asked for the roll to be called on the motion.

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

Mr. Patten stated this will appear under M-7 as Ordinance No. 9954-2015.

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BRIDGES REHABILITATION SERVICES, LLC AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Motion by Mr. D'Amico, supported by Mr. Burgio, to place on the Council agenda immediately following.

Mr. Troyer stated one of my concerns is that the Recreation Center is being closed slowly and I also think that there should be a big picture of where City Council, the Council Chambers, City Hall are going to be placed at the Recreation Center. If city operations are going to be moved to the Recreation Center what will be done to these two buildings (City Hall and Council Offices/Chamber) and why can't the city rent Bridges this building (Council); and maybe the Mayor has a plan that I'm not aware of. Is the basement ADA (American Disabilities Act) compliant and has the city's fire inspector approved the basement.

Discussion: cont.

Mayor Coyne responded yes.

Mr. Troyer continued by asking if the basement was ever put on the market and advertised; also how will supplies be going in and out because it is my understanding that some items come in on skids. How will they get the skids in and out and how much will the city be paying for rubbish removal and if there are boxes brought in on skids what will that cost be to the city for disposal. Mr. Troyer asked if the agreement is already signed.

Mayor Coyne responded no.

Mr. Troyer stated to Law Director Jamison on page one the last paragraph middle of the fourth line down 'If as a result the Lease commences on any day other than the Commencement Date the term of the lease shall be adjusted to reflect the expiration date of September 30, 2019; so is this being leased for a longer period of time since that commencement date has passed.

Mr. Jamison responded no.

Mayor Coyne stated no the basement was not advertised and an interest was shown and the city was approached by another day care center that was operating in Middleburg Hts. Some of the clients that attend the Middleburg Hts. workshop have gone to the city's Recreation Center over the years and like the idea of having people there. Logistics of servicing who the city's tenants are will be handled in the same fashion that the city services the Recreation Center presently. Mr. Troyer you keep repeating this phrase, I don't know where you got it from, that the Recreation Center is being closed one piece at a time; no we are keeping it open. This city needs a revenue source to keep the Recreation Center open because residents' said they would not pay for it. So this Council and Administration is charged with a constituency and I'm sure you know there are many people that think this is the most important thing; so I found a way to do that and am confident that the majority Members of Council will vote for this. You will get your answers and I have a plan that will put city office operations at the Recreation Center and to answer your question about where Council will be placed at the Recreation Center is the easiest one and as a matter of fact if this dais could be moved to the Community room Council could be in the Recreation Center next Tuesday; without affecting the senior meetings. As soon as Bowen Architects finishes the plan it will be given to City Council and I'm hoping that the piece of legislation in the Finance Committee that deals with the city correcting the inefficiencies of the systems over there; which come to about \$3 million dollars. There is a program that Councilman Higgins is familiar with that deals with energy efficiency where the city cans use the savings on the borrow to make the improvements. So no matter what the city does and all the discussion taking place in these chambers and politically have been about operating expenses; no one has talked about the delinquencies' in capital. So make mistake without leasing operations; without making the cuts that have

Discussion: cont.

been made the Recreation Center would not be in the budget proposal for operation but we are going to make it work. If Euphoria comes in they will bring a business model showing efficiency and upgrades to the Recreation Center that will enhance membership. Just so everyone knows a cost has not been discussed so people are coming in to sign up for the \$80.00 memberships, which is a good thing, so all these leases are part of a plan and the Recreation Center basement is not being used for anything valuable whatsoever. The fire department has checked the basement out and the city has everything that it needs to do to provide for this facility to be there. My understanding is that the clients will be trained to do the jobs so I don't see a lot of traffic as you say and the best place to find reliable information is by picking up a telephone to talk about anything, since you say that I don't inform you. Mr. Dolan would also be happy to answer any questions you may have on these leases and I will get your numbers on the utilities and when this gets passed is up to Council.

Mr. D'Amico stated he would like to comment on the comment about slowly closing the Recreation Center. I served on the Recreation Commission for seven years and this situation about the monies over there is not news to me; this was a slow progress in the matter that it is today. I am happy and excited about keeping the Recreation Center open because everyone thought it would be closed September 1st. So this city is moving in the right direction to keep this center open and I don't like seeing the negativity in the comments that are made when we are trying to work hard to bring monies into the city coffers to offset the dollars used at the Recreation Center and keep it open for the 2,200 members.

Mr. Patten asked for the roll to be called on the motion.

ROLL CALL: AYES: D'Amico, Burgio, Mencini, Higgins, Salvatore
NAYS: Powers, Troyer. The motion carried with a vote of 5-2.

Mr. Patten stated this will appear under M-8 as Ordinance No. 9955-2015.

SAFETY COMMITTEE – CHAIRMAN, SALVATORE:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF CLEVELAND FOR MUTUAL AID AND ASSISTANCE IN FIRE PROTECTION AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Mr. Higgins stated to Mayor Coyne it is my understanding that the City of Brook Park has mutual aid with all surrounding communities so why this Memorandum of Understanding?

Mr. Jamison responded the city did this about seven years ago and the City of Cleveland just recently decided to tweak the agreement. It is basically the same

Discussion: cont.

but one of the changes was in Section 5 of the agreement that spells out of the parameters and who has responsibilities on the interstates; so of substance there were no changes the City of Cleveland decided to update this agreement from seven years ago?

Mr. Mencini asked where the nearest Cleveland Fire Department station?

Mayor Coyne responded there is a station on the Airport property and there is a station on Rocky River Drive by Puritas.

Mr. Mencini clarified that this the same type of mutual agreement the city has with Middleburg Hts. and Berea and if there are changes the city would do the same.

Mr. Jamison concurred.

Motion by Mr. D'Amico, supported by Mr. Higgins, to place on the next Council agenda. Members of Council voted AYE. The motion carried.

Motion by Mr. D'Amico, supported by Mr. Higgins to move to the Addendum. Members of Council voted AYE. The motion carried.

ADDENDUM**FINANCE COMMITTEE – CHAIRMAN, D'AMICO:**

1. A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAX REVENUES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE. Introduced by Mayor Coyne

Mr. D'Amico stated this legislation is so the city can receive monies that are delivered to the county through the tax levies quicker. This is a housekeeping matter and it would be fiscally responsible for Council to approve this. Mr. D'Amico continued when January and July taxes are paid this will allow the city to receive those tax monies sooner; instead of in April or October respectfully and is no different then filling out your personal IRS (Internal Revenue Service) taxes to get your refund sooner. These monies will also be included in the budget to direct the monies, as seen fit, before March 31st.

Mr. Salvatore asked Finance Director Cingle for clarification if this is a housekeeping item and according to his records this same legislation was adopted in the years 2012 and 2013 but was not done in 2014.

Mr. Cingle concurred.

Addendum: Finance Committee – Chairman, D’Amico: cont.

Mrs. Powers stated I understand that this is a housekeeping item but would like to know this has to be an emergency because once again there is a timeframe and with the three readings why couldn't this have been brought up several meetings ago?

Mr. Cingle responded if Council wants to pass this under three readings that is fine with me.

Mrs. Powers stated maybe you misunderstood me because I see the dates mentioned in the legislation that some of the monies should have been released already; so why wasn't this legislation brought up several meetings ago?

Mr. Cingle responded the Resolution was brought forward to Council in December, 2014 and didn't make it on the first meeting agenda of 2015 so it is on tonight's agenda and if Council wants to pass it in three readings that is fine. As long as it gets approved and down to the county for their records so that the city can receive the property tax revenues in advance of the final settlement.

Mr. Jamison stated to enlighten Mrs. Powers once again; you always seem to get this emergency clause confused. The emergency clause under the City Charter merely provides when legislation goes into effect. If it's an emergency clause and once signed by the President of Council and the Mayor it goes into effect immediately. If it's a non-emergency it goes into effect 30 days after passage; that is the difference. So this inference that we're trying to rush something through or something is not properly labeled is a misrepresentation by you. That is the only difference in whether something is an emergency or not and when it goes into effect and we've explained this to you and after a year you still don't get it.

Mrs. Powers stated to Mr. Jamison yes I get it I think you are the one that does not get it. When we bring something forward that is discussed at Caucus and passed at Council the reason for these readings is to inform the public of what is happening and this bypasses the public's right to know what this Council is doing here.

Mr. D'Amico stated to reiterate what Law Director Jamison is trying to say is the difference between the Suspension of the Rules and an emergency is two separate things; and I know that you know what suspension of the rules is because you never suspend. So the thing is with that suspension of the rules is that this Council doesn't have to go through three readings and an emergency would be the ten days and the thirty days after it becomes law.

Motion by Mr. Salvatore, supported by Mr. Higgins, to place on the Council agenda immediately following under First Reading. Members of Council voted AYE. The motion carried.

Addendum – Finance Committee – Chairman, D’Amico: cont.

Mr. Patten stated this will appear under M-9 as Resolution No. 6-2015 under First Reading.

There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 8:07 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *February 24, 2015*

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