

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON *WEDNESDAY, FEBRUARY 4, 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 Service Director Cayet, Finance Director Cingle, Safety Director Byrnes, Recreation Director Fields, Law Director Jamison, Building Commissioner Hurst, Firefighter/Paramedic Wright, and Engineer Piatak.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

DISCUSSION:

1. NATIONAL ORGANIZATION TO INSURE A SOUND-CONTROLLED ENVIRONMENT (NOISE) ANNUAL DUES - **\$770.00** – COUNCILMAN HIGGINS

Mr. Higgins stated this organization represents the city and provides legislative updates in Washington, D.C.

Motion by Mr. Salvatore, supported by Mr. D'Amico, to verbally approve.

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

NAYS: None. The motion carried.

FINANCE COMMITTEE – CHAIRMAN, D'AMICO:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR REQUESTS FOR QUALIFICATIONS (RFQ) FOR AN ENERGY EFFICIENCY PROJECT AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Mr. D'Amico stated in lieu of the Mayor not being in attendance the presenter will also not be in attendance.

Motion by Mr. Salvatore, supported by Mr. Higgins, to place on the next Caucus agenda.

Mr. Higgins asked if it is known if the presenter will be available at the next meeting.

Finance Committee – Chairman, D'Amico: cont.

Mr. D'Amico requested that this legislation be placed back in committee until it is known for sure when the presenter can be in attendance.

Mr. Salvatore withdrew his motion and Mr. Higgins withdrew his second.

Motion by Mr. Salvatore, supported by Mr. Higgins, to place legislation Back in Committee. Members of Council voted AYE. The motion carried.

Questions/Answers:

Mr. Troyer stated that he would like to address Council on the Bridges lease due to a few issues and after asked Council to postpone third reading and place on the next agenda. Mr. Troyer continued it seems that this is being rushed and one concern is if this went through the Planning Commission; normally if a company leases a building wouldn't that go through the Planning Commission? I have nothing in writing for an occupancy permit or what the maximum occupancy would be or the fire marshal certificate so there is nothing in writing stating that this was approved by the fire marshal or fire inspector. I also have a concern with the three year renewal it is a one year lease and if the city does not tell them within six months into that first year it is an automatic three-year renewal; I think it should be yearly renewals. Adding up the what the monies is going to be it will probably be approximately \$75,000 yearly minus the monies put into the facility the first year. The city has already spent monies on this by building a kitchen, adding electrical, changing the locks and spending thousands of dollars and the legislation hasn't passed for this lease yet. So there are all kinds of questions on this and it seems like this is being rushed and things are done already. I asked before whether this lease was already signed and I was told no so the question is legislation has not been passed, the lease is not signed but the city has already made thousands of dollars in improvements or changes to the basement of the Recreation Center; before signing.

Mr. D'Amico requested Building Commissioner Hurst to address the concerns.

Mr. Patten stated to Mr. Troyer the code compliance side of any company coming into prior to an occupancy permit has to be done by the building commissioner who then brings in the fire marshal and necessary city personnel prior to occupants moving in; so nothing happens and nobody moves in until signing of the agreement.

Mr. Troyer stated the question is did this go through the Planning Commission?

Questions/Answers: cont.

Mr. Hurst responded I can explain that it did not go through the Planning Commission nor does it need to go through the Planning Commission; it is not a project it is a leased-out space and not all leased-out spaces go to the Planning Commission unless there are changes to the building, structure or those types of things. The inspections have been done and I did an inspection of the area that this organization will be occupying and the Certificate of Occupancy is ready to go I'm just waiting on Fire Inspector, Bill Bennett, to sign it. There were a few deficiencies in the building such as a few exit lights and emergency lights in the middle stairwell that were never there so how this got through yearly inspections I don't know but they are getting installed as we speak. As for the locks on the doors and I assume Mr. Troyer is speaking about the panic-hardware on the stairwell doors.

Mr. Troyer interjected no there was a \$3,959 on the Board of Control that was spent on changing the locks on the doors.

Mr. Hurst continued I'm not aware of that but it may be the panic-hardware for the stairwell doors, that you are speaking about, that is technically required and was not there but is on order and doesn't change the occupancy because it is a mixed-use occupancy. The occupancy for that portion is a B-Business and is less stringent for what the city had as an A-Assembly occupancy; so it meets all the criteria.

Mr. Troyer stated to Mr. Hurst that the lights have not yet been installed?

Mr. Hurst responded all but the emergency light at the bottom of the basement stairwell has not been installed as well as the emergency lights in the stairwell. This building has been in operation for 15 years without and I don't think it's a hindrance to continue to operate the building like it was and get it prepared.

Mr. Troyer clarified that there was no reason for this to go to the Planning Commission.

Mr. Hurst responded no there is no change to the structure of the building, nor any change to the streetscape so there is no reason to bring this to the Planning Commission.

Mr. D'Amico stated to Law Director Jamison do you see anything that this Council is overlooking, at this point in time, that need to be looked at or anything that might need to be amended.

Mr. Jamison responded based on the discussion that took place at the last meeting Mr. Dolan edited language in the agreement and the corrected version has been given to the clerk. Mr. Jamison continued the language changes for the Bridges lease are in Section 2 the expiration date is now September 30, 2016 so this

Questions/Answers: cont.

section would read 'if as a result the lease commences other than the commencement date the term of the lease shall be adjusted to reflect the expiration date of September 30, 2016. The second change was to Section 6.1 the new language was included to read 'Tenant shall be responsible for its cable television and telephone service as well as...how the remaining sentences read. The third change was in Section 10.01 the typo 'with' was changed to 'without' as requested by Mr. Burgio. Mr. Jamison continued with the Ohio Guidestone lease a change was made to Section 6.1 - language was inserted on the fourth line to read 'Tenant shall be responsible for its cable television and telephone service. The second change was to Section 10.1 the typo 'with' was changed to 'without'; as previously requested.

Mrs. Powers stated there are just too many questions that have not been answered and it seems a little ridiculous that this Council is still talking about this and the people are already in there. This is a laughable situation when you think about how other communities are going to see Brook Park, as putting the cart before the horse. These organizations are in there because I went over to see them today and the commodes are not handicapped accessible, meaning that if a handicapped accessible bathroom is needed the clients must come upstairs. So the question is who is going to make the bathrooms downstairs handicapped accessible and what will that cost the city? Also how many other items is going to cost the city for \$48,000 annually being received and we have a city that is in turmoil. The Mayor says he wants to bring Council and City Hall over to the Recreation Center and he just gave away the biggest space in that center and I say gave a way because \$48,000 a year is a give-away price. If we don't put City Hall down there how much is it going to cost the city to renovate the upstairs to make it ready for City Hall. So to me this seems to be a total bad plan and if this city is really going to put any of the city's offices over there we just gave away the best space.

Mr. Mencini stated to Law Director Jamison two things one being what Mr. Troyer brought up with the six months instead of having that for a year is that standard practice with the city?

Mr. Jamison asked for clarification of six months.

Mr. Mencini continued to reopen at the end of the year instead of the three years, can the city look at this at the end of the first year to see what is working and what is not working.

Mr. Jamison stated with the renewal clause that is standard with any kind of lease that after the first year the city provides for renewal.

Questions/Answers: cont.

Mr. Mencini continued on the Bridges lease with the handicapped accessible restrooms that Mrs. Powers spoke of; seeing the age of the building is there a grandfather clause?

Mr. Hurst stated as for the handicapped accessible restrooms the facility and basement meet the code of the State of Ohio. The code allows for one floor above or one floor below to have ADA (American Disabilities Act) accessible bathrooms within no further travel distance than 500' (feet). So the restrooms at the top of the stairs on the main floor are ADA accessible, therefore, the facility and basement and its occupancy meets the ADA requirements.

Mr. D'Amico stated to reiterate the question raised at the last Council meeting to Law Director Jamison. The Ohio Guidestone lease page 21 and Bridges lease page 19 are listed as Exhibit A and are blank. So any monies that the city would have to pay for promised renovations would be listed on these pages and since both pages are blank that means that there are no renovations being done and the city is not responsible for any items that get done after the signing of the agreement; is that correct?

Mr. Jamison responded yes.

Mr. D'Amico stated just to reiterate the city is not on the hook for any improvements after Bridges signs the lease and moves in because those pages are blank.

Mrs. Powers stated if it is not in writing then it just isn't so and right now the city does not have a signature, therefore, the city could be liable for anything. Such as the city spending \$3,900 for door locks because to date the city does not have a signed lease and as previously stated I don't know why Bridges is in there without a signed lease but that is the way it has been chosen to be done.

Mr. D'Amico clarified so this Council knows what we are voting on; exhibit A is expressed in the agreement and does explain what that is and when the agreements are signed the city will have a signed lease that says by being blank, in virtue, and nothing being on that page, there are no improvements.

Mrs. Powers interjected the key word being signed.

Mr. Higgins stated a couple of other points to be made is I heard about some monies that were spent there and to clarify if I heard correctly. Mr. Higgins stated to Mr. Hurst this city building was not up to code for a number of years and whether this space is rented out or not the monies for the locks on the doors and the lights

Questions/Answers: cont.

in the hallways needed to be done nonetheless? So the city didn't spend city funds to accommodate the rental of this basement those city funds were spent because the inspection, that historically, was probably not done properly and is being brought up to code now; whether this space is rented out or not.

Mr. Hurst concurred and commented the upgrades that were done in the facility over the last week to two weeks included lights in the stairwell that were not in the stairwell to begin with and was not code compliant. Nothing that was done in the basement, as far as the work being talked about, was necessary to bring the facility up to code;; regardless of renting out the basement. For the last 15 years there were children in the basement and if they would have went into the stairwell in a fire there would have been no lighting for them to get out. How it was missed who knows but it was missed and this is why re-occupancy inspections are done as Councilman Troyer mentioned with commercial facilities. Because the city then gets a chance to go in and look at properties because things get missed. The fire department attempts to go through every commercial building every year and doesn't catch everything, one fire inspector can't catch everything. These items were missed and came to the city's attention because an inspection had to be done for occupancy and it was the city's electrician that actually caught these code issues before we did.

Mr. Troyer stated I would agree that the safety lights and latch on the doors would be something that needed to be done for awhile. Changing all the lock sets on all the individual room doors to keyed locks would not have been done without Bridges coming in; adding the kitchen would not have been done without Bridges coming in. As well as the adding of all the outlets for the seven or eight refrigerators would not have been done without Bridges coming in; so some of it should have been done, maybe, but not all of it.

Mrs. Powers stated I would like to know who is our building inspector; and why did the city's building inspector not catch this for all these years. Also what about the upstairs if there are this many violations in the basement what violations are upstairs?

Mr. Patten stated both the building inspector and fire inspector have a job to do and work hand in hand.

Mr. Hurst responded I am the city's building inspector/commissioner and I don't do yearly inspections of commercial facilities, it is not something that is done by a building inspector, it is done by the fire inspector; that is part of the fire code and part of his job duties. After the building official signs off on the certificate of occupancy he has no further doings with that building unless the fire inspector tells the building official that there is a problem. So the inspections that were done were

Questions/Answers: cont.

by the fire inspector and he is not perfect, nobody is. When Inspector Lewis was here wasn't perfect and Inspector Campana when he was here isn't perfect; these items were missed and the city is fixing the problems. As for Councilman Troyer I was speaking on the code issues I don't know if locks were changed or anything else but I do know the panic hardware going on two doors at the stairwell as a code issue and a safety issue.

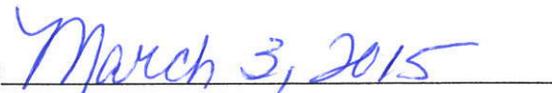
Mr. Patten commented to Mrs. Powers the reason that Mr. Hurst is in that building now is because the city is bringing in new occupants; otherwise Mr. Hurst would not be in that building.

There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 7:49 p.m.

RESPECTFULLY SUBMITTED


Michelle Blazak
Clerk of Council

APPROVED



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