

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, APRIL 7, 2015**

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 Mayor Coyne, Recreation Director Fields, Law Director Jamison, Service Director Cayet, Safety Director Byrnes, Finance Director Cingle and Engineer Piatak.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Council meeting held on March 3, 2015.

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

2. Regular Council meeting held on March 18, 2015.

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

REMARKS FROM THE AUDIENCE (ON ANY SUBJECT):

Tim Jereb
15661 Hocking Drive

Mr. Jereb expressed concerns with speeders on Hocking Drive and requested that the speed trailer be placed on the tree lawn because it made a huge difference last year.

Mr. Byrnes responded the trailer can't be used until the rainy season has passed because of the weight the trailer will leave ruts in the lawn.

Joan Markusic
13991 Bellbrook Drive

Ms. Markusic thanked Mr. Cingle for talking to her after last meeting. Ms. Markusic questioned what the 'emergency clause' means because the clause is used in all legislation. Ms. Markusic understands the reason for the lawsuit process and would like to know if there would have been any way to avoid the lawsuit spending. Ms. Markusic would also like to see the public request form on the city's website for easier access.

Remarks from the audience on any subject: cont.

Susan Barbour
5819 Robert Drive

Ms. Barbour stated this is a mockery when City Council meetings are changed to earlier times because it seems like the public does not know what is going on; especially the working people. The residents are being short-changed because this is a public building and we are the public. Also some of the cabinet members are too high-priced and spend monies that are unnecessary; especially the lawsuit and now one of the Council Members, Mr. D'Amico, wants to put a gadget on residents refrigerators, which might be a good idea, but what happens if the health occurrence does not happen at the home. With the budget passing this week if Council decides to do this project where will the money come from; since the city is financially strapped things should be left alone.

Gary Riva
16902 Sandhurst

Mr. Riva asked how many streets were paved in the city last year.

Mayor Coyne responded Engle Road.

Mr. Riva continued and there are 110 streets or something like that. My street's name should be changed to Sandhurst bumpy drive or Sandhurst railroad track and understand that the city has pressing issues but could Sandhurst be pushed to the top of the list. Mr. Riva continued to Council Members that the city has pressing problems but please do not oppose programs like economic development, sidewalk program or street paving. The housing values must be kept up in Brook Park and not everything can be done but if some of these programs, like the sidewalk program because neighbors get excited seeing neighbors spending monies; so other neighbors will spend monies. Mr. Riva continued that it's been said that there is an extra \$1 million or sometimes it's an extra \$3 million; please find those monies and spend some of it on Sandhurst Drive.

Frank Kosmerl
15942 Paulding Blvd.

Mr. Kosmerl addressed the lawsuit against the Save Our Station Committee and the three particular members that are being filed on separately also. The cost of attorneys for the committee as well as the money being spent by the law director who has hired two attorneys that are probably not reasonably priced; I think the committee should be getting lawyers hired by the law director to defend and speak for the people, we are all citizens of the same city. There are 88 counties in the State of

Remarks from the audience on any subject: cont.

Ohio and maybe ten of thousands cities and towns that have City or Village Councils' that govern their cities or villages. In my life I have never heard of any city, village or township in Ohio suing its residents. I think it is a vulgar thing and the point is I've never heard of a city suing its residents; those residents' of a committee; especially those three residents of that particular committee. Those committee members did a lot of hard work by getting the petitions signed; then the first set of petitions were turned down by Council, not sure if I have that story correct. Then the committee went out and obtained more signatures to get the issue on the ballot and filed with the Cuyahoga County Board of Elections. The Board of Elections accepted the Initiative Petition to reopen the fire station to protect the residents' to provide livable response times for that area. When the trade with Cleveland took place under Mayor Coyne to get the north side of Brookpark Road the City of Cleveland obtained most of that area for expansion of a runway; causing the City of Brook Park to lose homes. Those people living in that area are still citizens of this city and this city has come a long way down with this lawsuit. It is one thing to maybe negotiate with neighbors and I know the Mayor wasn't happy with the fact that this issue passed on February 2, to reopen Ruple Road Fire Station but the Mayor graciously reopened the station. As upsetting as it was to be reversed by the voters by a legitimate vote but now these residents are being forced to spend a lot of money on attorneys that could run into the thousands of dollars for each member of the committee. Also the city is not hiring chump attorneys so these committee members are going to have a tough time and I have a lot of empathy for the whole city because residents have to pay for those lawyers that the city's Law Director, Mr. Jamison, has hired. The problem is that this is a very offensive or vulgar how can this city do this. This matter hit the newspapers and does this city really want that kind of legacy. Let's not ruin peoples' lives because some of those people may lose their homes in this city to pay for lawyers to fight their own city. Mr. Kosmerl asked the law director if there is anything on record of any city in the State of Ohio suing its residents for doing something permitted by the City Charter.

Mr. Patten interjected the law director will give a report on your issue.

Mr. Kosmerl continued I appreciate that but I think this matter is terrible and despicable and Council is responsible as well as the rest of the residents, including myself if I don't speak out on this matter. All residents should be treated properly and if there is a problem with neighbors then negotiate with them, which is the first step that people should follow.

Mr. Patten interjected the law director will give a full report on what happened, what he is doing and why and afterwards I suggest if you have any further issues after the law director's report talk to him after the meeting.

Remarks from the audience on any subject: cont.

Mr. Kosmerl stated I wrote the law director two notes but never received a response. My final statement is this city is functioning just like Soviet Russia and there are the haves and have-nots...

Mr. Patten interjected Frank, please...

Mr. Kosmerl continued dictatorship...

Mr. Patten interjected Frank please...

Mr. Kosmerl stated no I'm not going to stop...

Mr. Patten continued here is the thing you have a right to get up and speak but I think you are going a little beyond now. The law director will speak to it tonight to provide answers and have no problem with you discussing this matter with the law director later. This is not the Soviet Union and we are not doing anything like that and not going to have you up here saying that. So with all due respect Frank, I've known you a long time, and know that you are a passionate person but we heard what you have to say and the law director will answer during his report.

Ray Peterlin
5811 Wengler Drive

Mr. Peterlin questioned the city roads such as Snow Road that was recently redone not too long ago and the Recreation Center that was done a year ago; that all seems to be falling apart. Should the contractor be blamed or value engineering? Value engineering is when a project is put out to bid and the bid comes back maybe \$5 million dollars and it's said that the Mayor won't like that, you have to get the bid down to \$2 million dollars. The contractor replies change the specifications to do what the city wants to be done. Is that why our highways are falling apart is that why the Recreation Center was just done. Why did the city spend the money if only get a year out of it and Snow Road same thing. Snow Road seems to be too thin; seems to be holes all over where it wasn't poured thick enough. The second thing with the highways too have them last there needs to be a crown in that road so the water is pretty much forced to go to the curb and the catch-basins. On a lot of the city roads the water is just lays there and is not being forced to go anywhere. If water is just laying there it's going to freeze and it's going to take the life of the road, which could be 25 to 30 years, and shorten it drastically because there is no crown.

Mr. Patten stated the city engineer will provide answers during his report.

Remarks from the audience on any subject: cont.

Diane Oblak
15624 Richard Drive

Ms. Oblak stated this is my city and I take pride in the area where I live and am also a little different on how I go about things. For instance when I see a container on the street I pick it up and place it in the trash receptacle. Also when there are rubbish containers blowing around on the street on a windy day I will get out of my vehicle and place the containers on the treelawn; in order to help. I look around the streets of my neighborhood and see lawns that have accumulated papers, phone books and other miscellaneous items accumulated over the winter months. Now since the snow has melted you would think people would take the time to pick up these items and tidy up their yards. Unfortunately, looking around at these properties they look like they are getting ready to have a garage sale. Private property is a sensitive issue but it needs to be addressed in a more aggressive manner and the community needs to stay on top of this situation with follow-up phone calls, registered mail or whatever is necessary to keep our city at its best. I am only one voice and I always do try to bring a suggestion to the table to solve a problem but other than calling City Hall and reporting things to feel good about our neighborhoods. I guess I just want to know what can be done together to make things a better community.

Council Participation:

Mr. Troyer stated to Mr. Riva that last year I put a memo in requesting that those joints be grounded and patched and will follow up this year.

REPORTS FROM STANDING COMMITTEES:**Aviation & Environmental Committee – Chairman, Higgins**

Mr. Higgins stated no items on tonight's agenda.

Finance Committee – Chairman, D'Amico

Mr. D'Amico stated the Board of Control met earlier and approved 34 items and the Finance Committee has two items on tonight's agenda. The audit committee is in the City of Brook Park and the audit is still going underway.

Legislative Committee – Chairman, Troyer

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

Parks & Recreation Committee – Chairman, Burgio

Mr. Burgio stated the Golden Gloves Boxing Tournament starts this Friday, April 10th and Saturday April 11th and will also take place on Friday, April 17th and Saturday, April 18th for the finals. The Senior Tea is this Saturday, April 11th from 1:00 p.m. to 3:30 p.m.

Planning Committee – Chairman, Mencini

Mr. Mencini stated the committee met Monday, April 6th and approved aesthetic approval for a 351 square foot signage for 1400 Keystone Parkway located in a U5-A

Reports from Standing Committees: cont.

Zone District; this request is for the Animal Hospital that is relocating from West 140th Street. Also there is one piece on tonight's agenda for verbal approval for a new 100' wireless communication tower.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated I received correspondence from the railroads union representatives, who grew up in Brook Park, indicating that the resolution that City Council passed encouraging the railroads to pay more attention to what is occurring and to look at some of the tracks and be prepared for any major catastrophe is starting to catch on around the country. The City of Philadelphia adopted a similar resolution, he said ours was better but theirs is good. I won't read the whole three-page letter but will share some of the highlights: In talking about the track conditions the leading cause for train derailment in the United States accounts for approximately one-third of all the train accidents according to data published by the Federal Railroad Administration (FRA). The FRA statistics confirm that there are 1,220 reportable train derailments that occurred in 2014 resulting in nearly \$200 million in repairs and replacement costs for damages and equipment alone; not including the cost of human lives, private property, and the environment. To bring you up to speed on a very astonishing statistic transporting crude oil through the United States Railroad Systems grew from 9,500 carloads in 2008 to more than 400,000 carloads in 2013, so this is an ongoing problem and looks that it might even start to get worse. Council's resolution is moving forward and I will be rescheduling another meeting with the railroads and anyone that wants to be a part of it I'll let you know when this meeting will be held.

Mr. Patten commented that we need to talk to them about the idling of the trains back behind Sylvia Drive because the conductors are leaving those trains idling behind the residents homes all through the night; so we can bring that matter up.

Service Committee – Chairwoman, Powers

Mrs. Powers stated no report this evening. Mrs. Powers commented that she was told last week not to speak from the podium and would be allowed to speak from the dais.

Mr. Patten responded at the end of the agenda items I will go to you.

Board of Zoning Appeals – Chairman, D'Amico

Mr. D'Amico stated the Board of Zoning Appeals met last night and approved two items, one that Mr. Mencini spoke on, the next meeting will be held on May 4th as long as applications are received.

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

Mr. Salvatore stated Southwest General had a slow start this year after an early surge due to the flu there has been a tremendous drop-off. The first two months of 2015 the health center achieved only 1% operating margin vs. the goal set for 3%. The focus of the March 25th meeting was congratulating the doctors; nurses and support team for the 12 different awards earned in 2014 from all over the country. Also at this meeting the 2600 employees were recognized and received a bonus check of approximately \$100.00 for achieving the center's goals. Congratulations went out to Doctor and Mrs. Pandrangi for their large contribution to the center's capital campaign and they were also honored on March 28th for their gift for establishing a professorship in plastic surgery from the St. Louis University. Mr. Salvatore continued that the reduction in length of stay went from 4.7 in January, 2015 to 4.1 in February and March. The sub-committee from Constitutional Bylaws submitted a report to the trustees in looking at the attendance records of some of the board members and the delegate appointments and the review of board policy.

Berea Board of Education – Representative, Mencini

Mr. Mencini stated be careful driving the children are on spring break. On April 30th the Distinguished Alumni Hall of Fame dinner at the Middleburg Hts. Junior High School and the 33rd annual dinner to recognize employees that retired in 2014. The July, 2014 to February, 2015 expenditures; salaries from the year 2013 to 2015 have been decreased from \$30 million dollars to \$28 million dollars; total expenditures have been reduced from \$58 million dollars to \$50 million dollars. Mr. Mencini continued that three students qualified for the Ohio Mathematics invitation at Kappa University on March 28th. The Berea City Schools recognized Nancy Braford, Community Relations Specialist who won the Brook Park Chamber of Commerce Business Person of the Year.

REPORTS FROM BOARDS AND COMMISSIONS:**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:****REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Coyne announced there will be a town hall meeting on April 30th at Ford Intermediate School and residents will be getting notified and a follow-up by the Code Red System. There needs to be a larger community dialogue as to what is occurring with the city, where the city is going and what needs to be done. Mayor Coyne thanked Ms. Oblak for speaking tonight about the weaknesses in residents' personal behavior. There was an old Mayor that always said let's give residents mirrors to look into to see what they're doing to make the community a better place

Reports and Communications from the Mayor: cont.

to live. In the past neighbors were willing to help each other in taking pride in their neighborhoods and hopefully this city will get back to that someday. With the losing of many longtime residents' and newer ones are coming in on a wing and prayer and paying mortgages that aren't afforded and, therefore, letting the properties go. Mayor Coyne stated to Ms. Markusic that the city's webmaster will be contacted to get the public records request on the website. I have a great interest with Susan Barbour who keeps talking about these cabinet members on staff that is over-priced. There was a recent article about the salaries of city Mayors and according to the article I am right in the middle of those ranges. The problems the city faces have little or nothing to do with the compensation for the directors that are here; these directors are probably the best cabinet that I've ever assembled and I served 20 years prior. These directors were selected knowing what I would be facing coming back as Mayor and in most cases their underlings are making more money than they are; there is not a \$3 million dollar or \$2 million dollar cabinet. There are boards and commissions and appointments the Mayor has and there are other elected officials that have appointments. Almost on a daily basis the blogs are stating how much Mayor Coyne's cabinet members make and I think that criticism is unfair and not warranted. With Mr. Riva talking about the streets there is no monies for streets this year and this is one of the discussions that will had at the town hall meeting. The city has the ability to pay for one project that's been promised for five years and that is the Sylvia-Leslie Drive project. Mr. Peterlin spoke about the specifications for the roads and the crowns for the roads and so forth; the city's street bases are literally deteriorated. If the streets had potholes it would be simple for the service department crews to square off and repair the potholes. The city streets have deteriorated to the point where there is nothing left to grind, overlay and that issue can only be addressed with the help of the voters of this community and I hope that if they didn't listen to me on anything else they listen to me on that. Because if not this city is going to lack the ability to make these improvements and our neighborhoods are going to continue to decline. Mr. Peterlin made a statement about changing the specifications and in my 20 years here and my time here now I have never changed the specifications for anything. There is a spec put out and there is an ordinance if the bid price exceeds the engineer's estimate by 10% the project must be rebid, if it exceeds that, for protection for the city. My concern is when a bid comes in that is substantially lower than the engineer's estimate and we have to deal with that because what's the lowest and or best bid; that's the way it works. This city does not set the specifications for county roads and both Council President Patten and Councilman Higgins, Service Directors for other cities, will tell you that nobody thinks they are getting the overlay that they're getting; the issue is how do cities challenge that on those streets? As far as the recreation parking lot concerned I don't believe it's been repaved in 12 years, last year a crack-sealing operation that gave the city a year and is all it should get for the city. This city has substantial demands in our public facilities that people use as well and there is no money for that. I continue to hear residents' come up here and

Reports and Communications from the Mayor: cont.

talk about the \$3 million dollars and as I've said that is what I needed to get this city on sound footing. Meaning that those monies would be used the parking tax for what it was intended for and that is economic development. Meaning that the city would for the first time not have to spend the city's reserves and would have to cut the city's workforce to create that savings; so those three things could be done and this city is going to do them now. There has been \$1.6 million dollars cut out of the heart of the operation of this city and on the backs of very good employees that have been here a long time, many of which I hired. This city has laid-off police and fire employees and made some changes in the rules and regulations in the police department that allows the officers to work 12-hour shifts that residents' will be coming to complain about the tickets being written because this city has not seen volumes like this with the new STOP Program. ~~So there are many things that need to be talked about in this community; about where this city is going and the voices being heard and the dictatorship of Thomas J. Coyne, Jr., King Coyne as some people are calling me. I have spent most of my adult life in the service of this community and did not come back for salary; I did not come back for humility, while I have more than I did ten years ago, that's now why I'm here and I say this over and over again. I only came here for one reason, one term, to turn this town around. There are some people suggesting that there should be a four-year plan, eight-year plan; this city has had a four-year; eight-year and six-year plan and everybody thought that they were doing the right thing to continue to expend revenues that were there for security; this city operated on those and were kidding ourselves. So now the dirty work is left to me and I came to the voters of this city last year and said that two things need to be done. One being the increase of the income tax because the roads and buildings are falling apart. There is a certain segment of this community that wants the recreation center open and we are trying to keep it open by reducing costs of about \$300,000. There is \$3 million dollars that need to be put into that building this year or it's not going to stay open; that's on the capital side. The operating problems have been solved for this year because of those cuts; not going into next year but this year. Who's going to pay for it because it has to be done and all segments of the operations of the city are going to compete for tax dollars. I put a proposal on to pay for the recreation center and for senior programs that was defeated by a vote of three to one and residents' came to meetings saying that the Mayor took this away from us; no I didn't you took it away from yourselves. I gave the facts and said what needed to be done and in spite of that the Mayor and Council rolled their sleeves up, with the help of most of Council, dramatic changes were made in the way services were delivered; not quite enough yet and there will be more dialogue about that at the town hall meeting. Finally, I want to address this suing of the citizens as Mr. Kosmerl spoke about; there is nothing vulgar or unfair about any of it because citizens are not being sued. Politicians are being sued, a political action committee is being sued and this vote was the greatest hoax on the people of the city of this community that I've ever seen in my political life. The fact of the matter is there was an ordinance on the~~

Reports and Communications from the Mayor: cont.

books for 30 years that was ignored because it was unenforceable and is not in the best interest of this city to arbitrarily have elections that change the basic operation of the community. That's for the Mayor and the Council to decide and you make your determination at election time. I wonder right now if you know that it's going to cost \$750,000 to keep a station open a block from my house that doesn't add one iota to the safety of this community and that's a fact. I can show you that the consolidation of that department saved lives, didn't threaten lives but saved lives. So we're going to have a continued education about this but make no mistake about it these folks are politicians and it just seems strange that folks that should be proud, this is an honorable thing, take ownership of it. The Astorinos' aren't here tonight and they had citizens do this and this is the same group that opposed the very airport deal that Mr. Kosmerl spoke about. Do you know how this city is functioning today and above water because of \$6 million dollars a year that comes in from NASA Glenn, that's why. I was over at the Ford Plant the other day with Senator Brown and was very impressed. Once again we're going to have a Treaty that's going to probably displace so many of our workers. I went over there and where I've seen maybe 16 employees in one section working I saw four; I saw robots. They may hire 200 new people at Ford is that a help to the city; yes. It's not even close to the \$160 million dollars in payroll this city would need to create in order to sustain the operation of this city as we have known it, for so long. So that 200 jobs at the Ford Plant is not going to all of a sudden lavishly change the condition of this city. We are an older city and if we don't change the way we deliver services and none of the changes I proposed was one assessment on the people of this community and where we cannot avoid is in the infrastructure; roads and sewers. There are some criticisms out there and I'm sure I'll see in the local paper because no matter what I do is incorrect. That I'm frivolously spending money and it's been claimed that \$1 million dollars would take care of the roads. I drove with the engineer the other day and there are about \$10 million that has to be done this year in road work for this city that I don't what we're going to do about and we have talked to some bankers and will see what happens. The city's sidewalk program that was here when I was Mayor created more improvements in neighborhoods with new steps, new driveways and new sidewalks because residents' took advantage of the price; I'm going to invest \$150,000 in that program. I felt very sad that many residents' have cross-connections and it's really not the responsibility of the city to do anything about it; it's the resident's responsibility. Talking to Council and I apologized to people that night and felt helpless because the first time as Mayor I couldn't say to you listen we are going to find some funds and do something to help you out. So this city is going to fashion a cross-connection elimination program doing the same thing and if residents' are willing to invest half the city is willing to invest half; to me that rebuilds neighborhoods and creates a solution to problems that, again, raises the property rates. Economic Development some people are saying that the city is going to give Ford Motor is going to get \$4 million dollars to clean up their property, I wish I had that money and wish they'd let me do it because we're fighting with Ford over that right now. Economic Development has been suspended for six

Reports and Communications from the Mayor: cont:

years and that's why the reason this city does not have any revenues to deal with the city's problems because nobody in this room ever had to pay them; not me, not you; because we had a revenue source of people working in this city who paid the way for us. As I've said before I will say again those days are gone as Mrs. Oblak said what can we do? You're going to have to do something; you're not going to solve your capital problems in this city without more money. People can singularly attack any program I propose now or in the future it makes no difference to me because I will justify that argument. The good citizens of this city have to be heard because the political action committee is driving the agenda of this city which is only 20% of the people that voted in February on this issue. By my authority I opened the station to cool things down so we can have a discussion about it and this community at large ~~has to have that discussion. About how services delivered to the people of this~~ community and hopefully the people will come out so that intelligent decisions can be made. Because, quite frankly, I've done all I can there isn't much more that I can do in my authority as Mayor of the City of Brook Park. I'm not going to speak for the law director but that challenge has to happen because you don't want your city governed by malcontents; you just don't. The fact of the matter is the same law firm that drafted the agenda is the same law firm representing the committee and that's the lawyer for the firefighters' union. Open your eyes Brook Park it's not the Mayor you have to be concerned about we have to have this discussion as a community. I ask to have an open mind and we will present the facts to you.

Council Participation:

Mr. Troyer stated you mentioned the law firm that the committee used. Did you not use that same law firm when you sued the city after you left office?

Mayor Coyne responded yes I did and I paid for it.

Mr. Troyer stated so it is a law firm that people use.

Mayor Coyne responded it's a law firm that represents the firefighter, Councilman, and you know that they are the same ones that drafted the legislation; you didn't even know what was in it.

Mr. Troyer continued you, yourself, used that law firm.

Mayor Coyne responded I sure did, I'm not and I paid for it...

Mr. Troyer interjected I could use that law firm if I had an issue.

Mayor Coyne stated yes you could.

Mr. Troyer stated thank you.

Reports and Communications from the Mayor: cont.Council participation: cont.

Mayor Coyne continued yes you could sir, but don't you think it's really beyond coincidence, don't you?

Mr. Troyer responded no, I don't.

Mayor Coyne stated you know better than that.

Mr. Troyer stated another question is you mentioned the \$1.6 million dollar savings by having layoffs and cutting personnel. Where did that \$1.6 million dollar savings end up because we finished, I believe, last year at \$20.3 that was spent last year with almost an \$80,000 surplus. Then this budget was roughly around \$21.3 million dollars; where did that \$1.6 million dollars go?

Mayor Coyne responded if you had 17 more employees this year figure out what that is sir your budget would be higher; your spending would be higher and you'd be pressed for the revenue to do that.

Mr. Mencini stated at the last Council meeting you mentioned \$8 to \$10 million dollars on the road and I probably need \$20 million dollars in my ward for my roads.

Mayor Coyne concurred.

Mr. Mencini continued the roads are bad and as I said at the last Council meeting everyone in this room cares about this city. No one wants the Recreation Center to close I was there today and it was full; it's a great facility but needs a lot of work. With the State of the City coming up on April 30th where does this city go to get the roads fixed because the monies are stretched but this city has to move ahead. The Ford Plant isn't coming back there may be some jobs but not like it was in the past. How do we get the roads and infrastructure done; we are working on the housing and sidewalks but the roads are going to be a big issue because they won't get any better.

Mayor Coyne responded to answer your question you have to have more revenue and I will talk to the people about putting on the ballot an increase in the city income tax that will provide for capital improvements only. Not operating because it's there and if we do that I am going to meet with one of our bankers tomorrow to see what we can do short-term. Because when can we get this on the ballot is probably not until the fall. I think honestly and I see several candidates that would be candidates for public office here, I think everybody, you guys are going to be out there this year; you have to tell the people the truth. The Hometown News can criticize me for the rest of their days the reality is the residents' of the town have to look at themselves in

Reports and Communications from the Mayor: cont.

the mirror and say what am I willing to do? Our seniors won't have to pay one dime in city income tax, they don't pay it. Other young families here why should people stay we used to \$1 million dollars a year in capital improvements to the city's parks and playgrounds; look at that. So when people say it's not important, well it's important to somebody our whole infrastructure of this town is decimated. The fact of the matter is there has been nothing done to the Recreation Center those units and that roof I put in and I'm not blaming anybody but the reality is that you cannot let this go any longer. So one of the discussions I want to have people and I hope everybody in this city comes to the town hall meeting so we tell them but we all collectively have to understand it. If anybody can tell me where you have the revenue sources, real tangible revenue sources to deal with these problems please show them to me. If you have anyone who lives in this city and I'm willing to bet right now that every senior in this town would write me a check for \$150.00 tomorrow to bring all those programs back that they had; I'm willing to bet in a minute. I didn't lie to them I told them the truth here's what it costs and no one understands because they never had to pay for this. One of the suggestions that I'm going to make to people I'm not interested and don't care who runs for City Council they are all good people up here. Some of them I have profound disagreements with and others have worked with me and helped me. If anybody comes to your door and says do you have any problems or complaints throw them off your front porch. What are you going to do as an elected official to help turn this town around and if they tell you that there are people up here telling folks not to vote for those taxes; not because they weren't needed it's because Tom Coyne proposed them. This 20% vote is the percentage of voters that vote against me every time I ran for public office in this town; anyone that knows polling will tell you that's the way it is. I'm not going to start leading but at some point in time, you know what, if we can't have partners and if our citizens won't be our partners there isn't much more that we can do. So when you go out there campaigning and say listen we have to get this achieved and we can tell you how little it's going to cost our people and I'm telling you right now that what we used to do, as Mr. Patten will remember being on Council prior and Mr. Higgins as Service Director. This city had the 70/30 split and 5% for Debt Retirement Service so the city would go and borrow \$10 million dollars or \$5 million dollars because of what we needed to do to accelerate our programs but we had the capabilities dedicated in the city's revenues to take care of it. So my answer to you Councilman is, again, you have to have more money; you're not doing it to beat somebody over the head. It's your town and we all have to live here and we have you keep saying we have to make tough choices now it's going to be up to our citizens to dig in their pocket for more money.

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

Mr. Piatak reported the Smith Road Sewer project mainline installation continues southerly towards Holland at Meigs and will continue to progress and mainline installation has exceeded 50%. To address Mr. Peterlin's comments of Snow Road and resurfacing of highways. I couldn't agree with you more that an appropriate crown is very important to extending the longevity of any kind of pavement. Also of importance is the existence of the subsurface drainage system which would be typically be the under drains which most of the roads installed in the 1950's or 1960's, at least the residential streets weren't installed with under drains. So the city is dealing with streets built 50 or 60 years ago that are being resurfaced but really need to be reconstructed. Also another point on maintaining city streets is a regular maintenance and crack-sealing program is very important to extend the service life of asphalt roads. The section of Snow Road and maybe we can talk after the meeting Mr. Peterlin and see what section of Snow Road you're referring to. The area of Snow Road between Van Wert just west of West 130th Street was reconstructed with the underpass and that project was six or seven years ago. The last time that Snow road was resurfaced was in the late 90's, '96 or '97 I believe, so the surface life of an asphalt resurfacing project is 15 to 20 years with proper maintenance and Snow Road is getting close to that and as a side note we have been working with NOACA (Northeast Ohio Coordinating Agency) and ODOT (Ohio Department of Transportation) on securing funds to resurface Snow Road in the near future.

Mr. Mencini stated concurred with how important the crack-sealing is for the roads and should be done on an annual basis. How is the project Smith Road project going between Hummel and Snow Roads?

Mr. Piatak responded mainline installation is completed through that area and the contractor's boring machine being used for the service laterals is being repaired so pavement have been put in some of the areas that won't be needed to dig up to put the laterals in so once the machine is up and running that area should be cleaned up.

Mr. Mencini stated the city is staying on top of the contractor to keep the potholes filled.

Mr. Piatak concurred.

Mr. D'Amico thanked Engineer Piatak for the handling of issues for residents on Smith Road during the recent resurfacing.

Mr. Troyer stated to Engineer Piatak it is my understanding that the Sylvia/Leslie Drive Project will be going out to bid within the next one to two months; is that correct?

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

Mr. Piatak responded the bid will probably be out either later this month or early next month.

Mr. Troyer stated what is the timeframe for this project to start since legislation was passed in 2014 and some of the work has been done; because people have been waiting for four years to see this project completed.

Mr. Piatak responded that project will be completed this construction season.

Mr. Troyer continued it's been almost a year since flooding was experienced; is there anything new on that, any fixes or thoughts or anything found?

Mr. Piatak responded not that I'm aware of or brought to my attention.

Mr. Burgio stated the Smith Road Project is on schedule and doing well is the completion date still sometime in August?

Mr. Piatak responded I believe the completion date is September 28th and anticipate hitting that completion date.

Mr. Burgio asked if the asphalt will be done all at one time?

Mr. Piatak responded yes, what is down there now at the intersection of Snow and Smith Roads is temporary asphalt to help with the intersection areas, crossovers and side streets so that those areas could be reopened. Right now there is a temporary concrete cap that was put on to maintain traffic and once the contractor is ready to pave the final asphalt surface that concrete cap will be pulled off and paving will take place from Hummel Road to Holland Road; that trench area.

Mr. Burgio stated that the Snow/Smith intersection was done in a quick fashion and didn't seem to be that much of a problem as anticipated.

Mr. Troyer stated concerning the cross-connections and sanitary sewer going up Smith Road when that is done and the cross-connections are fixed in the city. Will that sanitary sewer going up Smith Road help with storm water flooding?

Mr. Piatak responded if the cross-connections are fixed there should not be storm water in the sanitary sewer but I don't foresee the city eliminating storm water from the sanitary system altogether, you'll never do it, you would have to re-pipe the entire community.

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

Engineer Piatak: cont.

Mr. Troyer stated so the city will still have some cross-connections?

Mr. Piatak responded the city will have cross-connections or inflow or infiltration where there will be leaky joints that will allow the storm water/ground water to come through into the sanitary.

Mr. Troyer stated but they'll be greatly diminished so my question is when the city fixes all the cross-connections where will the storm water go during a big storm?

Mr. Piatak responded into the storm sewer.

Mr. Troyer stated that are filled to capacity?

Mr. Piatak responded that is where it belongs it doesn't belong in the sanitary.

Mr. Troyer interjected so there will still be an issue of where that extra storm water goes?

Mr. Piatak commented it would go into the storm sewer or would stay on the surface.

Service Director Cayet

Mr. Cayet stated last week the department took delivery of the street sweeper with two employees being trained and started cleaning the streets in Ward 4, east of the CSX railroad tracks has been done. The sweeper is currently in the public part of Ward 4 in the Lindmont-Michael areas and will be working towards the west end. The department has been taking care of the water breaks and has a handle on them. I called a contact that I have at the water company to get crews out here because the recent water break on Snow Road and West 130th Street was a disaster and the same for the one on Smith Road at Richard Drive. City crews have been digging them out and capping them with concrete and is getting ready to cap them with asphalt. Many calls have been received asking when the yard waste and that program will begin next week. I was recently approached by the state to have the sewers and laterals cleaned out on Route 237 which city crews completed today in order for the state to begin the resurfacing project on Route 237 from Eastland to Brookpark Roads. While up there today service employees John Bernath Jr. and Al Barberic, were coming off the ramp of Route 237 going north to Brookpark Road and witnessed a driver of a van hitting a pole. John and Al blocked traffic and called 911 and while waiting John Bernath, Jr. sat in with the van with the driver trying to comfort him, now sure if the driver suffered a heart attack, but the van driver passed; so I give John Bernath recognition because it's probably a tough thing to have someone pass in front of you.

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

Mr. Higgins stated to Service Director Cayet I was glad to see the sweeper out this week and because I'm familiar with a lot of your personnel at the garage I was happy to see Ms. Oblak and Mr. Apathy operating the sweeper, I think it was a good choice. To Mrs. Oblak, Diane, it's good to see you and you asked what can be done to clean up the neighborhoods I think you're doing what needs to be done; leading by example. Where I live there is the long brown fence by Settlement Acres and I don't know why people think that's a place to throw trash out the car windows while driving by. On a regular basis I take a rubbish bag and walk that strip cleaning it up and I think it's a mindset. ~~I played ball around the country and when visiting Long Island, New York and walk on the baseball fields over there you wouldn't even think about throwing a gum wrapper on the ground because that's how that place is kept.~~ So I think the idea is if you keep your community clean people will recognize that and when there is rubbish all over people think it's acceptable to throw rubbish all over the place. I don't know all the answers but I do know there is a program out there and don't know if Mr. Cayet has any applications for it; I used to do it. The county has a program where people can sign up and actually have prisoners come through the community and walk some of the main drags; Snow Road, Brookpark Road, Smith Road, etc. and take a van full of prisoners to clean up the city's main drags so maybe the city could look into that application process.

Mr. Salvatore stated to Mr. Cayet I'm glad to see that the city has a sweeper back and watched them work and think you made a good choice of the two individuals that are doing a great job and have seen improvement already.

Mr. Burgio echoed that the sweeper has been on Sylvia Drive and its good see it in action in picking up the dirt that will help with the sewers. Mr. Burgio invited Mrs. Oblak to the Beautification and Pride Committee that several residents' serve on and encourage people to take care of their properties; the next meeting is tomorrow, April 8th at the Recreation Center at 7:00 p.m. and you input would be greatly appreciated.

Mr. Mencini concurred that the Beautification and Pride Committee is a great group and is very proactive. Mr. Mencini stated to Mr. Cayet that it's ironic because I had dinner with John Bernath last night and he told me he would be working on Route 237 and I told him to be careful. Mr. Mencini stated to Mr. Cayet that he hears the sweeper and the Vactor that a lot of people are happy to see out. Are you going to try and stay on top of the sweeper, Vactor, rubbish and grass because those are going to be the main concerns and with the tree lawn because I've been getting some calls.

Mr. Cayet responded the department will do their best.

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

Service Director Cayet: cont.

Mr. Burgio stated that there have been some changes to the rubbish rules do you know when they will be mailed to the residents'?

Mr. Cayet responded the new rules are at print right now and I would say probably by the end of the week.

Mr. Mencini stated probably before the grass?

Mr. Cayet responded we'll try.

Mr. Troyer stated to Mr. Cayet I'm also happy to see the street sweeper especially on Calvin Drive where the gravel bomb was. With department crews vactoring out some of the sewers has anything been found that could have possibly caused last year's flooding.

Mr. Cayet asked for clarification of what neighborhood?

Mr. Troyer responded in my neighborhood there was flooding that hasn't been seen in 10 to 12 years and the same with Liberty Bell.

Mr. Cayet responded with the storm of May 12, 2014 was the first time my home ever flooded; so when a freak storm appears it's a toss of the dice.

Mr. Troyer asked for clarification if anything was found?

Mr. Cayet responded no, nothing out of the usual.

Safety Director Byrnes

Mr. Byrnes stated the Animal Shelter has been moved into the former building department facility on Smith Road. Mr. Byrnes stated that the city had a rather large DARE Graduation with 350 participants. The STOP Program has an extra unit of police officers patrolling strictly in traffic enforcement and is very successful and I believe that tomorrow's Mayor Court will be the largest court day in quite a while. Some unfortunate news on March 27th one of our young people was walking on the railroad tracks and was struck by a locomotive and passed away. This unfortunate incident happened on a Friday evening about 5:45 p.m. and the police and detectives worked all weekend on this case and dealt with the family. This is a very unfortunate accident and I can't answer anymore questions other than to report that a family has been devastated, young person lost his life and the city's police department did not

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

only talk to the family and keep things together they also had to deal with the medical examiner causing a very stressful weekend for the detective bureau. I wanted to publicly congratulate and honor them because that is very hard to deal with and they did a great job. I would not like to see this repeated in Brook Park again and wish that people would be more careful on the tracks. While driving to work in the morning I see people on Engle Road near the trains and never registered with me but now it registers everyday. So I would urge parents to tell your children to stay away from the tracks they are dangerous.

Mr. Mencini stated with the STOP Program is that residential, highways and Route 237.

Mr. Byrnes responded a lot is from the airport area and there are some residential areas but most of them are the Airport – I-71 vicinity.

Mr. Mencini stated its good that they are out because a lot of calls received are speeding. Another thing that I get a lot of calls on is about the train horn noise, Sunday morning those horns were blown seven, eight, nine and ten times and then there is the other part that you just mentioned with the unfortunate losing of a life, so this is like a two-way street. When people and/or children are seen walking on the tracks what can be done.

Mr. Brynes responded if somebody is seen walking on the tracks call the police department so that an officer can be dispatched and urge the person and/or children to get off the tracks; especially now with the sensitivity to this matter. The police department responds to every single call received and the problem is as a city we don't have enough police personnel like in the past. The department is really stretched and the work schedule has been changed to get more police officers on the road. There are still more calls that take time but if somebody sees something call the police department, the police officers will respond.

Mr. Mencini stated that's what I tell people call the police and they will respond.

Mr. Troyer stated to Safety Director Byrnes I was just wondering if more patrol could be given to Hocking Blvd., before the speed monitor machine is posted.

Mr. Brynes responded I will mention it to the police chief for special attention to that area.

Mrs. Powers stated to Safety Director Brynes a lot of speeding calls are being received for all the streets that cross Smith Road around the construction area; not only

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

Safety Director Brynes: cont.

automobile motorists but also construction drivers that are speeding on the side streets.

Mr. Brynes commented one thing that I would urge Councilwoman is if you receive a call like that tell the person to call the police dispatcher and let them know of speeding on the streets so that the issue can be addressed right away. Because all I can do is tomorrow mention it to the police chief and have the department give special attention but if a call is made to dispatch the speeding issue could be addressed immediately. Mr. Brynes continued I've said this before the best way to get attention to a problem if you live in Brook Park is to call the police department and let the dispatcher know so that the issue can be acted on right away.

Law Director Jamison

Mr. Jamison stated I would first like to address is the question about the emergency clause that I think is a good question because that is something that is really misunderstood; as it relates to the passage an ordinance or resolution. The law in Ohio and are Charter provides that if there is no emergency clause and typically it's the last section in every piece of legislation. What the emergency clause does is that if it's not in the legislation under State Law and the Charter states that the legislation takes effect 30 days after the Mayor signs the legislation. By doing the emergency clause what you do is take away the 30-day waiting requirement and that piece of legislation would go into effect immediately after the signing by the Mayor. So all its doing is accelerating the effective date of that legislation; it doesn't change anything, it doesn't mitigate anyone's rights or anything like that. What it basically allows is for the legislation to go into effect immediately; that is the purpose of the emergency clause. In my experience the City of Brook Park is not unusual most cities have that kind of clause in their legislation that is adopted by Council. The second question brought forward was about the lawsuit in terms of could anything have been done prior to the vote being taken in February and that was something that I addressed a couple of weeks ago or last month but it is a good question again to the extent that was something that was asked by this Council last August. When this issue was first raised last August when the petitions were presented, at that time, the question was raised can we determine the validity of the ordinance in question, or the proposed ordinance and the answer to that as I gave last August was no. The law doesn't provide for that the law provides that as that ordinance was presented that this Council had the right to either adopt it, amend it or reject it. Just to go through this once again this Council, through a lot of work, a majority decided to amend it because in their mind they felt that that would be the way for it to be effective. Again, reiterating what I've said consistently since this was first adopted last August. In my opinion, the ordinance as presented first in August and later to the voters in February would never have any legal effect. So what this Council attempted to do by amending

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

it last August was to try and make it have some meaning to try and honor the intention of the people who signed that petition. So that essentially the law doesn't allow this Council, me or anybody to prejudge the validity of a proposed ordinance before it goes to the people and that's basically because we are not judges; that is something the court of law has to determine in order to make that judgment. A court of law isn't going to do that because, for lack of a better term, it wasn't right for being resolved to determine its validity. The law basically provides that it has to go to voters and if it is adopted or passed at that time you can then challenge or question its validity; so it's a good question. We did not have the ability legally or ~~administratively to make that determination before it went to the voters.~~ With that being said, like I said a couple of minutes ago, from the beginning I have consistently stated that there was an issue with the effectiveness or the ability of that proposed ordinance to be a valid ordinance or law. As I've said consistently it usurps the ability of the Executive Branch, in this case the Mayor's office, to run the day-to-day affairs of a certain division or department and that's the problem with this ordinance. It doesn't get to saying that the vote was not legitimate, it wasn't that we're questioning how it was filed with the Board of Election; this lawsuit is not about that. We're not saying that anything was done improperly in gathering of petitions or anything like that; what saying is that this ordinance as proposed and as people wants it to be enforced. There's a real question as to whether it should be enforced because it carries a lot of precedent for how cities run their day-to-day affairs. So obviously there's a difference of opinion between what I feel and others and the committee that brought this forward. That committee feels strongly that the ordinance should stand; I feel strongly the other way and that's why you have a court of law to resolve those differences. I did not bring this lawsuit randomly against certain individuals in the city those three people that were named were the people who represented that they were the committee on the petitions that were circulated to the public and that were presented to the Board of Elections. The three people named as defendants in the lawsuit represented that they were the committee and the law clearly provides and there is a lot of case law where people in the committees collectively and individually have been named as defendants in these kinds of lawsuits; this is not the first time that this has happened so this is not a new law in that sense. This is something that goes on all the time where there are legitimate questions as to the validity of what was passed so that's the real purpose of what we're doing here. I heard the statement before that someone's going to lose their home. The city is not suing people for monetary damages; we're suing for the courts to determine whether the city has to follow that proposed ordinance or not, that's really what the lawsuit is about. So that this hysteria about that I'm picking on people or that the law department is picking on people is wrong. The last thing is that Mr. Kosmerl stated that he had sent me two letters in the last couple of weeks and initially I wasn't going to respond to them because essentially they were personal attacks on me; essentially

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

Law Director Jamison: cont.

personal attacks on my faith as a Roman Catholic. He questioned that I was acting like Judas for the love of money and he questioned that I was not a devout Catholic, which I have been for all 55 years of my life. He has questioned that my souls imperil in the two letters that he sent to me and I would sit here and say that is none of his business. That the way I practice my faith is between me and my God and for him to judge me is not appropriate in this forum whatsoever and I would say to you, Mr. Kosmerl, because I did look it up from Matthew; judge not that you be not judged for what the judgment you pronounce. For the judgment that you pronounce you will be judged and with the measure you use it would measure to you.

Mr. Kosmerl from the audience can I respond.

Mr. Patten responded no, you cannot, Frank, we are out of audience participation.

Mr. Burgio stated to Mr. Jamison there has been a lot of talk about trains this evening and Mr. Patten touched on it when he spoke about Mr. Salvatore's meeting with CSX representatives. Mr. Patten and I received seven emails from residents within the last 24-hours about idling trains and right now the police cannot enforce that law if the train is more than 100' away. Would it be to the city's benefit to increase that, can the city increase the distance to 200' or 300' feet? Do you think that would help and be enforceable?

Mr. Jamison clarified to Mr. Burgio this is about the ordinance that was amended last year?

Mr. Burgio concurred.

Mr. Jamison continued here's the problem with that ordinance. There have been meetings with both railroads and you were at one of them and there was one about a month ago with my assistant law director meeting with the other railroad. The railroads have asserted under federal law that they are exempt from local regulations because of specific things in the U.S. Constitution that provides that cities cannot interfere with interstate commerce. Recently, last year, there was a lawsuit up in the Federal Courts in Toledo, OH that addressed that issue and in that case the court found for the railroad. Our city is not the only ones going through this Olmsted Falls are having the same issue as well as other communities. The thing that is going on is the railroads at that point will push back and say if cities are going to make things more stringent or increase the fines that the railroads will push back. There have been a number of citations that are pending in Berea Municipal Court and the police have been diligent and doing what they are supposed to. The problem arises is that,

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

as you know from that meeting, that there is many reasons why the railroads are doing this. One is because business has picked up and I don't know if that is an indication that at least they business is doing better. The explanation that the railroads gave to the city is that they don't have enough personnel to handle the locomotives to get them moved in an appropriate fashion and that's when this issue was discussed three or four months ago that the railroads are looking to hire people and having a hard time filling positions because nobody want to do that kind of work. On top of that the other issue becomes where it's located and what the city can do again is try and sit down with the railroads and with that initial meeting they were going to try and be more responsive especially to the idling trains because that clearly can be disconcerting so that is something that can be addressed. The ongoing problem with the signal blowing gets to the issue that Safety Director Byrnes related to the young person recently losing their life. The conductor sees somebody or an animal on the tracks or sees something the conductors are trained to blow the whistle because from their perspective if they don't and cause an accident they can be sued because they're not employing the methods or protocol that they are trained to do. As far as the signals the city can try and do what we can but the idling has been a constant problem in the last year and a half and I'll follow up with the safety director to see what we can do.

Mr. Burgio commented hopefully something can be negotiated to where the trains are parked far enough away from residents because one train was idling for seven and a half hours.

Mr. Jamison responded that was the discussion that we had with the railroads and they were going to attempt to do that.

Mr. Burgio stated what about the fact if they're idling and there is nobody occupying them couldn't that be a safety problem that could be discussed with them.

Mr. Jamison responded the problem as explained to me is that there is a 12-hour limit that a locomotive can be operated and by federal law and regulations once the conductors get to that timeframe they have to exit the train. The conductors are not allowed "work overtime". So the problem becomes then that the conductors have to shut down the train and wait for a new crew to arrive and it takes a while for the momentum to get the train moving again. So that's the dilemma and what it really gets down to is that the railroads need more crews so that these trains aren't idling. The big problem is that there are federal safety regulations that sort of control this type of activity.

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

Law Director Jamison: cont.

Mr. Burgio stated looking forward to the meeting and hopefully we can discuss this and there will be a positive outlook.

Recreation Director Fields

Mrs. Fields thanked Tim Chornak and the Brook Park Boosters for purchasing three flat-screen televisions for the weight room areas and the members truly love them. The Boosters are paying for food tomorrow for the children that are out of school for spring break and the department has started a new mentoring program. The department will be doing different activities with the children from 2:00 p.m. to 7:00 p.m. Mrs. Field also thanked everyone who donated and participated in the Easter Egg Hunt that had over 300 participants.

Mr. Mencini concurred with the Boosters and the televisions are tremendous; the Brook Park Boosters do a lot and don't ask for much back.

Mr. Troyer thanked the young adults that helped with the setup and tear down for the Beautification and Pride Committee.

Finance Director Cingle

Mr. Cingle stated that March monthly financial reports were issued and will be available on the city's website within the next day or so.

Mr. Salvatore asked Finance Director Cingle what the savings are for moving the Animal Shelter into a city building.

Mr. Cingle responded I haven't done that as of yet but will get that information to you.

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

New Legislation:

1. A Resolution Honoring the Berea-Midpark Titans Boys Basketball Team for their winning the back to back Southwest Conference Championship and District Runner-Up and declaring an emergency. Introduced by Councilman Burgio **Placed in Recreation Committee**

Verbal Approval:

1. APPROVAL TO CONSTRUCT A NEW 100' WIRELESS COMMUNICATION TOWER AT 1901 AEROSPACE PARKWAY LOCATED IN THE U6 ZONE.

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

Verbal Approval:

1. APPROVAL TO CONSTRUCT A NEW 100' WIRELESS COMMUNICATION TOWER AT 1901 AEROSPACE PARKWAY LOCATED IN THE U6 ZONE.

Motion by Mr. Higgins, supported by Mr. Troyer, to verbally approve.

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

NAYS: None. The motion carried.

MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):

1. RESOLUTION NO. 7-2015 HONORING THE BEREA-MIDPARK ACADEMIC CHALLENGE TEAM AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Council Members Troyer, Mencini, Powers, Higgins, Burgio, D'Amico, Council President Patten and Mayor Coyne

Mr. Patten stated that Resolution No. 7-2015 has had its First Reading.

2. RESOLUTION NO. 8-2015, IN SUPPORT OF HOUSE BILL 60, 'DICK GODDARD'S ACT AND DECLARING AN EMERGENCY. Introduced by Councilman Burgio and Council Members Troyer, Mencini, Powers, Higgins, D'Amico, Salvatore, Council President Patten and Mayor Coyne

Mr. Patten stated that Resolution No. 8-2015 has had its First Reading.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):

1. ORDINANCE NO. 9961-2015 AMENDING SECTION 1313.04 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'GENERAL RESIDENTIAL BUILDING PERMITS FEES' AND DECLARING AN EMERGENCY Introduced by Councilman Mencini

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

Mrs. Powers stated that we are encouraging people to keep up with their property and maintain their property and yet we are, in a sense, penalizing them by raising the

Introduction of Resolutions and Ordinances: Second Reading: cont.

residential building permits fees. I think we should leave the permit fees the way they are because money is tight with most people in this community. If the city raises the fees then the contractor raises their fees to cover that, so it's a double penalty for the person trying to maintain their home.

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

Mr. Patten stated that Ordinance No. 9961-2015 has had its Second Reading.

2. ORDINANCE NO. 9962-2015 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT BETWEEN BREWER-GARRETT COMPANY AND THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Mr. Patten stated that Ordinance No. 9962-2015 has had its Second Reading.

3. ORDINANCE NO. 9963-2015, 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

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

Mrs. Powers asked for a more detailed explanation of this legislation, because even if it's considered housekeeping or whatever, this tells me basically nothing. It doesn't tell me what ordinances are being changed.

Mr. Patten responded this is for the Codified Ordinances that are the laws of the City of Brook Park that have been passed and are in enforce. The codifier goes through the codified and makes all the necessary changes that were made the previous year so that city personnel can do their jobs and knows what they are enforcing; this is considered housekeeping in every single community.

Mr. Jamison commented the Clerk of Council always has me review what is sent over by the service that does this work for us and I approved everything that is going into the codified. This is consistent with what Council adopted in 2014 and there are some instances where the Ohio Revised Code has been updated so the city's local code is updated to coincide with the state code; as it relates to traffic and criminal offenses. For example, a definition that may get changed and every year I am asked to review

Introduction of Resolutions and Ordinances: Second Reading: cont.

these updates every year and this year I did not see any problems with what was done. The codified incorporated the things that were passed in 2014 and also they updated certain parts of the local code that had been modified at the state level.

Mr. Salvatore commented if there was an ordinance for housekeeping this would be at the top of the list.

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

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

ROLL CALL: AYES: Troyer, Salvatore, D'Amico, Mencini, Burgio, Powers, Higgins
NAYS: None. Ord. No. 9963-2015 has passed under Suspension of the Rules. Adopted.

THIRD READING OF RESOLUTIONS AND ORDINANCES:

1. ORDINANCE NO. 9959-2015, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COUNTY FOR THE RESURFACING OF WEST 130TH STREET AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

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

ROLL CALL: AYES: D'Amico, Troyer, Salvatore, Mencini, Burgio, Powers, Higgins
NAYS: None. Ord. No. 9959-2015 has passed under Suspension of the Rules. Adopted.

Council/Administration Remarks:

Mrs. Powers stated I wanted to say a few things about the things that were brought up tonight by our constituents and also about the presentation, from two weeks ago, with the magnets being placed on residents' refrigerators to a cost of approximately \$60,000. There is something called the 'Vial of Life' which gives the same information and it's free and can be downloaded from the Internet. A packet is sent and you put the vial on the refrigerator and another notice is included to be placed on the door so that if there is an emergency they see the notice on the door. The problem with it is this will work if the problem occurs at home but not if people are out and about. I talked to other people about this and know a friend that wears a medallion type necklace that is worn that includes all necessary information. If this friend would have a medical problem while out and about the 800-number can be called to obtain all necessary information. Fairview Park Hospital also has something called 'My Chart' and a card is carried in a wallet and if there was a medical emergency the safety

Council/Administration Remarks:**Councilwoman Powers: cont.**

forces would have access to this card and call any Cleveland Clinic facility to obtain the necessary information; so there are things that are free or at a very nominal cost that is available. Mrs. Powers continued to Mr. Riva that if he would drive down Elm Street, in the Fairlawn area or West 140th Street, he would see that a few years ago those streets were resurfaced. I also agree with everyone that spoke tonight about this lawsuit the city doesn't have the money for it and shouldn't have the stomach for it; people can bring religion in if they want to but my God says that you are accountable for everything that you do and just because some law book says you are technically allowed to do this doesn't mean its right in the eyes of God or man. Many people have come and said that this lawsuit is frivolous and a waste so I don't know why it just can't be dropped and don't care what the explanation means; the city does not need to be pursuing this. The city streets speak for themselves but I would like everyone that is here tonight to know that a budget was passed that had no monies for streets; zero dollars. There were also about 17 city employees laid off last year so there was that savings and those monies were just absorbed somewhere but they didn't go for roads. Even with those 17 layoffs and all the monies that were saved we still passed the same budget as last year which to me shouldn't have been and I didn't vote for the budget. As far as the animal shelter changing its wonderful that the city doesn't have the \$1,850 rental fee and surely the utilities will be less in this new building but there are no laundry facilities for the animals bedding and so forth in the new facility. There are no stationary tubs large enough to handle cleaning food and water bowls so there are some problems that needs to be addressed and will cost the city some money. One other thing to Mr. Cingle how much does it cost for the Ruple Road Fire Station? How many firefighters did the city layoff; five or six that should save some monies. The fire station is already there so what is the cost?

Mr. Cingle asked Mrs. Powers for clarification as to the cost of operating the fire station as far as utilities or personnel as well?

Mrs. Powers responded utilities because that's what it costs to keep the station open.

Mr. Cingle responded plus the personnel?

Mrs. Powers responded yes.

Mr. Cingle stated I will perform an analysis and get that information to you within the next week or so because there are also personnel with two firefighters being there at all times. Roughly with the utilities and the repair/maintenance when looking at that about a year or so ago I think it was roughly around \$12,000 just on the utilities, repair/maintenance and miscellaneous expenses and that did not include personnel.

Council/Administration Remarks:**Councilwoman Powers: cont.**

Mrs. Powers asked how many firefighters were at the Holland Road station when the Ruple Road station was closed. Is the city hiring more firefighters to go over to Ruple Road or just moving two from the Holland Road fire station.

Mr. Byrnes commented when the Ruple Road fire station was closed all the personnel was assigned to the Holland Road station. Once the Ruple Road station was reopened people were transferred from the Holland Road station. There were no additional hiring of personnel and no one was laid-off when the Ruple Road station was closed. All that was done is the transfer those firefighters over to the Holland Road station.

Mrs. Powers stated so are you telling me that the city was paying the same number of firefighters when they were all at Holland Road that we are paying for some at the Holland Road station and some at the Ruple Road station.

Mr. Byrnes responded the city has the same number of personnel and transferred the two firefighters from Ruple Road daily, which were a total of six for the entire week, over to the Holland Road station. Then when the Ruple Road station was reopened there were two firefighters per day back to the Ruple Road station; leaving only five or four at the Holland Road station. Instead of having six people minimum on duty at Holland Road we now have seven on duty and two of them are stationed at the Ruple Road station; we don't have the same number at Holland Road.

Mr. D'Amico stated to Councilwoman Powers I would like you to call the fire station and talk to them about that Vial of Life. The reason it isn't being used is because it's not an approved program and it's not something that worked over at the fire station. Also, the reason the USB port that we talked about is a good idea and you're talking about not protecting people in the Metroparks. Councilman Burgio implemented the expedition of the Beacon Light Program that allows safety personnel to see the house when coming down the street; people didn't take the light when walking in the park either but it's to protect city residents' in their homes. That's what I'm trying to along with other City Council Members that may support this. If I could come up with a better way to track residents' while going around town or somewhere outside their homes to protect them I'd be the first one to ask all Members of Council to do so. At this point in time this is the best resource that I can come up with along with some other Members of Council to expedite the response time. You talked about response times before with the fire station being closed and the ambulances being too far and the thing is with this it helps expedite the rescue process. You can talk to the firemen about inserting the USB port into their laptop when a spouse or a loved one in the household is having a heart attack or some other medical emergency and unable to respond and the person that is related is hysterical. As far as that goes I think it's a good program and appreciate your comments but think you should do more studies before remarking on it.

Council/Administration Remarks:

Mr. Higgins stated to Finance Director Cingle I think what Councilwoman Powers was asking is the cost of opening the Ruple Road station. Some of the lines of her questions to the safety director tells me once again that I don't think she quite understands what happens when that station gets open. What happens when that station gets opened is contract language which kicks in minimum manning language which says there must be seven people on duty. So when the minimum manning language kicks in because a second station is open and that was the purpose of that ballot language, maybe you don't understand what that was all about, or what the law director is referring too. There is an overtime associated cost with this it's just not the number of people but the overtime costs. So if you take a look at the expenditures of overtime from last year for the fire department and the anticipated expenditures in this year's budget you're going to find it is hundreds of thousands of dollars difference. So Mr. Cingle when you prepare that please include the anticipated expenditures of overtime because of the opening of that station in that figure.

Mr. Cingle commented my analysis will include the increase in overtime as well.

Mr. Burgio commented I think the process that we have here is something is brought forward to try and get information and commend Councilman D'Amico for bringing that program forward so that Council can study it and that is currently where we are with the RESCUE Program. Not sure if it's going to fit for Brook Park or not but I do like the fact that we can help our residents' in some way and it may not be that way I don't know. With the Vial of Life I spoke with the fire chief yesterday about that and am trying to get more input on it but I think we can at least tell people to be prepared for emergencies by having the medications written down so that safety forces can have it and eliminate some time in asking questions. Anyway that we can prepare our residents' to take better care of themselves I'm all for it and thankful that for the presentation and I think the process is working that we are examining it and it may turn out not to be that. I'm even thinking that the Vial of Life may have a merit to it and will talk to fire personnel more on that subject.

Mr. Troyer stated to Finance Director Cingle did or did we not lay off five firefighters at the beginning of the year.

Mr. Cingle I believe there were five firefighters laid off as of December 31, 2014.

Mr. Troyer stated when the Ruple Road station reopened there were two firefighters hired back, is that correct?

Mr. Byrnes stated I'm better prepared to answer the question. We recalled two firefighters actually three of the five that were laid off within 60 days. The other ones are not coming back but we did recall three of the five firefighters within 60 days.

Council/Administration Remarks:

Mr. Troyer continued I guess my point is that when we opened that station we did not have the same amount of firefighters available to move out there and brought three back. So we're still short two so that will create overtime because we don't have the same amount of firefighters in the department when running both stations last year with the seven-man minimum.

Mr. Byrnes responded Councilman, the seven person minimum on past years created an enormous amount of overtime. Last year we cut the overtime down to under \$75,000 because by closing the station we reduced the seven-man minimum to a six-man minimum and it was fine and reduced response times. Opening that station what we did was we took existing firefighters and the equipment and moved it back to Ruple Road. We didn't add any numbers we just merely stationed them in a different building but the one thing that we did do is increase our manning level back to seven. Which is why you increase the overtime budget last week by your vote; so all we did move the equipment back we didn't do anything else.

Mr. Troyer continued what we did was when we had a seven-man minimum with that fire station open. We closed that fire station and originally you moved everybody back to the main fire station (Holland Road) and my understanding is that times were as low as six, as low as five on duty at the main fire station. You can tell me anything because this is what I've been told so it is what it is. It's just you didn't...when you laid off the firefighters and tried to back to seven-man, two fire stations open and you're short two firefighters that creates the overtime. If we wouldn't have laid off the firefighters you wouldn't have the problem with the overtime. Last year it wasn't the fact that you closed the fire station, so much, that it cut the overtime. Its there was an agreement in the contract to limit the overtime to a certain amount of money.

Mr. Higgins commented no.

Mr. Patten commented no, go ahead Dave.

Mr. Brynes stated Councilman; there is no agreement in the contract whatsoever on the overtime figure; that's a Councilmatic function. We didn't negotiate on a figure with the fire department we informed them that we would try and limit it to \$75,000; that's the figure that Council passed. The Administration tried to work within that figure and I think Greg correct me; think we were just under that I believe for the year. That's not a contractual item the union can't negotiate their overtime budget that's a function that you guys do.

Mr. Troyer stated it was in the contract, it was an Addendum...

Mr. Brynes interjected it was not in the contract; it was not in the contract that is not correct. I will give you the contract and if you find it I will buy you dinner.

Council/Administration Remarks:

Mr. Troyer stated you're talking about last year? I don't have it with me.

Mr. Brynes I'm talking about last year I've only been here a year and a half but I'll buy you dinner if you find it.

Mr. Troyer continued so the fact of the matter is if that's even true and I don't believe it is because I've read the contract.

Mr. Brynes interjected I wouldn't state as fact to you Councilman, I don't lie.

Mr. Troyer continued if the overtime was cut last year it was because you cut the amount of firefighters on duty; or necessary to be on duty.

Mr. Brynes stated the overtime was reduced last year and the primary reason it was reduced is because we eliminated the minimum manning standard. I prepared a document for the Mayor and Council where I estimated how many man-hours it would take to man both fire stations and giving our manning level we were going to be short. All the sick leave is covered by overtime and etc. and when we combined the stations we saved some overtime because we didn't have the seven-person manning. We still had the same equipment and still responded from the same building and the rational for closing the station was frankly 60% of our runs happened on the eastern side of Brook Park. When we moved those two firefighters back to Ruple Road we lengthened the response times back to the eastern half of Brook Park but the overtime was cut because we eliminated the seven-person manning; the \$75,000 is not in the contract that was an administrative decision. It's not in the contract now and it wasn't in the contract last year but the savings was because we reduced the number of people on duty; we didn't have the seven-person manning, we didn't lay anybody off until the end of the year.

Mr. Troyer asked I don't have the year wrong, correct?

Mr. Brynes responded you don't have the year...there is no...let me answer it this way Councilman. There is no contract, to my knowledge, that exists in the City of Brook Park's history where the budget was in the overtime figure in the contract for the firefighters; either during my tenure or the two or three contracts before. I've never seen anything like that and nor was it negotiated when since I've been safety director.

Mr. Troyer stated there was a \$75,000 limit?

Mr. Brynes responded that was a Councilmatic function in the budget.

Mr. Troyer stated in the budget.

Council/Administration Remarks:

Mr. Byrnes continued in the budget, yes. I think you initially passed \$125,000 and we had administratively tried to stick to \$75,000 and yes we discussed that with the unions. That our intention was to cut the overtime and we did to cut the overtime to a little under \$75,000.

Mr. Troyer commented right, by closing the station and eliminating the seven-man minimum; correct?

Mr. Brynes responded by eliminating the seven-man minimum, correct.

Mr. Troyer continued which allows you to not...when somebody called in sick or too many people called in sick or called off; you didn't have to call anybody in. So the way you eliminated the overtime was to run a six-man or five-man at times; that's how the overtime was eliminated; you didn't have to call anybody in, correct?

Mr. Byrnes responded seven-man minimum was eliminated and that saved some overtime, absolutely.

Mr. Troyer stated okay, we didn't have the same amount of people at the main fire station as we had when both fire stations were open and a seven-man minimum all the time.

Mr. Brynes responded actually we have both stations open now and that ordinance requires that five people a day. We never went below five people on Holland Road, ever, even when Ruple Road was closed. Mostly there were six or seven and sometimes even eight but they were all at one station. It is true without the seven-man minimum we could have run short if the chief decided to do run with six and not replace somebody who called in sick and that's a decision the administration made.

Mr. Troyer commented that's where the savings came in?

Mr. Brynes responded that's where the savings came in.

Mr. Higgins stated if my memory serves me correctly maybe Councilman Troyer is getting a little confused with I think the union did offer the city during contract negotiations, Mr. Brynes correct me if I'm wrong. Didn't the union try to offer the city some type of agreement where they would cap the overtime at a certain dollar amount; if in fact the Mayor left the Ruple Road station open?

Mr. Brynes responded that is absolutely correct it was a discussion that we had with the union but its language that is not part of the collective bargaining unit nor is it enacted by Council.

Council/Administration Remarks:

Mr. Salvatore asked Mr. Cingle if the capital side of the budget is being worked on.

Mr. Cingle responded yes, the Mayor has the figure as to how much can be spent this year on capital improvements. That's why the budget didn't reflect any amounts for roads but as the engineer stated earlier the Leslie Drive is ongoing and will be funded this year and part of the Mayor's capital improvement budget for 2015.

Mr. Salvatore asked how soon will the capital improvements budget be ready.

Mr. Cingle responded you would have to ask the Mayor that, I know he's working on it.

There being no further business to come before this meeting Council President Patten adjourned this meeting at 10:07 p.m.

RESPECTFULLY SUBMITTED Michelle Blazak
Michelle Blazak
Clerk of Council

APPROVED May 5, 2015

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