

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, APRIL 21, 2015**

The meeting was called to order by Council President Patten at 7:30 p.m., the clerk called the roll and the following Members of Council answered:

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

Also in attendance were Mayor Elliott, Finance Director Cingle, Service Director Cayet, Safety Director Byrnes, Recreation Director Fields, Engineer Piatak, Law Director Jamison, Building Commissioner Hurst.

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**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

**DISCUSSION:**

1. **THRIVING COMMUNITIES INSTITUTE – Councilman D'Amico**  
**In attendance: Mr. Jim Rokakis –Director**

Mr. D'Amico stated Mr. Rokakis was the former Cuyahoga County Treasurer and is now the Director for the Thriving Communities Institute and at a recent dinner for NOACA (Northeast Ohio City Council Association) that Councilman Troyer and I attended. Mr. Rokakis spoke about Tree Stewardship Programs and how we can help ourselves with programs. We know about different things we need with trees in our city and all have complaints about where the trees were planted and why they don't grow right and maybe the trees are not conducive for the spaces.

Mr. Rokakis stated thank you for inviting me here tonight and I really enjoyed doing that presentation and enjoy coming back to Mayor Coyne and City Council. Whenever I appear before Councils I always say that I spent every Monday night in front of Cleveland City Council for 19 years. When I left office back in 2010 when county government changed I went to Western Reserve Land Conservancy primarily to set up land banks throughout Northeast Ohio and currently have 23 land banks. One of the things that the institute is involved with is the planting of trees or greening efforts because the institute has been very heavily involved in raising monies for demolition and have raised approximately \$230 million dollars in the last three years to knock down houses in Ohio, taking down over 20,000 blighted properties. One of the questions asked by the board is okay you're knocking the houses down then what? It became sort of logical that there'd be a greening component and that is how we got involved in the issue of planting trees; in

**Discussion: cont.**

fact the land conservancies ended up buying out of bankruptcy two tree farms in Lake County and are in the process of moving a lot of those trees out into communities throughout Northeast Ohio. The institute has planted about 100 today by the old St. Luke's hospital neighborhood. The institute has been heavily involved in the country sides and have consumed about 40,000 acres as far east as Ashtabula, as far west as the islands and as far south as the Ohio River in Belmont County. The institute has protected 560 properties, 42,000 acres that have been protected all over Northeastern Ohio. What that means is the institute finds the monies to purchase these properties, preserve them, they remain wild and natural and no development takes place. The institute is also heavily involved in taking down houses and an early estimate in Ohio when this program first started was about 100,000 houses in distress and that number is now down to 20,000 and there's still about 12,000 to 13,000 houses left in Cuyahoga County. The institute created an urban park on Triplett Blvd. in Akron near the Goodyear track is involved in creating urban parks and recently the institute partnered with the Holden Arboretum and with a group called Cleveland Neighborhood Progress and this evening in the City of Parma there is volunteer training for the planting and maintenance of trees. Mr. Rokakis showed a slide of a tree canopy list and at the bottom of the list was North Randall and the next lowest is the City of Brook Park which is below Cleveland, Warrensville Hts. and Linndale. When speaking with County Planning about this because the city does have trees but county planning explained to me that the footprint of the city is looked at and how much permeable versus un-permeable parking lots and buildings. The best study of what trees do in terms of making a healthy neighborhood is keeping water out of storm sewers and there are many requests to have trees taken down because of leaves and blocked sewers. The reality is where there are trees neighborhoods are healthier and a study shows that where there are trees there are fewer anti-depressants and trees keep neighborhoods colder in the summer and warmer in the winter. As mentioned earlier there is a tree training session going on in Parma tonight that is a six hour course, over two night, and after taking this course people will have a good idea on what kind of trees to plant, what kind of trees that shouldn't be planted, where to plant them and how to maintain them because you don't want the electric company coming and hacking away at the planted trees. This training also teaches people what to look for as the tree is growing, how to prune a tree and the dos and don'ts of tree planting. If Brook Park is interested a session could be set up if there is a committee of citizens interested in planting trees. There are monies available through ODNR (Ohio Department of Natural Resources) for tree planting throughout Ohio and there are also monies made available through the Great Lakes Restoration Initiative and the institute has received about \$350,000 for the City of Cleveland in the past two years. So monies are available but there has to be an advance plan in place with an interest to plant trees and where the trees will be planted. The

**Discussion: cont.**

institute has two tree arborists that would like to sit down with Brook Park and explain the tree steward program that is free with sandwiches and snacks provided through grants received from other foundations; to date the institute has trained approximately 180 people as of last night.

Mr. D'Amico asked Mr. Rokakis to speak on the trees in backyards that we talked about giving people trees to put on their property.

Mr. Rokakis stated this program is based on a program that was seen in Pittsburgh and called 'Tree Pittsburgh' with vacant land being taken and have planted thousands of seedlings and have volunteers to maintain them on this vacant land over the course of two, three or four years those trees are ready to be planted. The reason that arborists are so important is to provide good sense as to what trees make sense, which are indigenous and what trees should be planted in Northeast Ohio. If you visit some of these vacant lands in Pittsburgh and have volunteers maintaining these little tree farms and at the end of a few years the trees are moved to the backyards of properties all over the City of Pittsburgh. 25,000 trees have been planted since the year 2006 and the most important thing is that 90% of those trees are still alive. The City of Cleveland under former Mayor White's terms in office planted about 40,000 trees through Cleveland Public Power and my understanding is those trees are almost all dead. So if people are going to plant trees make sure there is maintenance in place to take care of it and, unfortunately, because of city budgets and so forth the maintenance of that tree would be relied on through volunteers.

Mr. D'Amico asked Mr. Rokakis for the statistics on the sewer-water drainage for the canopy.

Mr. Rokakis responded a mature tree keeps between 30,000 to 40,000 gallons of water out of the storm sewer system. Now the problem is that the city won't be getting mature trees; so there will not be an immediate mitigation effect but if the city works with Regional Sewer who should play a critical role in this all over their footprint because it is a known fact that water will be kept out of the storm sewers.

Mr. Mencini stated is there any special type of tree that can be planted that won't interfere with the sewers or utility lines.

Mr. Rokakis responded the arborists would be better to explain what trees can be planted. One arborist works for Holden Arboretum that is in Lake County and wanted nothing to do with Cuyahoga County. About six months ago the Arboretum took over the Cleveland Botanical Gardens and now wants to be heavily involved not only in Lake County but also in tree planting in Northeast Ohio.

**Discussion: cont.**

These arborists will come in and give a history of cities that have made mistakes about planting the wrong kinds of trees on tree lawns that have a V-shape because of cuts made by the utility companies and this is not only here but it's all over the State of Ohio. There are trees that are more respectful of small spaces and the arborists will work with the city for trees that make sense for backyards and also on spaces for businesses. Ford Motor Company has a carbon offset program and have been involved in some greening and I'm curious to know if Ford would be willing to make some of that carbon offset money available here for planting.

**Motion** by Mr. Burgio, supported by Mr. Mencini, that item number one was discussed. Members of Council voted AYE. The motion carried.

Mr. Patten thanked Mr. Rokakis for the presentation.  
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**RECREATION COMMITTEE – CHAIRMAN, BURGIO:**

1. 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 and Council Members Troyer, Mencini, Powers, Higgins, D'Amico, Salvatore, Council President Patten and Mayor Coyne

Mr. Burgio stated that last fall some of the children were honored for their football winnings and they've done it again winning the southwest conference championship.

**Motion** by Mr. Salvatore, supported by Mr. Troyer, to place on the next Council agenda. Members of Council voted AYE. The motion carried.

Mr. Burgio commented that in past years City Council has sponsored students for the Best of Brook Park event and this year I would like to ask Council if they would sponsor the Academic Challenge Team members.  
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**SAFETY COMMITTEE – CHAIRMAN, SALVATORE:**

1. A RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION OF OHIO LIMIT UTILITY PROVIDER'S ABILITY TO CONDUCT HOME SOLICITATION. Introduced by Councilwoman Powers

**Safety Committee – Chairman, Salvatore: cont.**

Mrs. Powers stated this was introduced because the people who come to residents' doors are very aggressive and insisting that residents' sign up with them for utilities. The issues I have with this are that nothing is known about these companies and residents' are afraid to open doors to strangers. Usually these solicitors come around later in the evening and I don't think it's a good idea to have residents' pressured because there are other ways to contact residents' about their services.

Mr. Burgio asked Law Director Jamison if the city is allowed to limit solicitors.

Mr. Jamison responded there is an ordinance on the books for people going door to door. ~~My understanding that this is just a resolution requesting anyone related to Public Utilities Commission not to use aggressive tactics.~~ This wouldn't override or change the existing ordinance on the books.

Mr. Higgins stated my understanding is that this legislation is to request that the Public Utilities Commission of Ohio (PUCO) ban door to door solicitation by utility providers as mentioned in Section 1. The city has a mechanism in place where people have to register with the police department but this legislation actually states 'ban'. I know the city can't ban door to door soliciting but I think Councilman Burgio is asking if the PUCO is allowed to actually ban companies that provide electricity from soliciting door to door; my feeling the answer is no.

Mr. Jamison responded Section 1 of the legislation we are just requesting that the PUCO do this and are not outlawing or banning it in the city. As far as the PUCO I don't know if they have that specific ability. This is just a resolution requesting public utilities to ban this activity and the PUCO can choose to do what they want with this legislation. My understanding of this is the PUCO doing whatever they can to ban door to door solicitation and does not make it legal in our city for what we do, just for clarification.

Mr. Troyer stated I concur with the law director this is just a resolution and asking to ban door to door solicitation would so show the seriousness of this. I have had some issues in Ward 1 about this especially in the winter months when it gets dark earlier.

**Motion** by Mr. Troyer, supported by Mrs. Powers, to place on the next Council agenda.

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

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**Motion** by Mr. Salvatore, supported by Mr. Higgins, to move to the Addendum. Members of Council voted AYE. The motion carried.

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A DEMOLITION PROGRAM AGREEMENT WITH THE COUNTY OF OHIO AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Mayor Coyne thanked Council President Patten for facilitating this legislation. The city's grant writer went after this grant for monetary awards to help address the vacant and foreclosed properties in the city. Economic Development Commissioner Dolan will be making a presentation on these properties that the city can avail for using these funds.

Mr. Jamison stated late last week the city was awarded \$380,000 so as soon as this legislation gets passed the city can start receiving this grant money; this is a time-sensitive matter.

Mr. Mencini congratulated the grant-writer on this legislation and would this be to tear some of those houses down or move the process faster with some of the other homes.

Mayor Coyne responded the city probably has 300 homes that are either vacant, in foreclosure or in various stages and what the city is doing is going back and forth on this right now. There have been various contractors come in, for instance, with the house on Christene and Burton the contractors made a proposal to build a brand new home there. Also a brand new home on Muskingum and these contractors would like to rehabilitate the house on Hummel Road. The city is currently debating if we would be better off going forward because we've had enough experience with fixer-uppers in the city. The city's thrust is can we get improved housing stock in the community to attract younger families by using this program. When Commissioner Dolan the discussion will take place as to how the city should do this program and allocate. Last year the city did four demolitions and wouldn't see that being a lot more this year because of the process that it has to go through. There's a house on Darke Drive that have had various transfers of ownership with someone going to fix it up and currently someone else is coming back again to fix it up. The question is how long because the longer that house sits there is the city better off if there is a program where someone wants to build a brand new house in the community then streetscape standards and other things to that home. The city doesn't have a dozen addresses currently but may have three or four that the city is looking at for this but going through this Council can help identifying areas in different wards that need attention.

Mr. Higgins stated are there any restrictions on this money that if a city tears down a distressed property as far as rebuilding on that same parcel?

**Addendum: cont.**

Mayor Coyne responded I don't believe there is and this happened very quickly the city applied and the next thing is the city was granted the monies. The city is looking at how this can be combined with some of the appropriations Council just made on neighborhood improvements are in the process of putting together a presentation.

Mr. Troyer asked Law Director Jamison for a copy of the agreement.

Mr. Jamison responded the agreement was received late Friday and he has had a chance to read it. As the Mayor related this is moving very fast the city applied and the announcements were made last week. As the city goes through this the time sensitive nature is that the monies are there and the city has been awarded the monies. ~~In speaking with Mr. Dolan he related that the sooner the city got the~~ legislation passed and down to the county then the city could access this grant money much quicker. My understanding is this is grant money and I don't think there are any restrictions but will go back and look. Essentially, this is an ability for the city to access this money to address dilapidated or distressed homes in the city. As the Mayor related the city will not be running out and do 30 or 40 homes it's a balancing act, in terms, of what the city needs to be do and whether in the particular area where that is at depending on the house whether the city needs to go ahead and do that. This gives the city the flexibility and the ability to address some of the housing stock that is at a point that this is the last option. Clearly, it's not an option in terms of keeping a home together but this gives the city the ability to address it.

Mr. Troyer stated is this anywhere close to the deal the city had when the house was torn down on Cedar Point and Aerospace Parkway. Is this kind of the same program or is this different?

Mr. Jamison responded the home on Cedar Point was purchased by the city, so that was the city's house and a lot different. When we bought that three or four years ago that was a home the city acquired in the purchase of that property; so the city addressed that matter on its own in terms of taking care of that.

Mr. Troyer stated there is a list online of the houses that are in need of attention and in this agreement the city does not have to tear down the ones that are there. Because there is one on my street and when I knocked on the door a nice lady answered and I found it strange for that home to be on the list. I just want to make sure that the city is careful with that and not tearing down good homes.

Mr. Jamison stated this does not allow the city to just start yanking down houses. As the Mayor related there is a process that the city has to go through and usually the lion-share of the work is done by the building department in terms of identifying which properties are in the condition that need this kind of attention. As the Mayor related that he's been aggressive since first elected and has addressed the major homes that

**Addendum: cont.**

were a real problem. The homes on Michael Drive and Sheldon Road were two just to name a few that were addressed last year. There is a process that the city has to go through and follow; the city can't go in and take anybody's home. This gives the city the ability to offset the costs of when the city does get to the point and decides that home needs to be addressed to that level that there is funds available and the city is not spending their own funds.

Mayor Coyne stated I gave Council President Patten the agreement and apologizes for Council not having it I thought it was sent over. The summary of the funds in the amount of \$380,000 for eligible to costs to demolish vacant, abandoned, nuisance or blighted structures so it's written broadly enough because in some cases the homes are a nuisance and/or blighted. Mayor Coyne stated back when the city took over Brookpark Road the city was most successful in condemnations on nuisances and many of the Council Members are getting issues on that again. So what the city will do is have Economic Development Commissioner Dolan at an upcoming meeting to explain. As Law Director Jamison said ask the residents' on Michael Drive it was a media thing to get the house torn down it was not; everyone has rights including the property owners but this gives the city the ability to do some major things in addressing multiple problems of vacancies, fixer-uppers to do the minimal and gives the city ability to set some standards I think is what we want.

Mrs. Powers stated some of these are bank owned properties so I wouldn't want us to have a lawsuit because the city tore down somebody's house that the bank owns. Between the banks owned properties and if a house is vacant but in fairly good condition why wouldn't the city want to rehab it or sell it to someone as is at a very low price, whatever the bank charges, and have the house rehabbed rather than tear it down. When driving past some of these houses they look good except for maybe a roof repair or something like that.

Mayor Coyne commented the house on Michael Drive was exactly what you said and there are people that believed they were going to rehab that house; the home looked nice from the outside and there are many properties in the city that people think they are going to rehab. For instance a house very clear to City Hall that people thought they were going to rehab and received Building Commissioner Hurst's report and met with these rehab people and asked them how they thought they were going to rehab that home. There were large gaps in the floor so while the homes may look that way, again, our city cannot suffer from speculators who improve the properties to rent or flip them because you find out its keeps going over and over again. What is this city about? This city is about improving the housing stock in our community and some people have fallen in disrepair, by not fault of their own, there were bad mortgages and are subject to those kinds of problems. So, Councilwoman, on the outside many things might look good until you get inside the house and say, listen I would rather a combination of this, or you know what, why not tear down the house and build a

**Addendum: cont.**

new structure on that property. If we get a hold on the property we can contribute something to that; maybe we contribute the lot. Here's the streetscape the city wants and here's the layout and we're enhancing the stock of the value of the community; we're offering something new. In the history of this community we've lost so many people because we didn't have upward mobility of housing. So what I'm saying is in each one of these individual things Building Commissioner Hurst has to do a very thorough report. There are two commercial buildings that I would like to tear down over the last two years but the law department, building department and the fire department were all painstakingly so even though when the city thinks they're 100% right it's not that way and we give everybody an opportunity. Not to beleaguer this debate but people will come in with one proposal of doing this on a house and this on this house can the city loan me the money? Well, if you are getting these properties and acquiring them why should the city loan money when you don't have the money to acquire the property to begin with. So the city must fashion the program and I wish Mr. Rokakis was still here because he has so much experience in this to make these things work. Because it's a great threat to this community and we have an opportunity to do it right and believe me I'm grateful the city has this money.

Mrs. Powers stated you did propose and brought up over some recent meetings you said that the city should be in the real estate business by making loans to people to fix up their houses and my response was we have banks for that and mortgage companies for that. So why would the city want to go into the real estate business if you have a house there and somebody wants to rehab it; they have to go to the bank or the mortgage company to get the loan.

Mayor Coyne responded I don't want to get into the real estate business. I'd like to acquire these properties and have them rebuilt on and most of the ones...there are some of them that can be rehabbed, yes they can. Therefore, if there is a small difference how we structure the program we can lend the money and file a mechanics lien like anybody else. Tell them if you do this, this and this or we can say here is the improvements you're making why not make it a little bit better. Why don't you put an attached garage or why don't you do streetscape on this and the city will give you a low interest loan, I don't want to be in the real estate business. The fact of the matter is if this city doesn't take control of this housing problem it's not going to get better it's only going to get worse. So, the fact of the matter is, how do we structure the program? The biggest thing if there are structures that need to be torn down we now have a resource that can be used to tear them down and a combination of other problems hopefully to rebuild the housing stock.

Mr. Jamison reiterated that this does not give the city the ability or make it any easier to start tearing down homes. As I said earlier there is a procedure in place typically on nuisance homes that the building department and other agencies go through to make those proper evaluations on whether a home is dilapidated to such a degree

that, in fact, it needs to be taken down. All this does is give the city access to monies that if the city gets to that point we are not spending city funds, in terms, of tearing down homes. This isn't going to accelerate and the city is not going to be rushing out to do this. This is money available so that the city is not spending our own money to address these homes. It's not like the city is buying these homes the land is still going to be owned by whoever owns it be a bank, individual or whoever and just because it's in foreclosure. Or acquired by a bank in foreclosure those sometimes become challenges to the extent that a lot of banks don't do what's necessary to maintain those homes. In the last month there have been a lot of us going out into the neighborhoods you sort of know where those homes are and if those homes get to the point where they become a nuisance to the city, to the people that live around them, to the neighborhood that they're in then this gives the city an option down the road to address it. So it's not like we're going to run out tomorrow or whenever this gets signed and start yanking down homes. There is a process that the building department, law department, fire department and health department has to go through before we get to that. So this is not going to accelerate that or change that this is just giving the city the tools that if we get to that point we're not spending city monies to address those dilapidated homes.

Mr. Mencini stated when I decided to run for office the biggest subject in talking to people was the housing and in order to have a good community, as I always say, your housing stock plays a vital role in that. Why I like this legislation is it is going to speed up the process with the banks. Two of the homes the Mayor spoke of were in my ward and out of that 300 vacant homes there are approximately 40 to 50 homes in my ward that just sit there and there are residents' asking what is going on with these homes. After several times of checking on these homes you find out that it has been switched from one bank to another and Building Commissioner Hurst could tell us a lot more on that and it just gets old after a while. Back five or six years ago while working rubbish detail and a lot of those houses that were vacant then are still vacant today; so this process must be sped up if we want to become a better community.

Mr. Troyer stated I think this is great and getting monies to do this but my only concern is that the city tears down houses making vacant lots is always a concern to me.

**Motion** by Mr. Salvatore, supported by Mr. Troyer, to place on the Council agenda immediately following. Members of Council voted AYE with the exception of Councilwoman Powers who voted NAY. The motion carried.

Mr. Patten stated this will appear under M-2 as Ordinance No. 9964-2015.

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**Council Remarks:**

Mr. D'Amico stated on tonight's Council agenda under M – Introduction of Resolutions and Ordinances – First Reading. The Resolution accepting the recommendations and approving the minutes of the Housing Council in the City of Brook Park Community Reinvestment Area. In speaking with Economic Development Commissioner and the final report is to be filed with the Ohio Department of Development on or before April 30<sup>th</sup> so this is a time-sensitive issue so for that matter I'm asking Council to suspend under suspension of the rules.

Mr. Troyer asked Council and the Chairman to consider scheduling an extra Caucus meeting because back in November, 2014 there were several ordinances put in committee to adjust the salaries of Council and some elected officials. This is getting to the deadline of May 10<sup>th</sup> and I think we should have a special Caucus meeting to discuss these ordinances to see if Council is going to do anything on these; I'd like to have it next Tuesday, April 21<sup>st</sup> at 7:30 p.m.

Mrs. Powers stated I support that.

Mr. Higgins commented I don't see why we can't put it on a Regular Caucus agenda.

Mr. Patten stated we could do that.

Mr. Troyer responded because it's time sensitive.

Mrs. Powers stated because it's time sensitive.

Mr. Troyer stated because it has be done by May 10<sup>th</sup>.

Mr. Patten stated the next Council is on May 5<sup>th</sup>, so if there's concurrence you will suspend the rules and pass it.

Mr. Troyer stated we could do it that way but its last minute then.

Mr. Patten responded yes, but if you contact your colleagues you could do that.

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There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 8:15 p.m.

RESPECTFULLY SUBMITTED Michelle Blazak  
Michelle Blazak  
Clerk of Council

APPROVED May 19, 2015

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