

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JUNE 2, 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, Finance Director Cingle, Service Director Cayet, Safety Director Byrnes, Economic Development Commissioner Dolan, Law Director Jamison, Engineer Piatak, Firefighter/Paramedic Wright.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Council meeting held on May 5, 2015.

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

2. Regular Council meeting held on May 19, 2015.

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

REMARKS FROM THE AUDIENCE (ON ANY SUBJECT):

Susan Barbour
5819 Robert Drive

Ms. Barbour stated that I'm starting a business 'Sussie the Clown' as well as air-brush tattoos and business cards were placed on the dais calendars. Ms. Barbour continued by commending everyone for settling the grass issue, that was very doable and a wise decision. President Roosevelt had a slogan walk softly and carries a big stick and wanted to have government to be efficient but able to kick some butt. Maybe this Council should do the same with the issues on hand; compromising and come to a resolution. I walk my dogs around Brook Park neighborhoods and noticed that there are a lot of deadbeat homeowners and I don't know the ordinances and codes. There are steps that are rotting out and falling apart; driveways and the list goes on. I don't know if the city has the power to enact revenue but if that's a possibility that can be done because it's always been said the city needs revenue; the only time the houses get inspected is when are put up for sale. Another thing while walking I noticed that a lot of the porches don't have handrails and I always thought that was a safety issue; some have one rail and some have two but many of the homes don't have handrails at all, that could be possible revenue. If we want to put the park back into Brook Park or make this town turnaround like Mayor Coyne wants to do and bring it back the way

Remarks from the audience on any subject: cont.

it was before we need to clean house and make the neighborhoods beautified. If we don't do that then it won't be doable for younger families to come in here and the older people will die out and Brook Park will be a ghost town. The city needs to be viable for new people to come into the city and buy houses and I don't want a ghost town. I've been here since 1976 and have enjoyed all the services and I know times are changing and we have certain things that need to get done, but these are some thoughts to ponder about possible revenue ideas.

Joan Markusic
13911 Bellbrook Drive

Ms. Markusic asked Mayor Coyne if a meeting needs to be set up to speak to him about a stop sign being placed on Bellbrook Drive. With the quiet zone issue I've lived in city our house was built and I'm not quite understanding quiet zone issue. I have train tracks very close to my home and have planes that fly overhead that has been going on since I was a little girl. I don't understand why all of a sudden quiet zones are needed. It's seems very odd that our streets can't get repaired because the city has not money; there are things closing in the city and services being cut but the city will spend all this money on a quiet zone, it sounds very odd to me. Because it's something that we've had forever and if you don't want to live near a railroad crossing or have to worry about that sound don't buy the house; buy a house somewhere where there is not a railroad crossing. Most people move into a city for the great city services and if people don't want good city services move into a city that doesn't have them. I think the monies could be spent a little bit better and don't know if maybe it's such a common thing for me. Instead of hearing the train whistles the thing that upsets me a little bit is the sound of the train stopping and starting and the cars are clanking. Because I never know if there is an accident or it's the train and another point I want to make is with the worrying on children playing on railroad tracks what kind of parent allows their child to be on railroad tracks; accountability has to be somewhere and that's part of parenting. If these are older children they are a little bit responsible for themselves and our city is going down along with the world because people are going after the city or the railroad instead of teaching their children don't do stupid stuff. This quiet zone and children being on railroad tracks is not the city's responsibility to pay for parents to be negligent.

Liz Sayers
23065 Cedar Point Road

Ms. Sayers stated that we have moved back to Brook Park because we are unable to sell our house. I want to thank Building Commissioner Hurst for assisting us with the two houses next to ours which is the reason we can't sell our house; because of the conditions of the houses and yards when it is seen from the street then something needs to be done. The ordinances do state that residents should keep their homes and yards up to make the neighborhood look nice. Three offers were made on the

Remarks from the audience on any subject: cont.

home to sell as is because the inside was never finished since 1953 and was offended when people tell us that we live next to Cleveland trash. If the city can see how bad the outside of these properties are then something needs to be checked into because if the city wants nice neighborhoods then it has to get people to work with them. Most people on Cedar Point Road keep up with their homes and there are a lot of elderly but I can't comprehend of all the houses on the street I live next door to the worst and don't think it's fair that some residents have to do everything by the books so the neighbors should too.

Motion by Mr. D'Amico, supported by Mr. Higgins, to go out of the Regular Order of Business to items N and O on the agenda. Members of Council voted AYE. The motion carried.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):

1. RESOLUTION NO. 12-2015, HONORING KATHI STAUTIHAR FOR BEING NOMINATED AS 2015 CITIZEN OF THE YEAR AND DECLARING AN EMERGENCY Introduced by Councilman Salvatore and Council Members Troyer, Mencini, Powers, Higgins, Burgio, D'Amico, Council President Patten and Mayor Coyne

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

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

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

ROLL CALL: AYES: Salvatore, Burgio, Mencini, Powers, Higgins, D'Amico, Troyer
NAYS: None. Res. No. 12-2015, has passed under Suspension of the Rules. Adopted.

2. RESOLUTION NO. 13-2015, HONORING JAN SKINNER FOR BEING NOMINATED AS 2015 CITIZEN OF THE YEAR AND AN EMERGENCY Introduced by Councilman Salvatore and Council Members Troyer, Mencini, Powers, Higgins, Burgio, D'Amico, Council President Patten and Mayor Coyne

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

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

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

ROLL CALL: AYES: Salvatore, Mencini, Burgio, Powers, Higgins, D'Amico, Troyer
NAYS: None. Res. No. 13-2015 has passed under Suspension of the Rules. Adopted.

Introduction of Resolutions and Ordinances: (Second Reading): cont.

3. RESOLUTION NO. 14-2015, HONORING DON AND HOLLY RUTTI ON CELEBRATING TWO GOLDEN ANNIVERSARIES AND DECLARING AN EMERGENCY Introduced by Councilman Salvatore and Council Members Troyer, Mencini, Powers, Higgins, Burgio, D'Amico, Council President Patten and Mayor Coyne

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

Mr. Salvatore asked for this legislation to have its Second Reading so that honorees can be invited to the next meeting.

Mr. Burgio withdrew his motion and Mr. Mencini withdrew his second.

Mr. Patten stated Resolution No. 14-2015 has had its Second Reading.

4. RESOLUTION NO. 15-2015, HONORING SAMANTHA ROCCO, FOR BEING ACCEPTED INTO THE JUNIOR STATESMEN OF AMERICA SUMMER SCHOOL PROGRAM AT PRINCETON UNIVERSITY AND DECLARING AN EMERGENCY Introduced by Councilman Salvatore and Council Members Troyer, Mencini, Powers, Higgins, Burgio, D'Amico, Council President Patten and Mayor Coyne

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

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

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

ROLL CALL: AYES: Salvatore, Troyer, D'Amico, Mencini, Burgio, Powers, Higgins
NAYS: None. Res. No. 15-2015 has passed under Suspension of the Rules.
Adopted.

THIRD READING OF RESOLUTIONS AND ORDINANCES:

1. RESOLUTION NO. 10-2015 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

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

ROLL CALL: AYES: D'Amico, Salvatore, Troyer, Mencini, Burgio, Powers, Higgins
NAYS: None. Res. No. 10-1015 has passed under Third Reading.
Adopted.

Mr. Salvatore presented the Resolutions of Commendation to Mrs. Skinner and Mrs. Stautihar for both being named Citizen of the Year and Grand Marshals for the City of Brook Park. Mr. Salvatore also presented the Resolution of Commendation to Ms. Rocco for being accepted into the Junior Statesmen of America Summer School Program at Princeton University and earning college courses while being a senior in high school next year. Mr. Salvatore stated this program consisted of 800 applicants from all over the world and only 25% were accepted into the program.

Mr. Burgio presented the Resolution of Commendation to the Berea-Midpark Titan Boys Basketball Team and congratulated them on a great season.

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

REPORTS FROM STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Higgins

Mr. Higgins stated no report this evening.

Finance Committee – Chairman, D'Amico

Mr. D'Amico stated the Board of Control met earlier and approved 23 items.

Legislative Committee – Chairman, Troyer

Mr. Troyer stated Legislative Committee had four items on tonight's agenda.

Parks & Recreation Committee – Chairman, Burgio

Mr. Burgio stated Parks & Recreation has legislation on tonight's agenda.

Planning Committee – Chairman, Mencini

Mr. Mencini stated the commission met on June 1st and approved aesthetic approval for a front porch at 6413 Stonecrest and approval was given for a tempo-type front porch at 14102 Heatherwood. Mr. Mencini continued that the commission also approved entry signs for Rock N Roll City Harley Davidson at 4985 West 150th Street.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated the Safety Committee does not have legislation on tonight's agenda.

Service Committee – Chairwoman, Powers

Mrs. Powers stated Service Committee has no report this evening.

Board of Zoning Appeals – Chairman, D'Amico

Mr. D'Amico stated the Board of Zoning met on June 1st and gave variances for two front porches that the Planning Commission approved and also the Harley Davidson is looking good with the finishing of all the signage. The next Board of Zoning Appeals meeting will be June 1st providing applications are received.

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

Mr. Salvatore stated the names have been submitted to the board for the following positions and have been approved: Chairman - Dr. Pandrangi, Vice-Chairman – Dave Lambros, President – Mr. Selden until the end of the year, Treasurer – Ms. Harold, Secretary – Mr. Bortolotto from Middleburg Hts., the returning members of the Systems Board will be Ms. Schaefer, Dr. Hagan, Mr. Ripepi, Mr. Helmer and Mr. Wheaton.

Berea Board of Education – Representative, Mencini

Mr. Mencini stated tomorrow is the last day for students so be careful this summer when driving. The Berea District no longer plans to ask voters for new tax monies this year they are going to wait to see how much state aid is received and the district is anxious to see the state's final budget to see how the district will be impacted. Superintendent Sheppard stated a few weeks ago that there are a lot of unknown factors with the school's finances, which is scary. School boards must go the Board of Elections for non-emergency levies at least 90 days prior to the desired election date. The Ohio Senate has not passed on the budget to date and Superintendent Sheppard says the decision will be too late for this year's levy. Mr. Kasich proposed boosting the school funding from approximately \$7 billion dollars to about \$7.4 billion dollars in 2015-2016 and \$7.7 billion dollars in the 2016-2017 school year but the formula would cut funds for half of the state's districts. Berea District monies would slip from \$16.7 million dollars this school year to an estimated \$16 million dollars for next year and a projected \$15.3 million dollars the year after under the government's plan; the house rejected the governor's cuts. Last November 54% of the district's voters rejected a proposed continuing levy of 3.9 mills for a cost of \$136.50 on a \$100,000 home. If the district does try a new levy in the year 2016 the measure can't take effect until 2017 tax year that will be payable in the year 2018; Superintendent Sheppard thinks he can get by until that time without layoffs, cutbacks and services. Local revenues are projected to be fairly stable and in the past four years Berea has shut several schools, cut nearly jobs to 1,001 and trimmed approximately \$8 million dollars from its annual budget; now at about \$79 million dollars and frozen pay increases for the past six years. The district includes the Cities of Berea, Brook Park, Middleburg Hts. and slivers of Cleveland and Olmsted Falls with 6,600 students attending.

REPORTS FROM BOARDS AND COMMISSIONS:**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne stated just a couple of issues that seem to be the topic of discussion. Ms. Barbour about the grass issues and home maintenance I will tell you that everyday that the city get communications from the Council Members about these types of complaints. Property Maintenance Inspector Corrigan is kept busy addressing these issues and these types of issues are easy to remedy. The city has other issues of declining maintenance of homes and recently the city was awarded a grant for demolition of homes. There approximately 300 homes that are either in the stage of foreclosure, vacant or abandonment and the administration is working with the law department to try and remedy as many of these issues as possible. Brook Park has become victims like so many other suburbs of people flipping house and creating rental situations and the renters with few exceptions tend not to be the greatest neighbors in the neighborhoods; so the city is more interested in attracting younger families to the town like Ms. Markusic mentioned. Council did pass several measures relative to assistance of rebuilding the houses; the sidewalk program that is in the process of being addressed and assistance with people who have sanitary-storm cross connections; a lot of this work was done when Dennis Patten was the city's Service Director trying to update some of these things to try and help the residents' eliminate problems. When these three programs are in fruition we believe will change the look of the city. When there is talk about how the city doesn't have money for this or for that and just like everything else every issues needs to be addressed with the revenue the city has. While there may be differences up here on the dais none of us argue with what the problems are and how they should be addressed and Council has done that first step in the budget and trying to remedy some of these problems. Unfortunately, people who are bad neighbors have rights the same as good neighbors and city personnel has to muddle through the legal ramifications on how to address those issues. Mayor Coyne provided a history of quiet zones in the city as Mr. Higgins stated to involve Congresswoman Kaptur in this adventure because former Congressman Kucinich was largely responsible for the increase in train traffic through the City of Brook Park being Congressman for the City of Lakewood and rerouting all these trains into Brook Park. Mr. Dolan mentioned that the City of Brook Park has the most quiet zones is because our city is dissected in two areas almost completely by railroad trains. The city secured the monies for quiet zones under federal grants when I was Mayor here and Mr. Patten and I testified in Washington about this matter. So the city is in the constant process of trying to address train noise the good news is that the business of the railroads is up because so many containers are being hauled and that will hopefully be a drawing point for the redevelopment of the Ford property; because more and more companies are choosing to use containers to distribute their goods. The trains are an ongoing matter and is important to people and when the railroads changed the horns and shrills I have one gentleman who calls me crying for help about this matter. The stop sign issue on Bellbrook will have to be looked at because for every stop sign there has to be an ordinance passed. There was a famous case in the City of Brook Park and anyone who has lived here for a long time knows that the city literally had stop signs at every single intersection in the city and

Reports and Communications from the Mayor: cont.

we lost the court case because stop signs cannot be used for speed control. So for every stop sign there has to be study done, there has to be justification and there has to be an ordinance passed by City Council for the stop sign, so it's not just a case of putting up a stop sign.

Mr. Burgio stated over the last five or six years there has been a lot of money spent on Phase 1, 2 and 3 of the sewer project due to so many residents' having flooding issues. With the flash flood warnings over the weekend, especially on Saturday, how did the city fair?

Mayor Coyne responded shockingly and meeting with the service director on Monday the city faired very well.

Mr. Burgio commented that he didn't receive any phone calls.

Mayor Coyne commented in the Capital Budget there is the engineering for the next phase included in that list. Also, once the city can attack the cross-connections issues the goal is to have no flooding.

Mr. Mencini concurs with the housing issues throughout the city and Property Inspector Corrigan has been great is getting property matters handled. Mr. Mencini asked if there is going to be future meeting to discuss capital improvement tax or the rubbish program.

Mayor Coyne responded that information was given this evening about the streets that Engineer Piatak and I looked at currently the law department is drafting legislation for a measure to go on the November ballot for Capital Improvements for Roads and Sewers; so I would like to have that meeting to discuss all the different avenues with the most important is an increase to the tax. Mayor Coyne commented that another subject that needs to be revisited and Engineer Piatak is doing research is with the Water Department Program regarding the poaching issue. Part of the problem is when a road is replaced and the water lines have to be addressed. If the city is not part of this program then the city has to address that problem ourselves and it's increasingly going to be more expensive for the city. The bottom line is that I don't think with this agreement that it jeopardizes anything because with most of the discussions had when a company comes from a different city the two cities try to work it out. So I think that is something that Council should take a look at and perhaps Mr. Patten and Mr. Higgins could help us understand that issue, I wasn't aware of this until I went to a Water Council meeting that the City of Brook Park was not part of that program.

Reports and Communications from the Mayor: cont.

Mrs. Powers asked Mayor Coyne on the Smith Road Sewer Project what is the reason for in front of Brookgate Shopping Center the contractor digs up an area then fills it in and then later digs up the same section that was filled in previously and this has been on a continuous basis since November. Is that the reason the cost is so expensive to have this project done?

Mayor Coyne responded the contractors are replacing a sewer and the main sewer line goes down the street and if the contractor has to do any connections they have to dig those up. It appears at this point that there may be some monies left in the project and if the project coordinators will allow the city to take those extra monies to do much needed repairs. Many times when a contractor is excavating and the utility companies come out and say the utility lines (gas or water) are over here they could be in a different area.

Mrs. Powers stated why do the contractors dig up an area, fill in that area and then go back and re-dig the same area a few days later; I would think that all repairs should be made prior to the hole being filled in.

Mayor Coyne responded I think part of the problem is that you may not understand what the project is and how problems are addressed. Perhaps the city engineer could explain what occurs with this type of project you may have a better understanding.

Mrs. Powers commented that the whole community would probably like an explanation.

Mayor Coyne stated this is a massive project on a main road and the contractors are doing a good job under the conditions they have to work in; no construction project is easy in an urban community.

Mr. Higgins commented for Councilwoman Powers I'd be more concerned if this was a T&M (Time and Material) job where a contractor gets paid for the material used and the hours they put in for that particular hour. The contractors have a lump-sum bid that there is a flat rate for so the contractors are not getting paid two or three times and will try to do that job most efficiently to make the most money or profit on that project. There are different particulars why the contractors may be doing that and without knowing what is occurring on the job it's hard to explain what they're doing. Since this is not a Time and Material job rest assured they wouldn't unnecessarily be digging something because every time the contractors spend digging a hole it eats into their profit margin.

Mrs. Powers commented that it's eating into the profit margin for the shops at Brookgate because people are shopping elsewhere and those shops are losing money because the road has been torn up since last November.

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

Engineer Piatak

Mr. Piatak stated to Mrs. Powers I'd be happy to meet you during the day at the Smith Road Sewer Project site to take a tour and show you how the sewer is installed and some of the operations that are going on, to clear up some of your questions. The mainline of the Smith Road Sewer Project is in and the contractor is working on service connections north of Snow Road and is getting close to wrapping them up by the end of this week or early next week; once that is done the pavement work will begin in this area. After that the contractors will move south of Snow Road and continue down to Holland Road. The Sylvia-Leslie Drive Project bids were opened last week and the contract was approved at this evening's Board of Control and the contract will be executed and construction should begin later this month or early next month and the project will be completed this construction season. I was informed that a bulletin was issued to engineer that the Middlebrook-Michael tracks are a quiet zone has been created at this location. When Phase One went into effect it took a while for the engineers to acknowledge the bulletin and get used to now blowing the horns when traveling through; I anticipate that relief will be seen in that area of the city.

Mr. Mencini stated with Phase IV of the Smith Road are there any funds being looked at and is there a timetable of when the project might end.

Mr. Piatak responded Phase IV will stop a little short of Michael Drive and to date there have been no communications from Public Works of funds becoming available; the city has until late August to accept the funds submitted to the city or the city can resubmit an application for the next program.

Mr. Mencini thanked Mr. Piatak for all the work he has done with flooding issues in the city.

Mr. Burgio stated to Engineer Piatak with all these phases including Brookpark Road six or seven years ago are you seeing that is benefiting residents' as far as less flooding issues throughout the city?

Mr. Piatak responded Phase One started in 2007 and every storm or 100-year event that comes through Brook Park is different. There have been some storms seen that came through since the different phases went in and have mapped the sewer calls and/or complaints received and through the years there has been a decrease in the number of sewer calls. Is that related through a particular event that happened later possibly but I don't think so. I think so the improvements down Smith Road with the number of users on that sewer and increasing its capacity to what the city had has made a tremendous impact on city residents'.

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

Mr. Burgio continued the Smith Road Construction Project may be an inconvenience but if it is helping the residents' it's a sacrifice worth making. There are some days when there are no workers onsite in good weather conditions. Is there a reason why the workers are not onsite?

Mr. Piatak responded the contractor has been on 4-10's (four days – ten hour shifts) and typically the day off is Friday if weather permits. If there is rain during one of those four days then the workers will work on Friday. The workers have had some issues with a specialized piece of equipment being used on the service connections and hopefully the bugs have been worked out and the pace will be picked up with making those connections.

Mr. Troyer stated to Engineer Piatak back to the service connections do they actually install the main pipe, fill the area over and then come back at a later time to dig up and install some of the service connections in.

Mr. Piatak concurred.

Mr. Troyer stated so that's why it looks like the pipe is being installed and completed and then the workers have come back and dig it up.

Mr. Piatak responded that's exactly correct, the mainline goes in the existing sewer stays in service with temporary connections made from the existing service connections so people can use their facilities. Provisions are made while the mainline is going in for the future connections and then the workers come back and cut holes in the pipes and make the connection tie-in.

Mr. Troyer asked Engineer Piatak for the beginning and ending timeframe for the Sylvia-Leslie Drive project.

Mr. Piatak responded it will be this construction season and will have to go back and look to see whether it was a 75-day completion period; so once the notice is issued to proceed it would be 75 days.

Mr. Troyer clarified that will be a full-depth concrete project.

Mr. Piatak responded the project will be full-depth pavement removal and replacement with six-inch concrete curbs and eight-inch pavement reinforced concrete.

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

Engineer Piatak: cont.

Mr. Troyer stated the project will be the same width the street is now?

Mr. Troyer the street will be the same width it currently is?

Mr. Piatak responded 13 foot lengths back to curb.

Mr. Troyer continued with the Smith Road Sewer Project there are two businesses on Smith Road, the beverage store and pizza place, that are having issues with customers getting in and out of the drives; Brookgate is having their issues but there is the Snow and Hummel Roads entrances and exits. Is there anything that can be done to help these two businesses out?

Mr. Piatak responded to my knowledge there has been contact with business owner at the liquor store and accommodations have been made to get deliveries and there is access to get in and out.

Mr. Troyer asked for an explanation on how the sanitary sewer being installed helps with storm flooding.

Mr. Piatak responded the sanitary sewers get surcharged in storm events because of cross-connections, leaky pipe joints and things of that nature; so it's a combined issue that's occurring.

Mr. Troyer clarified water is getting into the cross-connections which overfills the sanitary pipes and should go into the large pipe rather than the basements.

Mr. Piatak concurred.

Mr. D'Amico asked Mr. Piatak when speaking of the pavement finally getting done with the Smith Road Sewer Project will that be curb-to-curb or just down the center.

Mr. Piatak responded only the trench joint.

Mr. D'Amico continued the blacktop laid by Smith and Snow Roads that's kind of done.

Mr. Piatak responded there is a concrete cap covering that which is temporary. When the work is done the trench repair will consist of nine inches of reinforced concrete base with a 2 ½" or 3" overlay of asphalt.

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

Mr. Cayet stated no report this evening.

Mr. Mencini asked Service Director Cayet how the new yard waste pickup went the past week?

Mr. Cayet responded it went smoothly there were no problems.

Safety Director Byrnes

Mr. Byrnes reported that there have been reports of vandalism with spray painting at the city parks the past three weekends. Police are giving more attention to these parks but residents' living close to these parks see anything suspicious please have them call dispatch.

Mr. Higgins stated to Safety Director Byrnes not sure if the this has been repaired and it could be something the service director needs to look at but over at Middlebrook Playground. There is an ornamental black fence that runs along the railroad tracks and an ongoing problem with kids cutting a hole in the fence to use a cut-through to Michael Drive; so if this could have special attention it would be greatly appreciated.

Law Director Jamison

Mr. Jamison stated with the stop sign issue on Bellbrook just to reiterate back in the mid '80's there was a lawsuit filed against the city to basically address the number of stop signs in the city; for those residents' that have been here awhile in the '70's and early '80's for example on Delores Blvd. there was stop sign on every side street that intersected with Delores. The judge in that case eventually ruled that Brook Park and other cities were included cannot regulate traffic by the means of stop signs; as a result a lot of the stop signs on city streets had to be removed. Pursuant to that judgment entry the city is allowed to put a stop sign back in if there are extenuating circumstances such as a number of accidents or a fatality that happened on Delores and Remora. So the city has a responsibility if there are instances such as accidents or pedestrian incidents the city can address that issue and take a look at it. Any concerns should be taken up with the safety director so the city can evaluate that situation and bring forth to Council if warranted. Mr. Jamison continued that back in the early 80's my mentor and one of my predecessors, Art Lambros, instituted a program to prepare and notarize what were called back in the day 'Estate by the entirety deeds' that were free to Brook Park residents' and was done in the Council Chambers and was a great success. After taking office I wanted to try and find a way to implement the same kind of program to basically provide a form that I typically use in the 'Estate Planning' that I do for clients and that is the HIPAA (Health Portability &

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

Accountability Act) form that was mailed this past week to all the seniors. The HIPAA Act was passed in 1996 by Congress and what this form does is provides that before a medical provider i.e. doctor, hospital, nurse or insurance agency can talk to anyone other than the patient being cared for; that patient must sign the HIPAA release form. Otherwise that provider technically is not allowed to disclose medical information to anyone including next of kin. So the HIPAA release forms were created so that patients can authorize that medical provider to the designated persons listed on the form. If there are any questions please call me and we will be at the Recreation Center this coming Saturday, June 5th, from 9:00 a.m. to 1:00 p.m. to notarize anyone who wants to sign this and to have the document properly executed.

Mrs. Powers stated to Mr. Jamison that she was very concerned with the HIPAA form being mailed out to seniors because it seems to me that it is violating peoples' rights under the HIPAA laws. When going to a doctor or hospital the first piece of paper to be filled out is the HIPAA law form and that information is supposed to be strictly between the patient and doctor and/or hospital. This form allows family members or whoever is listed on the form to make a decision if the patient is not able. I really don't think that you or anyone else outside of the medical profession should have access to that information.

Mr. Jamison responded to Mrs. Powers there are two errors in what you just said. First of all this document doesn't authorize anybody to perform any acts that document is a Health Care Power of Attorney. This form is a HIPAA form and is not something that gives me authority. What this form does is as an example if I list my children and wife on my HIPAA form and have an emergency and my daughter gets to the emergency room. Currently as the law stands medical providers cannot talk to her, technically, because they don't have the release form in hand. So if I executed a HIPAA release form and gave a copy to my daughter and hands it to the medical provider they are then allowed to have a dialogue, with no restrictions, as to what treatment or what they are doing for me. Or let's say I'm going in for surgery and there is pre-admission screening that is done and the questions always asked are do you have a health care power of attorney, do you have a living will and have you executed a HIPAA release form. This HIPAA doesn't give me any information this is something the people can use for themselves for family members and loved ones so there are no barriers or problems when someone goes in for treatment. There is no violation this is something that is used universally and other lawyers use this. All I did was provide the form and gave it to the people for them to fill out if that's what they choose to do; they don't have to fill out this form but my suggestion is that they should because it will make it easier for those around them to know what is going on.

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

Mrs. Powers thanked Mr. Jamison for his explanation but stated the first thing done when going to a doctor and/or hospital insurance forms and HIPAA forms are filled out and think this was unnecessary.

Mr. Higgins stated I did receive one of these forms and thank you for providing this to the seniors. I also noticed that this paid with your own funds, not paid with city funds. When you saw me standing curbside with my neighbor that's exactly what we were discussing.

Mr. Troyer stated to Mr. Jamison it's been brought to my attention that your campaign paid for this but is being held at the Recreation Center which may be a conflict. If the city would have paid for it and have this at the Recreation Center as a city event that would be a great thing but for you to pay for it out of your campaign funds and have it at a non-city event. It just seems odd that you're having this at the Recreation Center and the center is very strict on campaign matters held at the Recreation Center. So could you please explain why it's okay and legal?

Mr. Jamison responded first of all I paid for this on my own and the fact that I'm up for re-election didn't want any confusion by anybody that this was not paid for at taxpayers' expense. As far as using the Recreation Center I went through the proper channels to reserve that and there was no objection made by the Recreation Director for providing this service; so along those lines I don't think anything improper has been done.

Finance Director Cingle

Mr. Cingle stated monthly reports for May will be distributed within the next week and will be available on the city's website. Mr. Cingle continued with the 2014 audit the state auditors were onsite yesterday and will be working through the month to finalize the audit for the 2014 fiscal year.

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

Verbal Approval:

1. REQUEST APPROVAL TO CONSTRUCT A NEW 120' WIRELESS COMMUNICATION TOWER AT 16935 HUMMEL ROAD FOR SOUTHWEST CAB LOCATED IN A U5-C ZONE

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

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

MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):

Note: Moved by motion to the beginning of the meeting.

THIRD READING OF RESOLUTIONS AND ORDINANCES:

Note: Moved by motion to the beginning of the meeting.

Motion by Mr. Higgins, supported by Mr. D'Amico, to go into Executive Session for Property Matters.

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

NAYS: None.

ABSTENTION: Troyer. The motion carried at 9:10 p.m.

Motion by Mr. Mencini, supported by Mr. Higgins, to adjourn the Executive Session. Members of Council voted AYE. The motion carried at 9:45 p.m.

Motion by Mr. Troyer, supported by Mr. Higgins, to go back to the Regular Order of Business. Members of Council voted AYE. The motion carried.

Miscellaneous Business:

Mr. Troyer stated with the Bridges contract I don't know how the utilities and numbers are going but to get out of the contract the decision has to be made by the end of June. If the decision is not made by either the city or Bridges to end the lease it continues through the end of 2015 and for three years after. Mr. Troyer continued that the maintenance portion of the Brewer-Garrett contract is due at the end of the month and it would be nice to get the maintenance portion out to bid.

Mr. Higgins stated I had some conversation with you this afternoon and some of my Council colleagues and as much as I appreciate their support for my position as Council Pro-Tem. I've got some personal items in my life to take care of so at this time I'm going to relinquish my spot as Council Pro-Tem.

Motion by Mr. Higgins, supported by Mr. Burgio, to nominate Anthony D'Amico to the position of Council President Pro-Tem.

Miscellaneous Business: cont.

Mr. Patten clarified to Mr. Higgins that you're resigning your position as Council President Pro-Tem and made a motion that is properly supported by Councilman Burgio.

Mr. Salvatore stated for clarification just want to make sure that this can be done at a Council meeting without being put on an agenda.

Mr. Patten stated I believe that Council has the power to make this type of change.

Mr. Salvatore asked for the law director's opinion.

Mr. Jamison responded there is nothing in the Charter.

The clerk researched the Council Rules and could not find anything in violation.

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

NAYS: Troyer. The motion carried.

Note: Mr. Troyer stated during roll call that this is sudden and must vote no.

Mr. D'Amico stated that Councilman Higgins has done a tremendous job for the last 18 months as Council President Pro-Tem.

There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 9:50 p.m.

RESPECTFULLY SUBMITTED Michelle Blazak
Michelle Blazak
Clerk of Council

APPROVED June 16, 2015

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