

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, AUGUST 19, 2014**

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 Service Director Cayet, Safety Director Byrnes, Finance Director Cingle, Mayor Coyne, Recreation Director Fields, Civil Service Secretary Frindt-Bogar, Building Commissioner Hurst, Engineer Piatak, Law Director Jamison.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Council Meeting held on June 3, 2014.

Motion by Mr. D'Amico, supported by Mr. Burgio, to approve as printed.

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

NAYS: The motion carried.

2. Regular Council Meeting held on June 17, 2014.

Motion by Mr. Burgio, supported by Mr. Mencini, to approve as printed.

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

NAYS: None.

ABSTENTION: Higgins. The motion carried.

3. Special Caucus Meeting held on July 1, 2014.

Motion by Mr. Mencini, supported by Mr. Higgins to approve as printed.

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

NAYS: None. The motion carried.

4. Special Council Meeting held on July 1, 2014.

Motion by Mr. D'Amico, supported by Mr. Mencini, to approve as printed.

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

NAYS: None. The motion carried.

5. Special Caucus Meeting held on July 31, 2014.

Motion by Mr. D'Amico, supported by Mr. Troyer, to approve as printed.

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

NAYS: None. The motion carried.

Approval of Minutes of preceding meetings: cont.

6. Special Council Meeting held on July 31, 2014.

Motion by Mr. Burgio, supported by Mr. Mencini, to approve as printed.

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

NAYS: None. The motion carried.

REMARKS FROM THE AUDIENCE (ON ANY SUBJECT):

Frank Kosmerl

15942 Paulding Blvd.

Mr. Kosmerl expressed the following suggestions on how the city can save monies such as the Home Days fireworks that lasted 22 minutes and could be reduced to ten minutes for a cost of \$20,000. Under the former administration the Agnes Drive construction project took place where contractors tore out foundation concrete that is over a foot thick and hauled out by heavy trucks causing heavy tonnage on Delores and Smith; Agnes Blvd. could have been resurfaced for a cost-savings to the city of \$50,000 and the Special Election held recently at a cost of \$30,000 would have been a cost-savings to the city if the ballot issues were on the fall ballot. These three items would have saved the city \$614,000 or more. Mr. Kosmerl continued that any contracts being awarded stated that contracts being awarded possibly up to \$15,000, prior to coming to Council should be reduced to \$8,000 for a cost-savings.

Susan Anderson

5700 Grayland

Mrs. Anderson stated that before Council this evening is an ordinance reaffirming and amending section 143.026 of the codified ordinances of the City of Brook Park regarding the opening and staffing of the two fire stations and declaring an emergency. On behalf of the Initiative Petition myself, Greg Wellman and Rachelle Ott who were unable to be here this evening I really want to urge you to pass this ordinance this evening.

Rickey Crumbly

6541 Edgehurst

Mr. Crumbly stated that a recent article appeared in the Hometown News stating that the city's income tax credit is totally wiped out; if this tax credit is eliminated that will cost my family \$2000.00 a year. With the last special election the people have spoken and there is no problem with making the city better but my plea to Council is to not pass a 0% tax credit. In doing research East Cleveland is the only city in Cuyahoga County that has a 2% income tax rate that has a 0% tax credit and if Council passes this 0% tax credit that will destroy a lot of families. Instead of a 0% tax credit why not reduce it to 75% tax credit to make the city better; isn't getting a little extra money worth some families losing their households. Let's begin with the 25% and see what kind of improvements can be made to the city and once the residents see that this Administration is making the city better there will be different turnout than at the recent special election.

Remarks from the audience on any subject: cont.

Mr. Patten stated there is nothing on the agenda for anything like that.

Phyllis Mitchell
16180 Cynthia

Ms. Mitchell stated closing a fire station should not be about dollars it should be about safety. I, as one resident, have been in a building when it caught fire and five minutes is an extremely long time and fires spread very quickly and do an incredible amount of damage; so money is not the issue, the issue should be the safety of the citizens.

Mike Englehart
23936 Cedar Point

Mr. Englehart commented on the closing of the fire station number two and one of the items continually being discussed is that this fire station was only staffed 60% of the time. I, as one resident, would rather be covered 60% of the time than possibly doubling the time to get emergency squads and fire truck equipment out to the west end; than the 100% of the time it is now since the station is closed. When there are events occurring at the IX Center this time could triple and time is of the urgency. So Council and the Administration are being urged to reconsider the closing of the station.

Brian Beyer
6045 Alvin

Mr. Beyer stated this February will begin my eighth year working for the service department and five years ago an opportunity was presented to join the Cleveland Police but my decision was to stay in the City of Brook Park because of the pride I have for this city. There have been several cuts at the city's service department and the service crews are the people who help residents' with flooded basements or blocked commodes and it is the service crews who drain out the flood waters or snake out the commodes. This city has the best safety forces and one of these forces is going to have layoffs. The service department has lost three guys in Local 1099 to layoffs as well as the senior snow plowing and busing program that have been eliminated and those are probably jobs that this city will not get back. The big picture is let's all get on the same team and ride this out and fight these issues together.

Kathy Burr
6455 Sandfield

Ms. Burr stated a recent newspaper article stated that the senior snow plowing program will be eliminated and my concern is when the plows travel down the street

Remarks from the audience on any subject: cont.

and throw snow back in the driveway apron how can anyone be able to get out of their driveways. If seniors have to pay a little more that would be well worth it because there are seniors that cannot shovel driveways. The taxpayers are the ones that pay for the schools and if the city does not want the recreation center then let the schools have after-school programs for the children to attend since families pay for the schools. This is a subject of money but also this is a matter of children being out on the streets which are dangerous. My taxes pay for the library that is being upgraded so please take the senior snow plowing and recreation center into consideration.

Ray Peterlin
5811 Wengler

Mr. Peterlin commented that there seems to be a problem in the city with house values with homes selling for \$40,000 or \$50,000. How is that possible when home insurance is purchased at a price of \$125,000 to \$200,000 and if that is happening then there are monies to be made? If homes are in disrepair and being sold the city can have the properties inspected and have Polaris students make the necessary repairs and the city can gain \$50,000 on each home sold. What needs to be done is have homes in need of rehabilitation and have all the trades of high school students either rehabilitate or build a new home. If ten homes are sold a year at \$50,000 that equals to \$5 million dollars and the more homes sold the more monies for the city. Why is the tax value of these homes able to get so low so that no taxes can be collected? The city's street sweeper wasn't able to be fixed so city personnel gave it to the Berea Fairgrounds who are still using it to date. There are approximately 22,000 people in the city then why are there only 10% of residents' members of the center. Why not market the recreation center with four months free usage and send out a questionnaire of what is wanted at the Recreation Center that isn't there currently. Mr. Peterlin continued with the senior snow plowing program bring the cost up to \$30.00 to \$40.00 and this city has had some legal problems with crews going beyond the front of the house so why not make it 20 to 30 feet to eliminate the lawsuits and the apron would be cleared. During the winter when the crews are plowing they don't care if there is a sidewalk crossing the crews plow the corner in so that people can't use the crossing. The crosswalks on Fry and Smith Roads off of Snow Road haven't been striped for over three years so the crosswalk is unseen. In addition if a motorist is blocking the crosswalk a ticket should be issued. Also the one traffic light at the corner of Fry and Snow Roads by Bob Evans restaurant is at an oblique angle and if pedestrians want to cross Snow Road it is extremely difficult to see the light. The fence near Kennedy field by the flagpoles was recently dug up because the concrete was not poured deep enough this can be done but crosswalks can't be striped throughout the city. Council meetings should be shown on the internet with a phone available so that residents can call in and express their concerns. These Council meetings, at one time, were two-way conversations where residents asked a question and received an answer now residents' are told to sit down and an answer will be provided after audience participation is finished; it seems that if

Remarks from the audience on any subject: cont.

no conversation takes place that could be a violation of the people's Freedom of Speech'. With the sidewalk program being reinstated my concern is will perfectly good concrete being ripped out for an unlevel sidewalk block? In researching this if a sidewalk slab has sunk and is holding water there is no report, if a sidewalk slab is v-shaped and holding water or tilted the city engineer does not want to know that or if a sidewalk is broken in many pieces all the city engineer wants to know is if the slab is one-inch, which means that sometimes the wrong piece of cement is being raised or sometimes the cement being removed was replaced a few years ago. How can an inspector be sent out without a checklist but the city engineer doesn't see that most of the sidewalk slabs could be leveled. This eliminates the need of busting up concrete and filling up the landfills and can be done in one day. In speaking with an inspector about a week ago on how many sidewalk blocks he informed me that there is about 1,000 blocks which could be \$500,000 and the city is not done inspecting. Mr. Peterlin stated that how can a city have a Home Days celebration and be \$40,000 dollars in the red and have union fire, police, service and recreation center employees getting paid. Mr. Peterlin continued that monies can be spent on special dirt to be brought in to dry out the baseball fields but the city is closing the recreation center but not the ball fields; why don't the teams get sponsors in order for the teams to play until the budget is balanced, if the ball fields are to remain open? Continuing down this road the City of Brook Park will have people moving out of the city just like a neighbor of mine put his home on the market for \$100,000 and sold it for \$55,000 just to get out of the city. The former Dairy Queen on Smith Road wanted to rebuild on Snow Road and city personnel would not give them a permit to build a brand new facility also there was a trucking company that wanted to locate to Brook Park and staked out the area and there would not be any environmental problems but was unable to get a permit from the city.

Dorothy Green
16278 Hocking

Ms. Green stated that monies have been put aside this year for the senior snow plowing program so why can't the city afford to charge \$40.00 to continue with the senior snow plowing program? If there are over 1,000 people included in the snow removal program that pays \$40.00 that is a total of \$4,000 coming into the city.

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 during summer recess once on July 7th and approved 25 items and also on July 31st with the approval of 41 items and this evening the Board of Control met earlier and approved 28 items.

Legislative Committee – Chairman, Troyer,

Mr. Troyer stated no report this evening.

Reports from standing committees: cont.**Parks & Recreation Committee – Chairman, Burgio**

Mr. Burgio stated the Dog Swim will be on Saturday, August 23rd from 10:00 a.m. until 3:00 p.m. with free pictures between the hours of 10:00 a.m. and 12:00 noon. The water park officially closed on Tuesday, August 19th.

Planning Committee – Chairman, Mencini

Mr. Mencini stated on July 7th the committee approved a request a 3700 square foot addition to an existing storage building at 5350 West 137th Street. The committee tabled a Monkey Business restaurant due to parking spaces. The commission on August 4th tabled a request to expand the parking lot at 15401 Commercial Park Drive for All Passengers USA due to parking spaces. The committee approved a lot split for 6360 Elmdale, East Park Retirement Center, which will be forwarded to Council. The commission met August 18th and approved an aesthetic LED signage for 14070 Brookpark Road for the Airport Mini-mart.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated the Safety Committee has legislation on this evening's agenda. Also with legislation on Third Reading only one member from the railroad was able to be in attendance so I am asking that this legislation be placed on the next Council agenda.

Service Committee – Chairwoman, Powers

Mrs. Powers stated that a complaint was received regarding mosquito control on CSX property and in speaking with the Cuyahoga County Board of Health of this matter and testing of the water was sent to Columbus and granular pellets were put in the stream to alleviate the mosquito problem and this process will continue through the rest of the year. Mrs. Powers continued that she will be supporting the reopening of Fire Station No. 2 because it is already funded for the year and is necessary for the safety of the residents.

Board of Zoning Appeals – Chairman, D'Amico

Mr. D'Amico stated that the Board of Zoning Appeals met July 7th and August 4th and it is nice to see residents' taking advantage of the free building and property maintenance permits during the summer months. A special zoning board meeting was held on August 18th to approve variances for illuminated wall signs at the Airport Mini Cooper. The next board meeting will be held on September 8th.

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

Mr. Salvatore stated at the last meeting the nominating committee voted for the health center officers and system board officers. At that meeting the health center honored me with an award of ten consecutive years on the health board as well as serving four years on the negotiating committee to partner with University Hospitals. The health center received an A-plus rating for patient care and for the fifth year Southwest was nominated and awarded one of the best places to work. Mr. Salvatore continued that the construction of the Pandrangi Towers is on schedule and the 250-

Reports from Special Committees: cont.

car garage is scheduled to open around October 1st. Later during this meeting City Council will be verbally approving the Brook Park delegate list for City of Brook Park organizations. This list is very important and plays a major role in the future of the hospital in the event of a sale and/or merger and to not participate in this event is a real shame.

Berea Board of Education – Representative, Mencini

Mr. Mencini stated school starts August 20th so please drive carefully. At the July 4th meeting the board approved \$7.4 million dollars for payments to vendors for the month of June, 2014. The additional cost for substitute teachers for the 2013-2014 school years was \$47,000 paid to the Educational Service Center of Cuyahoga County. The board also approved a Wellness IQ Service agreement for three years effective September 1, 2014. The board met on August 11th and covered the student fees for Camp Myrobi for 2014 that will be \$200.00 per student. Instructional fees for the elementary and intermediate schools are \$10.00 and the junior and high school fees will be \$20.00 and the part-time vocational schools is \$110.00. The athletic fees for junior high students consisting of 7th – 9th grades is \$50.00 per sport and the high school athletic fees for 10th – 12th grades is \$80.00 per sport. The board also approved a licensed agreement with Cleveland State University for the Berea/Midpark commencement ceremonies. The total payment to vendors for the month of July was \$7.3 million dollars and the board approved two contracts for professional services for the 2014-2015 school years with one being for the Excellence in Autism and Behavioral Intervention Services.

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

Mayor Coyne stated it's nice to see residents coming to Council meeting to express their concerns and I may agree with some of the concerns and will try to clarify others as brief as I can. I will abide by the Council Rules as to how to respond to residents but just to be clear I will spend as much time to discuss issues with residents, whether we agree or not. It is the charge of the Mayor of this city to always make the people and Council aware of the financial condition of the city that is my job as the Mayor and I'm going to do that job. I have done that job by serving previously for 20 years under probably the greatest growth of the history of this city with more job creation and more investments. My last two years as Mayor the citizens of this community did not pay any income tax to this city because the residents received a 100% credit and property taxes were rebated in the amount \$250.00 for two years and that was continued one year after leaving office. There is also a provision that Council must look at with the operations of the city and if all the financial

Reports and Communications from the Mayor: cont.

requirements are met by policies of this city. Council has an obligation to review that and if there is extra money beyond those policies it must be returned to the residents of the city and in reviewing the finances of the city it was very obvious to me that this path could not be continued. Residents have heard about structural deficits and that might not mean anything to residents but it's like having a \$10,000 savings account and monies are needed for whatever reason and are taken from that savings account and after a few years those monies are gone. I'm not going to criticize this Council because I don't see in spending the reserves that they did anything wrong except operate the city. This Council and the former Mayor bought out employees; reduced employment in the city to about \$3 million dollars a year, that's remarkable and should be commended, but in reality that piggy bank is now almost gone. Therefore, for me to operate next year monies have to be found close to the tune of \$3 million dollars and I will debate this budget with any union or collective group of citizens. When I was Mayor this city there was a 60/40 split because of the continued effort to rebuild the roads in this city and as Mayor a pavement rating system was developed to help make decisions on road repairs. Mayor Coyne continued that Mr. Kosmerl spoke on road work being done the average age of any street in Brook Park is 58 years old based on the pavement rating system reviewed. City streets are beyond repair and resurfacing and need to be replaced at a cost of \$300,000 million dollars, that will not be done in one year or ten years but revenues are needed to start attacking this problem. As Mr. Peterlin stated the property values are going down and the city cannot address those needs because the city has had to address major sewer problems in this city which affects those property values. In 1983 there were thousands of homes flooded in this city and with the massive storms this year there were still only a few hundred. Many of the residents that flooded back then filed a class action suit against the city stating that those homes should have never been built with basements. There is constant drains on revenues where other cities assess their people and the City of Brook Park has never done that and the reason why is the strength of the city's income tax. With a recent mailing sent out to residents a simple statement was made on the back saying 'Gone are the days when the employees of Ford and Nasa will pay our way'. This city has to pay its own way and a very simple question was posed to the residents 'What kind of city you want to live in and how much are the residents willing to pay for it'. The voters of this city overwhelmingly said to me and I can read the results it be an August, November or May election the answer is an overwhelmingly no. Mayor Coyne continued with the senior programs there are not enough workers to plow the senior driveways. When I was Mayor and Brian Higgins was service director there was a full sewer crew every single day cleaning catch-basins and jetting the lines out on a daily basis and that hasn't been done because the service director on a daily basis has to look at picking up rubbish; fixing the streets and cutting the grass and then needs to decide what else can be done on that day. This city has the best service department and I challenge anybody that can provide better service than all of our employees, the service workers, the police workers and the fire workers. These workers get paid well but not too much and they have earned the benefits they have and now we've come back to them and

Reports and Communications from the Mayor: cont.

said you have to pay. With the senior programs from cutting the grass to going to the doctors those programs were created as a young Councilman in 1977 by passing the first set of senior ordinances in the history of this city. These programs have grown from 1100 to 2500 seniors who need that service but the fact of the matter is the city income tax paid for that service; residents did not pay for the senior programs or for the recreation center. Mr. John Poloyne fashioned a recreation center after Midland, Michigan and said that this city will have this for the children of this community; so that Recreation Center built in 1972 and added onto. I wanted to tear down the building and build a brand new center because of the problems that existed from 1972 but wasn't successful in doing that. So a \$6 million dollar addition was put on the recreation center when a brand new one could have been built for \$8 million dollars without a basement and all of the problems. So when I spoke with residents about the city needing more revenue and how are we going to get it? Mayor Coyne continued that there have been no decisions made to close the recreation center on September 1st or any other day but if sufficient revenues are not found; then I will propose to Council a number of things that are under my control that involves closing and cutting things at my perusal. Generating revenue from a tax credit is not at my perusal but Council is going to have to look at ways to generate almost \$3 million dollars with these kinds of things being looked at. This city's short revenue is an underlying problem and Brook Park has lost revenue from the evaluations of homes and revenues have been lost to a tune of over \$1 million dollars from the state government. NASA has nothing to do with fire protection and Congress and the American people cannot understand how NASA has to hitch a ride with the Russians to go to the space station; that's what affects that space program's funding; space and auto is this city's life. The budget is passed by City Council and there was a proposal on the agenda the other night for two consultants about Brownfield's and there is no other city in the country proposing what we're doing except the City of New York. If this city does not have funds to repurpose Brownfield's this city will die. This city has the largest Catholic cemetery in Brook Park and to travel down Henry Ford Boulevard and see that missing foundry that is the second cemetery of this town. I travel to East Lansing Michigan every year and drive down the main street where there is an old Chrysler plant that has been closed for 12 years and looks just like the Ford plant does here. So if there is no program to repurpose that property Ford is not going to do anything and you've heard from the city's economic development commissioner that Ford will entertain new development because they see this city is going to help them in repurposing that property. People can say those monies could be used for something else but we also need to look at the future of this town because we can't shut it down. I'm not going to shut it down and will keep dreaming about the future because that's my responsibility to the people of this city. The marketing idea with the Recreation Center is absolutely right and I have met with Councilman D'Amico to come up with a plan of doing just that. At best if the recreation center remains open it's going to be downsized until we get where we have to go to get the monies to make it full and the pool drains monies out of that center; the center's roof is a mud-flap roof that has problems. I recently visited the City of Brunswick's Recreation

Reports and Communications from the Mayor: cont.

Center to see an application that can be put over a mud-flap roof to the cost of \$160,000 to repair the roof. Also there has to be at least \$1 million dollars spent to make the recreation center energy efficient in order to market the facility so everything is competing for city dollars. There are operational changes that need to be made in this city that some people won't like and there are a lot of things not being done for money but to provide better service to the people of this city. What is good to see this evening is people coming to the microphone, whether they agree with Council and me or not. Back in the 1990's I won a suit against CEI to get the residents of this community \$188.00 and people would come up and say that it should have been \$250.00 so let's remember some of those things from the past and what I'm proposing to do to for this city. The only reason that I ran for Mayor again is to rebuild this city and I would rather fall on a sword than be a caretaker and preside over its demise but I can only ask for help. It's easy to fight me and it's easy to take each individual issue and say the Mayor can't do that he spent \$50,000 on our future. City personnel gave substantial testimonies on the closing of the fire station that I won't talk about tonight and whatever Council decides that's fine I will still make my decisions based on the management of this city and getting the most for the people of this town. Anyone that would ever think that a Mayor of any city would purposely put residents at risk need to question that person because it's just not factual. I will be making proposals to this City Council and am trying to do a lot of things and am trying to save as much as I possibly can but you are going to see proposals that is going to cost more money than the tax proposals. There are some people saying why not vote for a four-percent instead of a one half-percent because how foolish would I look to say give me this it's enough when it is not enough to rebuild this city's roads and sewers. The last time this city had an income tax increase was in 1999 and the only time I can remember a property tax increase for the city was ironically for the Tri-City Senior Center so we have never asked residents' for a property tax increase. Why did I segregate the property tax issue is because there are people in this room with good intentions but everyone sitting up here knows that a pot of money is going to be challenged by good union people saying that the unions should get some of that because they haven't had a pay raise in years. The fact is that money would be segregated so that not City Council or a future Mayor could ever touch the money because it was voted upon by the people and that millage would go for recreation center operations. There are two service directors of two different cities sitting on Council, who both worked for me during my administration and that know a lot about operating cities. One works in a city with a 3% city income tax with residents' having to pay for sewer repairs and rubbish collection. Brian Higgins works in a city with a 2 1/2 % city income tax and residents don't pay for rubbish collection but there is a charge for sewer repairs and both police and fire levies. I have no intentions of putting anything back on the ballot at this time, none. This wasn't a ruse and this wasn't a school board tactic like taking the sports away from the students and votes the levy down next time. I want the residents of this city to think long and hard on the question proposed to you what kind of city do you want to live in and what are you willing to pay. I will make my recommendations to Council based on what you've

Reports and Communications from the Mayor: cont.

said and hope that you talk with your friends and neighbors because \$150.00 is a lot of money to you. I can relate when you're shopping at Giant Eagle and can relate because I don't make a \$225,000 or \$256,000 salary but if I asked you today would you please give me and the Council \$150.00 and none of your services will be cut and we can do things better; I'm willing to bet that most of you would give me \$150.00. The seniors don't pay income tax so if I asked for \$300.00, now that you know the ramifications. Would you do it I believe most of the people would and we need you to say that to us. We need you to get up, not just the negative people that spout off in the Hometown News that have no facts, or the same people that were against the airport deal that generated \$6 million dollars for the people of this town and the very NASA that Councilwoman Powers speaks of, that's what that I did. I couldn't get the Council to vote for that so I went to the people of this city to approve that. All these things being complained about I created to make a better life for everybody in this town.

Mr. Mencini commented the property tax has been cut in half since 2007; the state tax has been cut in half since 2011 and what if NASA leaves that would create problems for this city. All of us need to get on the same page and work together because if not then we will be having those problems.

Mr. Salvatore thanked for everyone speaking and stated with the airport issue I wasn't on the right side with that matter and didn't think it was the right thing to do at the time but if you ask me now I don't know what we would have done if we didn't do it. By rounding off the numbers used NASA was only supposed to bring in \$1.8 million dollars which was the number used for the tax refund to all the residents. NASA has brought in as much as \$3 million dollars or possibly more a year so in ten years that is \$30 million dollars. People didn't agree when the north side of Brookpark Road was taken over and correct me if I'm wrong but that brought in \$700,000 to \$800,000 a year so at ten years that is another \$8 million dollars. The other issue brought forward is the charges for ambulance runs that bring in \$500,000 dollars a year so in ten years that's another \$5 million dollars. Adding up all those totals together this city would be about \$20 million dollars in the hole and there wouldn't be a City of Brook Park; if there was a city left to run the state would be running the city. Nobody wants to close the Recreation Center; we just sent a team to Williamsport, Pennsylvania that won the first three games played. There are very serious problems that need to be solved and have to be done together, this isn't a Mayor's problem or a Council's problem this is a city problem and we have to ask ourselves what can be done to solve this problem. Mr. Salvatore continued I know Mayor Coyne and if there are any monies left the residents' will get it back just like when the deal was made with the electric company to give the city monies. Everybody thought that will never happen, well, every household received \$188.00 for five years. A tax credit was unheard of and when I came back on Council with Council Members Higgins and Colonna we fought to keep that legislation on the books. So that if there is any extra money it goes back to the people where it belongs; it's

Reports and Communications from the Mayor: cont

your money. There have been discussions about marketing the recreation center with diving competitions and utilizing that whole building for a profit but it's going to take monies to fix the problems and it won't be cheap. Mr. Salvatore stated it feels good to look out in the audience and see so many people that care about what is going on in their city.

Mr. Higgins stated I'm glad that the Mayor touched on a few points because I've been reading how the past Mayor and Council have spent the fund balances around here. The previous Mayor and Council knew back when the market collapsed in 2008 the city couldn't go to the people for a tax increase because they were having a hard time holding onto their homes. So we did the best thing by shrinking government the best we could with buyouts. People in the fire department, police department and service garage have lost members and are making sacrifices by paying for their health care, so we can't go back to the employees. Then along comes Mr. Kasich at the State House and my analogy is you can't pass your house budget just walk across the street and give that neighbor your electric bill and the neighbor on the other side your gas bill and the neighbor on the other side your sewer/water bill. That is how the state's budget was balanced on the backs of local governments. This city is not the only city that's struggling financially there are many cities putting levies on for income taxes and the state has caused some of those issues. So this city's government has been shrunk by different incentives and attrition and is going to work hard to try and do the best we can to provide whatever services we can along the way but it's not going to be easy. Most of the surrounding communities have some type of payments they make whether it is for a police or fire levy or an income tax increase then the City of Brook Park. There are sewer footage funds, or rubbish fees or recreational center fees like in the City of Middleburg Heights. This city doesn't have any of those fees and never have but looking at reality I will be very supportive of the Brownfield's cleanup program because monies have to be spent to see good results.

Mr. D'Amico thanked everyone for speaking and stated that one of the big things is economic development and monies have to be spent in order for monies to be made. These lands that are considered Brownfield's and what happens with those properties is that they are exhausted and have all types of EPA (Environmental Protection Agency) contamination. They need to be repurposed and/or revitalized in order to sell as a marketable product land to bring in people. This Council spent the monies on properties being dilapidated by EPA standards that need to be brought up to standards in order to be sold, instead of that land sitting there. That is why when driving through the city there are land parcels that aren't being sold or marketed because they are not up to EPA standards. What these two companies will do is help with grants to clean these properties up so that these lands can be re-purposed and/or re-marketed. Its remarkable how these companies have taken dead zones and bring life back to lands that were wrote off and through small grants and economic development; those lands have been re-purposed to bring good businesses

Reports and Communications from the Mayor: cont.

and a good tax base to help the municipality to continue to operate. Years ago this city enjoyed when there were 16,000 people working at Ford and the recreation center was free but things have changed as all households have changed. This Council doesn't just throw monies around we are invested and have to do something as leaders to step out and show the residents that things can be done together to make sure that the future of this city continues; not just for this generations but for all future generations.

Mrs. Powers thanked everyone for speaking and sharing their ideas and there are small things that can be done to save monies. Half of this community are senior citizens that are on a very limited income and this city has to make do with the monies available. When the Mayor made the statements that the recreation center is closing and that senior citizen services are being cut I found four places including the Redeemer Lutheran Church that will give the seniors meeting spaces for free with donations being accepted, so there are ways to save. Because of not having the senior bus I contacted RTA to get information on the Para Transit service that will pick up people and drop them off at their homes. I belong to four senior centers and all of them are operating with a very limited budget and are open five days a week.

Mr. Burgio thanked everyone for speaking and stated I'm all for saving monies and cutting corners but it's going to take so much more than that. The roads need a lot of work and paving over them won't fix the problems. Being a realtor I can say that real estate has diminished a lot and I am still shocked how areas are plummeting and in my we have not come out of this recession. Brook Park is a great place to live and I want to see it thrive not just scrape by and that's why I was disappointed in the failing of the income tax and property tax issues because I thought that would turn this city around. So by working together with Council and the Mayor things can be turned around.

Mr. Troyer thanked everyone for speaking and stated that the city is going to have to be run differently. By keeping some of the great things and get it back where we were but it needs to be done in a different way and I'm willing to work with anybody.

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

Mr. Piatak stated the Engle Road Resurfacing Project is continuing with the asphalt surface on Engle Road between Sylvia and Sheldon Road; there are miscellaneous cleanup items and a driveway apron that needs to be repaired and final striping. The major work will be focused on asphalt and concrete base repairs between Snow and Brookpark Roads for the next few weeks. With the West 147th and Elm Concrete Joint Repair Project the concrete work is completed and there is some miscellaneous

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

cleanup items and joint sealing that needs to be completed. The Smith Sewer Project Phase 3 contracts are in the process of being executed for the new sewer on Smith Engineer Piatak: cont.

Road between Hummel and Holland Roads. Work will be starting any day for the Holland Road CSX Grade Crossing gates between Michael and Middlebrook and am disappointed it hasn't started already. Information has been received from CSX that the contractors will be doing some of that work over there and was deficient on some of the paperwork submitted. The contractor is working on that submission and getting the proper documentation turned into the railroads and whenever dealing with the railroads it's always a challenge. With that project when the gates are up and operational but that area will still not be a quiet zone because that process still needs to be worked through and this is the first step in getting those trains horns quieted in that area.

Mr. Mencini stated it's good to see that Smith Road sewer project beginning and asked if Engle Road will be paved out?

Mr. Piatak responded that will be finished when the contractor paves out the northerly section from Sylvia to Brookpark Road. The intermediate course is down but there are a couple of castings that may be high and it's nice when the surface course is paved to keep going to get a nice smooth mat.

Mr. Mencini asked for an update on the flooding meeting?

Mr. Piatak anticipated meeting with Council within the next few weeks.

Mr. D'Amico stated with the Holland Road between Michael and Middlebrook crossing gates that were on backorder. Will they be put in place or will the project continue in certain phases without them.

Mr. Piatak responded right now CSX-PUCO-ORDC has the entrance gates installed with the gate mechanisms but there are electronics that are on backorder and other issues over there and there are some loops that have to go into the pavement.

Mr. D'Amico stated that all the flooding questionnaires' have been looked at?

Mr. Piatak responded yes and there are still a few dwindling in.

Mr. Troyer stated with the flooding issue all of Council will be contacted?

Mr. Piatak responded yes.

Mr. Troyer stated is there any preliminary information on what happened?

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

Engineer Piatak: cont.

Mr. Piatak responded it's hit or miss all over and has to be narrowed down to a certain neighborhood because what happened at Liberty Bell didn't happen over in Fairlawn or on Settlement Acres.

Mr. Troyer asked with the Smith Road Sewer Project will any part of the storm sewer be replaced.

Mr. Piatak responded no.

Mr. Troyer continued it's not one on top of the other that road is set up differently?

Mr. Piatak responded that road is set up differently although the storm and sanitary are close in some areas. The only storm work that will be done is while replacing the sanitary lateral from the main to the sidewalk if a storm lateral is encountered there are provisions in the contract to replace that lateral while the trench is open.

Mr. Troyer asked will the CSX project go smoothly from here on out?

Mr. Piatak responded the project is getting very close.

Service Director Cayet

Mr. Cayet stated that the Saturday, August 30th, the city will be hosting a ball tournament at Kennedy field with all the unions from 10:00 a.m. to 4:00 p.m.

Mr. Troyer thanked service crews for taking care of problems on Forestview, Parkland and Merece.

Mr. Salvatore stated what unions will be represented on August 30th?

Mr. Cayet responded all the trade unions this is done every year and this year is being hosted by Brook Park.

Safety Director Byrnes

Mr. Byrnes stated no report.

Mr. Mencini stated with school starting will there be more police presence and looking at the citations issued for 2013 are they up, down or the same?

Mr. Byrnes responded the citations are up and extra traffic units have been placed on the roadways and there's been an increase in the last month, certainly in Mayor's Court.

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

Mr. Mencini stated since 2004 the number of criminal arrests went up from 190 to 731 in 2013?

Mr. Byrnes responded one of the reasons that Brook Park became the fifth safest city in Ohio is because the police chief has put an emphasis on keeping the city safe and the results are being seen.

Mr. Burgio asked if the city coordinates with the highway patrol for extra patrols on the highways such as during the Labor Day holiday.

Mr. Byrnes responded the city's police department works with the highway patrol and city personnel prefers to keep the police patrols in the city residential areas, instead of on the highways.

Law Director Jamison

Mr. Jamison stated the procedure for the Initiative petition and what Council's role is for the legislation on First Reading this evening. Section 13.01 of the Charter provides that any elector or group of electors can propose an ordinance upon presenting a petition signed by ten percent of the voters at the last preceding general election. Back in November, 2013 there were 5,777 ballots were cast so if a petition is submitted now a total of 577 valid signatures would be necessary. On July 28, 2014 there were 27 petitions presented to the Clerk of Council containing 705 signatures seeking to amend section 143.026 of the code. The Board of Elections reviewed those petitions and found of those signatures presented 630 were valid. This Council held a Public Hearing on August 12th pursuant to the Charter requirement. As this is before Council they have 60 days after the petition was presented to do a number of things: One is to enact the proposed ordinance contained in the petition; second is Council can amend and pass that ordinance with the amendments contained therein or the proposed ordinance can be voted down or rejected. If in fact the proposed ordinance is enacted then it goes into effect; if amended and the committee does not like the amendment(s) then the committee has ten days to go get an additional ten percent (10%) or 577 valid signatures to then put it on the ballot at the appropriate time. The same if Council rejects it the committee has the additional ten days to get the 577 signatures. The other option is if Council does nothing and the petition just gets put on the agenda and doesn't get passed or sits for 60 days the committee can get 577 signatures (10%) to force it to the ballot at the appropriate time. Mr. Jamison continued for the record so there is no confusion down the road and I did this two years ago with the proposed Charter amendments by the fire union to mandate minimum manning through a Charter amendment; that went before the electorate two years ago and was solidly defeated. At that time I stated at the time it was presented when it was before Council at this juncture that if

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

that Charter amendment would have went through it would have had no legal effect. At that time the rationale was that there was already language in the collective bargaining agreement that would override, (or if you ever play pinochle) would trump whatever comes by Charter amendment, or by Ordinance, or any other resolution for any kind of legislative action. We didn't get to that point at that time because the measure was defeated. For the one before you there are three reasons if it is enacted tonight or it gets to the ballot and passes it would have no legal effect for the following reasons: Number one Council or any Initiative Ordinance cannot tell an Administration or Department in this city or any city in the State of Ohio how to run the day-to-day affairs of that department. This Ordinance attempts to do that and there was case law that has gone down through the years and based on that if this thing were to pass or be adopted by the electorate it would have no legal effect for that reason. Second reason as the case two years ago with the proposed Charter amendment there is language in the collective bargaining agreement now that calls for minimum manning and if you look at the proposed Initiative ordinance it provides for minimum manning. It's providing for seven men; five at the main station and two at the Ruple Road station. For that reason it would also be in violation of the collective bargaining agreement and there is established case law that says once something is in the agreement that trumps anything else that is out there. The third issue is that the Charter provides that there is any ordinance can be proposed except for that which provides for appropriations of monies and tax levies. It could be argued in this case that this is an appropriation of money and as such would be subject to legal attack if it's either enacted or is adopted by the voters at the appropriate time. So I will say it now for the record and not later or if this goes through at the appropriate time that this ordinance if passed will have no legal effect.

Recreation Director Fields

Ms. Fields stated Tackle, Flag and Cheerleading begin Saturday, September 6th.

Finance Director Cingle

Mr. Cingle stated July monthly reports have been distributed and commented that there are a few copies of the 2013 Comprehensive Annual Financial Reports available in the Finance Department. Mr. Cingle continued in response to residents' comments earlier the HomeDays fireworks did not cost \$68,000 and any resident who has a question on what something costs that seem out of line please contact the Finance Department for an accurate answer.

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

Petitions:

Note: Removed at the Caucus meeting and placed under letter M – Introduction of Resolutions and Ordinances (First Reading).

Verbal Approval:

1. Southwest General Health District Annual Organizational list

Motion by Mr. Salvatore, supported by Mr. D’Amico, to verbally approve the list.

Mr. Salvatore asked if any organization has been missed or a new organization would like to participate please contact the office.

Mr. Troyer requested the Beautification Pride Committee be added to the list.

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

New Legislation:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE BROOK PARK POLICE SERGEANTS AND LIEUTENANTS, OHIO PATROLMEN’S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY Introduced by Mayor Coyne Placed **in Finance Committee**

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE BROOK PARK FIREFIGHTERS ASSOCIATION, LOCAL 1141, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, AFL-CIO-CLC, AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne Placed **in Finance Committee**

3. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE FRATERNAL ORDER OF POLICE LODGE NO. 15 (PATROL OFFICERS) AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne Placed **in Finance Committee**

4. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MUNICIPAL FOREMENS’ AND LABORERS’ UNION LOCAL 1099 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne Placed **in Finance Committee**

5. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE TEAMSTERS UNION LOCAL 436 AND DECLARING AN EMERGENCY Introduced by Mayor Coyne Placed **in Finance Committee**

MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):

1. RESOLUTION NO. 16-2014, RENAMING THE PLAYGROUND LOCATED ON SYLVIA DRIVE AFTER ANTHONY 'TONY' ROBERTS FOR HIS SERVICE TO THE COMMUNITY. Introduced by Mayor Coyne and Council Members Troyer, Mencini, Powers, Higgins, Burgio, D'Amico, Salvatore and Council President Patten.

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

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

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

ROLL CALL: AYES: D'Amico, Higgins, Powers, Burgio, Mencini, Salvatore, Troyer
NAYS: None. Res. No. 16-2014 has passed under Suspension of the Rules. Adopted.

2. ORDINANCE NO. 9931-2014, AUTHORIZING THE MAYOR TO CONTRACT FOR THE NECESSARY CONSTRUCTION ADMINISTRATION SERVICES, CONSTRUCTION INSPECTION SERVICES AND CONSTRUCTION TESTING SERVICES FOR THE SMITH ROAD SANITARY RELIEF SEWER PROJECT – PHASE 3 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

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

ROLL CALL: AYES: Salvatore, Burgio, Mencini, Higgins, D'Amico, Troyer
NAYS: Powers. The motion carried with a vote of 6-1.

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

ROLL CALL: AYES: D'Amico, Higgins, Burgio, Mencini, Salvatore, Troyer
NAYS: Powers. Ord. No. 9931-2014, has passed under Suspension of the Rules. Adopted with a vote of 6-1.

3. ORDINANCE NO. 9932-2014, AN ORDINANCE RE-AFFIRMING AND AMENDING SECTION 143.026 OF THE CODIFIED ORDINANCES OF THE CITY OF BROOK PARK REGARDING THE OPENING AND STAFFING OF TWO (2) FIRE STATIONS AND DECLARING AN EMERGENCY. Introduced by Initiative Petitions

Mr. Salvatore stated to Law Director Jamison this is very sensitive to many people and is very important that it is done correctly and in your earlier report are you saying that in its present form this is not enforceable.

Mr. Jamison responded correct.

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

Mr. Salvatore continued so even if this legislation was passed this evening this isn't a situation that it would be passed onto the ballot. This is a situation that it would be passed as a non-enforceable situation that would automatically be adopted without having to go to a vote of the people, is that correct?

Mr. Jamison responded correct.

Mr. Salvatore stated the only way to get this legislation to the people is to make amendments that make sense to allow for proper language and to eliminate any problems with collective bargaining and the other issue brought forward as well as state law and case history cited. Because of the legality of this and the sensitive issues of wanting an opportunity to place this on the ballot. In order for Council to do that then the necessary amendments need to be made, that would allow for that opportunity.

Mr. Jamison responded yes, I agree with that. Mr. Jamison stated after several discussions this is what is being proposed to amend the ordinance proposed by the Initiative Petition. There will be an addition of eight (8) Whereas' added to the beginning of the ordinance as follows:

1. Whereas, Section 13.01 of the Charter of the City of Brook Park provides that an electors have the power to propose any ordinance or resolution upon the presentation of a petition signed by the electors in the city, numbering not less than ten percent of the total vote cast in the City at the last preceding general election; and
2. Whereas, in the general election held in November, 2013, 5,777 total ballots were cast citywide; and
3. Whereas, on July 28, 2014, 27 initiative petitions containing 705 signatures were received by the Clerk of Council to amend Section 143.026 of the Brook Park Codified Ordinances; and
4. Whereas, in regards to the Initiative Petitions received on July 28, 2014, they are required to have 577 valid signatures in order to be considered; and
5. Whereas, after reviewing the petitions in question, the Cuyahoga County Board of Elections found that 630 of the signatures were valid; and
6. Whereas, on August 12, 2014, pursuant to the requirement in Section 13.01 of the Charter of the City of Brook Park Council held a public hearing on the proposed initiative petitions; and

Introduction of Resolutions and Ordinances: (First Reading): cont.**Amendments to Initiative Petition legislation by Law Director Jamison.**

7. Whereas, Section 13.01 of the Charter of the City of Brook Park provides that Council shall, within 60 days after such Ordinance was submitted, take final action thereon, by either enacting, amending or rejecting the proposed Ordinance; and

8. Whereas, Council has before it for its consideration the proposed Ordinance set forth in the Initiative Petitions; and

Mr. Jamison continued that in the ninth (9th) Whereas there is no change. The tenth (10th) Whereas in the proposed initiative petition after the word has insert 'stated that there' is and delete the word mandated and after May 11, 2014 delete the words 'in violation thereof'. The 11th Whereas second line after the word to insert 'provide emergency medical and fire suppression operations at a location and/or locations in the City as they deem necessary. Delete the words 'reopen Station No. 2 and staff it's sufficiently' also amend the eighth line by inserting after protection 'by doing so'. In Section One second line insert the words 'provide emergency medial and fire suppression operations at a location and/or locations in the city as they deem necessary and delete the 'immediately reopen Station No. 2, located at 22530 Ruple road, in the City of Brook Park, and cause same to be properly staffed, with no less than two firefighters' and in the seventh line delete the words 'that portion' and in the eighth line delete the words ' who have had such protection for more than 40 years'. In Section 2 delete the title 'Minimum Members on Duty and the second line after the word Department delete 'shall see that there is, in addition to a Fire Chief, Assistant Fire Chief and Fire Prevention Personnel a minimum of five firefighters on duty at both the 17401 Holland (Station No. 3) and two firefighters at 22530 Ruple Road (Station No. 2) fire stations in the city at all times' and insert the words 'shall operate emergency medical and fire suppression operations at a location and/or locations within the City of Brook Park that they deem necessary to provide for the health, safety and welfare of the city'.

Mr. Salvatore stated in the event that a fire station is built in the future that station would be covered in these amendments.

Mr. Jamison responded correct, this is giving the Public Safety Director and Fire Chief to make the decision where they think it is appropriate, it could be one location or multiples.

Mass Motion by Mr. Salvatore, supported by Mr. Burgio, to approve the amendments from the law director.

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

Mrs. Powers asked Law Director Jamison for clarification of the amended Whereas' and stated that with all these amendments this is basically saying that if a second fire station is wanted that decision is up to a few city personnel.

Mr. Jamison responded the Whereas' added spells out the procedure of how we got here today; the Whereas' don't do anything in that regard. What this ordinance does if amended by Council basically is that they are giving the power to the people who have under law the Administration, specifically the Safety Director and Fire Chief, to determine as they deem necessary to provide for emergency medical and fire suppression systems at locations that they deem necessary and it follows the law.

Mrs. Powers stated the legislation will read that two people can decide the location and/or locations of the fire station(s). So it's not saying that two fire stations are needed it's saying that these two city personnel can decide whether there is one fire station or two.

Mr. Jamison agreed with that statement.

Mr. Troyer stated to Law Director Jamison this will not cause the number two fire station to be opened?

Mr. Jamison responded even if this legislation passes tonight the fire station would not be opened. This legislation has no legal effect as it is presently constituted and someone would have to file a lawsuit to force it to be open. This has no legal effect as it's in the ordinance. This was an attempt by Council to provide an amendment to provide the appropriate personnel to make the appropriate decision to provide for the health and safety of all the citizens of the city.

Mr. Troyer stated those appropriate personnel would be the same people who decided to close it in the first place.

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

NAYS: Mencini, Powers, Troyer. The amendments carried with a 4-3 vote.

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

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

NAYS: Troyer, Mencini, Powers. The motion failed with a vote of 4-3.

Mr. Patten stated that Ordinance No. 9932-2014 has had its First Reading.

Mr. Salvatore asked Law Director Jamison if this legislation goes beyond the 60 days does that provide the Petition Committee to get it on the ballot.

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

Mr. Jamison responded yes, if the legislation goes past the 60 days the committee has the option to get the additional needed signatures within ten days.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):**THIRD READING OF RESOLUTIONS AND ORDINANCES:**

1. RESOLUTION NO. 18-2014, URGING RAILROADS OPERATING THROUGH THE CITY OF BROOK PARK TO IMPROVE RAILROAD TRACK INTEGRITY AND TANK CAR SAFETY AND FURTHER PROVIDE ADVANCE NOTICE OF HAZARDOUS MATERIALS BEING SHIPPED THROUGH BROOK PARK, AND DECLARING AN EMERGENCY Introduced by Councilman Salvatore and Council Members Troyer, Mencini, Powers, Higgins, D'Amico, Burgio, Council President Patten and Mayor Coyne

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

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

NAYS: None. The motion carried.

Council/Administration Remarks:

Mr. Troyer stated to Law Director Jamison that it's your legal opinion that the ten days would start after the 60 days is up or tonight?

Mr. Jamison responded the legislation wasn't passed the language in the Charter says when there is a final action by Council. There was no final action by Council tonight so the failure by you, Mr. Mencini and Mrs. Powers just delayed the issue. Because by you not suspending it and allowing the final action to take place you just basically delayed it. So as a result it goes on the next meeting for its Second Reading and if you choose at that time not to suspend it gets delayed one more time and finally on the Third Reading there will be final vote.

Mrs. Powers stated the reason I voted no is because we, Council, did not act as we should have when the petitions came back from the board, it was supposed to be within a reasonable period of time. A reasonable period was not ten days it was within a few days and Council had a meeting right after those petitions came back and that issue was not addressed.

Mr. Patten stated just for clarification and I've had this discussion with you before. The petitions came back on July 28th and were sent down to the Board of Elections and came back on July 31st. Council had a meeting on July 31st but it was a special

Council/Administration remarks: cont.

meeting that was already called and as I've said before nothing can be added to a special meeting agenda. After that special meeting was over I had all of Council polled and went over what we were going to do and no Council person told me that they were against that; so those petitions were put on the August 12th Caucus agenda and a Public Hearing was called.

There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 10:31 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *October 7, 2014*

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