

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, SEPTEMBER 9, 2014**

The meeting was called to order by Council President Patten at 8:10 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, Law Director Jamison, Safety Director Byrnes, Service Director Cayet, Engineer Piatak, Recreation Director Fields.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Special Caucus meeting held on Tuesday, August 12, 2014.

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

2. Special Council meeting held on Tuesday, August 12, 2014.

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

3. Public Hearing held on Tuesday, August, 12, 2014.

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

Mr. Patten stated for the audience information after Audience Participation; Council will be having an Executive Session for several different issues.

REMARKS FROM THE AUDIENCE (ON ANY SUBJECT):

Rudy Viol
15550 Paulding

Mr. Viol distributed a manifest to elected officials that he read into the record. (On file in the Council office for public review)

Remarks from the audience on any subject: cont.

Susan Anderson
5700 Grayland

Mrs. Anderson read correspondence from Brook Park resident, Phyllis Mitchell (attached to minutes) as well as her comments that were read into the record (attached to these minutes).

Sandy Haydanka
15544 Fayette Blvd.

Ms. Haydanka stated that her home abuts a residence owned by Mr. Salvatore and this is the third year of requesting that Mr. Salvatore of having the trees; dead branches and vines that are overhanging onto her property so that a wood fence can be installed. There has been many correspondences to have this matter resolved.

Mr. Patten stated that anything hanging over a property line the affected resident has a right to trim back.

Mr. Salvatore responded in a conversation a while back information was relayed that you could trim back the trees as high as you want to go.

Ms. Haydanka continued that there is a tree root that is entangled in my chain link fence and if the fence is taken down and install a wood fence that tree trunk will ruin the wood fence.

Mr. Salvatore stated that he will be stopping over to see the issue. It is my understanding that you wanted me to take down the tree.

Ms. Haydanka stated I don't think that I should have to pay for having the dead branches and the tree trunk taken out.

Patti Astorino
6258 Engle Road

Ms. Astorino stated to Mr. Salvatore that the tree mentioned before is an Ash Borer tree and half of the tree is dead. Mrs. Astorino continued with the closing of Fire Station No. 2 Ms. Anderson's house is six miles from Station No. 3 and to put things into perspective or a visual six miles is the distance from the station on Ridge Road by Parmatown Mall to Ms. Anderson's home.

Neal Donnelly
6441 Parkland Ave.

Mr. Donnelly stated that recently he saw an ambulance pull into Southwest General Hospital with the fire chief wheeling a cot into the hospital. My question is Council

Remarks from the audience (on any subject): cont.

comfortable with having the Fire Chief on a ambulance call where there is a significant number of paramedics available. Rather than having a chief that is no longer a paramedic and can't function as such dropping off patients and not being able to return back to the city because the chase car left. Mayor is this a good policy to have the fire chief not at the station dealing with any major catastrophes that might happen in the city.

Mayor Coyne responded I have no problem with any one of the city's safety forces that has the adequate training to respond to the need of a resident, including the time that you were chief. There are communications available today that are beyond belief and it will be shocking more to me if the residents' were aware that the city had grievances filed because the chief took out an extra squad to help respond to residents'. So in the logistics of the department do I have a problem with the chief, who I believe is well qualified to do anything in that department, the answer is no I do not; nor would I have it when you were chief.

Ray Peterlin
5811 Wengler Drive

Mr. Peterlin asked if an energy efficient survey was done in the city?

Mayor Coyne asked for the city buildings?

Mr. Peterlin concurred.

Mayor Coyne responded that is in process and there have been several of them done over the years. One of the things that is being looked is having people look at the vacant Ford property to look into solar farms. Before that could be done the sight needs to be cleaned up but the city is looking into everything to address the city's energy problem. All the city buildings are energy inefficient. Mayor Coyne continued one of the things being looked at is moving all city operations into the Recreation Center and close the City Hall buildings. Take the pool out but leave the gym and weight room and lease part of the operations of the Day Care who will start paying rent. There is another day care operation that wants to lease the whole basement of the Recreation Center. If those combined payments will allow me to borrow the money to retrofit the Recreation Center to make it energy efficient then that will be proposed to Council; this is all the information being gathered so Council is able to make decisions on the upcoming budget.

Remarks from the Audience on any Subject:

James Astorino
6258 Engle Road

Mr. Astorino stated at the August 12th Public Hearing you swore everyone in that they would swear under oath that they would tell the truth and now that the minutes have been approved. The questions I have for you are if someone did give false testimony at the hearing what is the process for filing a complaint and who will investigate that complaint and what if any will be the penalties if they are found guilty of giving false testimony.

Mr. Patten responded anything you have filed through us I'll absolutely pass onto the law director and get you the information you need.

Mr. Astorino continued I'd like an answer to that question as to what are the penalties. If Council is not going to penalize anybody for false testimony there is no sense in filing a complaint with you.

Mr. Patten stated I will follow through and give you the information and if there's an issue I will bring it forward; nobody has anything to hide.

Mr. Astorino clarified you can't tell me what the penalty might be...

Mr. Patten responded I can't tell you that right this second, I'm not prepared to do that.

Mr. Astorino stated the other question I have for you is the Ordinance that's before Council on Second Reading, 9932 the fire station ordinance. The question I have for you is this motion in its current format even properly before Council? Because I believe by the Rules of Council that you follow Roberts' Rules of Order and it's my understanding that an amendment which merely makes the affirmative of the amended question equivalent to the negative of the original question it's not a proper amendment. The amendment that was given at the last meeting basically stripped everything away from the ordinance and now if you vote yes on the ordinance you're voting no on the Initiative Petition initial proposed ordinance. So my question is if it wasn't done properly per the Roberts' Rules of Order should it just not go back to the original ordinance? Because I believe that all the amendments that were made aren't in order.

Mr. Patten responded it is my understanding is that they are in order and under the Charter it says that they can amend it; they can approve it or they can deny it.

Mr. Astorino concurred.

Mr. Patten stated Council chose to amend it and then it still has to come before this body so it's on Second Reading because suspension of the rules was not passed at the last meeting; otherwise it would have been suspended upon and voted up or down.

Mr. Astorino responded right, but you're amendments have to be made per the Rules of Council which are Roberts' Rules of Order and if you make in amendment and as many amendments

Remarks from the Audience on any Subject:

that were made, the multiple amendments that basically means now by voting yes on the ordinance you're voting no on the original so those amendments aren't proper. The Charter says you can amend it but you're rules say that you have to amend something properly.

Mr. Patten responded I'll look into that but it is my understanding that the amendments were made; they were passed in the affirmative and this ordinance stands amended at this point.

Mr. Astorino continued the amendments were passed four (4) to three (3), so it's just a simple majority?

Mr. Patten concurred.

Mr. Astorino continued so that means that you still have to follow the Rules of Council if it had passed seven (7) to nothing (0) I'd have nothing to say to you because obviously Council wanted to do that. Since it only passed by a simple majority you have to follow the Rules of Council, the rules were not suspended so Council would have to follow Robert's Rules of Order which means you can't make a motion and amend motions in that kind of matter, which basically reverses the ordinance.

Mr. Patten stated I'll look at that, Jim.

Mr. Astorino continued Mayor Coyne mentioned that all residents are entitle to the same service and voting Members of Council have received communications from me and my wife based on what has happened since the closing of the fire station. At the public hearing the fire chief testified that response times in that area prior to the closing was four minutes and thirty-eight seconds (04.38) and testified that it is now eight minutes and one second (08.01). Looking at additional runs since the chief's testimony and the average run is actually eight minutes and twenty five seconds (08.25). For one month after the closing the chief looked at response times and stated citywide the time is four minutes and twenty seconds (04.20), a thirty second improvement. (0.30); however it's a three minute and forty seven second (03.47) increase to the west end. So if all residents are entitled to the same service on the west end. So for Council to by the line that services are not being impacted is incorrect. This matter is all about response times and prior to the station being closed Council was told don't worry this can be done. It's now been three and one half months since the station closed and it is being shown that it cannot be done. There were over 700 signatures with 630 signatures being valid saying don't close the station. Council is elected to represent the people and the people are saying don't do it and the plan has failed because of the distance and the geography. The structure of Brook Park does not allow a central station to provide adequate coverage to the west end and the main thing a resident wants is safety and security in their homes.

Motion by Mr. D'Amico, supported by Mr. Higgins, to go into Executive Session for Attorney Conferences, Negotiations and Purchase of Property.

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

NAYS: Powers, Troyer. The motion carried at 9:10 p.m.

In attendance: Members of Council, Mayor Coyne, Law Director Jamison, Finance Director Cingle, Safety Director Byrnes and Economic Development Commissioner Dolan.

Motion by Mr. Higgins, supported by Mr. D'Amico, to adjourn the Executive Session. Members of Council voted AYE. The motion carried at 10:25 p.m.

Motion by Mr. D'Amico, supported by Mr. Salvatore, to go back to the Regular Order of Business. 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 approved 43 items earlier this evening. The final buyout payment of \$446,500 was paid out and as of January 1, 2014 there are currently 150 employees down from 205. In order to close the gap and eliminate the structural deficit Council will meet with the Mayor to bring items forward to rectify these issues.

Legislative Committee – Chairman, Troyer

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

Parks & Recreation Committee – Chairman, Burgio

Mr. Burgio stated there are new programs at the Recreation Center; Arts & Crafts will be held on Tuesdays and Thursdays from 4:00 p.m. - 6:00 p.m. for ages 8 - 17. Baton, Flag and Pom-Poms for ages 3 - 18 on Saturday mornings at 8:00 a.m., Co-ed Volleyball on Tuesdays and Thursdays 6:00 p.m. - 8:30 p.m. for ages 8-17; Youth Adventure club monthly outings for hiking, sled riding and fishing for ages 10 - 14 and the center will be hosting a Halloween Party on Sunday, October 26th from 2:00 p.m. - 4:00 p.m., donations are being accepted. The Football and Cheerleading season kicked off on Saturday, September 6th.

Planning Committee – Chairman, Mencini

Mr. Mencini stated the committee met on September 8th and approved a front porch on Michael Drive; a conditional use permit for Harley-Davidson Rock N Roll at 4985 West 150th Street; approval for construction of a car wash for Airport Infiniti on Brookpark Road and lastly the committee approved construction of a 7,700 square foot service garage at 13930 Brookpark Road.

Safety Committee – Chairman, Salvatore

Mr. Salvatore requested Council to move forward on the railroad legislation appearing under third reading on this evening's agenda.

Reports from Standing Committees: cont.

Service Committee – Chairwoman, Powers

Mrs. Powers stated no report this evening.

Board of Zoning Appeals – Chairman, D’Amico

Mr. D’Amico commended the Zoning Commission and Building Commissioner Hurst for their assistance in the cleanup of a few parcels in the city. The Nissan group had 21 variances to be competitive with other groups on Brookpark Road. The next Board of Zoning Appeals meeting will be on October 6th.

REPORTS FROM SPECIAL COMMITTEES:

Southwest General Health Center – Trustee, Salvatore

Mr. Salvatore stated there has not been a meeting since last report.

Berea Board of Education – Representative, Mencini

Mr. Mencini stated the superintendent will be presenting the State of the Schools address on Thursday, September 11th at 11:30 a.m. at the Middleburg Heights Community Center for the combined Chambers of Commerce for Berea, Brook Park and Middleburg Heights. The school board will be putting a 3.9 levy on the upcoming ballot costing the owner of a \$100,000 home \$11.00 per month. The reason for the levy is due to a loss of tax revenues since 2011 and will continue to go down as property values decrease. The levy will sustain academic programs and learning technology and will have well qualified and fairly compensated teachers and will insure the school buses are properly maintained and safe for students.

REPORTS FROM BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne stated with the 2015 Budget the Finance Director and I have established what will be necessary to meet city policies and what requirements will be moving forward. Presently alternatives are being looked at for the Recreation Center that should remain open to at least the first of the year. Conversations have been taking place with the YMCA to take over the Recreation Center and operating it as one of their facilities; city personnel has also reached out to a few other non-profits that might be interested. The center was looked at for determination of what needs to be done to possibly consolidate City Hall and the Building department operations to the Recreation Center; with the pool and locker rooms being eliminated because of the costs. Mayor Coyne continued that he is the only person looking at these items so if there are any questions please contact him; no

Reports and Communications from the Mayor: cont.

decisions have been made to date but are currently in the process of being made. The day care center will begin paying rent payments that they have not done in the past. The city has approximately a \$3 million dollar hole to crawl out of and will be looking at every single union contract and the subcontracting of city services; that the unions will have the ability to compete. With the above this will allow the city to make sure the city's financial situation is good this year and going forward. Mayor Coyne continued the other issue is the consolidation of the EMS and the city to work with the City of Olmsted Falls and Olmsted Township to consolidate operations into Southwest General Hospital will not come to fruition. Olmsted Township has merged with the county and it appears that Olmsted Falls is going to sign with the City of Strongsville. The reason why this city won't do that is because the city wants governance that allows the city to make decisions on expenditures and costs of the COG (Council of Governments). The City of Strongsville is interested in a fee for service only model and presently the total dispatch is a little more than \$700,000 and the first proposal was \$900,000. Preliminary discussions have taken place with the City of North Olmsted and will be talking to other communities to see what can happen.

Mr. Mencini asked for clarification on the Recreation Center.

Mayor Coyne responded presently the center is a \$1.2 million dollar subsidy and the YMCA is going to be making a proposal to the city to either operate the center or possibly lease the center from the city and operate it so people can join it or maybe a different function, that's one thing being looked at. The other issue is if all the city operations can be moved into portions of the building and reduce the useable areas of the pool and locker rooms and have the rental revenue to pay for the improvements that need to be made; that would be done and the city would continue to operate. There are people interested in leasing portions of the Recreation Center so those are a few things being looked at and there are other non-profits responses have not been received.

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

Mr. Piatak stated with the Smith Road Sewer Project – Phase 3 from Holland to Hummel Roads there was a pre-construction meeting on August 28th and once work begins there delays and traffic congestion is expected. The Holland Road CSX Grade Crossing, the four-quadrant gate crossing project, between Michael and Middlebrook. The contractor is currently working to schedule with CSX for required flagging services to enter the property. The Engle Road Resurfacing Project work continues on concrete base repairs on the northbound lanes north of Snow Road for the next few weeks; south of Snow Road is getting wrapped up.

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

Mr. Troyer asked Engineer Piatak what is the update with the Sylvia/Lesley Waterline Reconstruction Project?

Mr. Piatak responded the project is still under design and to date no comments have been received from the water department and a bid date for that project is anticipated in early 2015.

Service Director Cayet

Mr. Cayet stated no report this evening.

Safety Director Byrnes

Mr. Byrnes thanked Council for the anticipated approval of the union contracts and also acknowledged the work of the unions in coming to an agreement during a very difficult time.

Law Director Jamison

Mr. Jamison stated in case calls are received Mr. Jamison shared a story that recently happened to a client of his from another city received a phone call from someone saying that he represented the IRS (Internal Revenue Service) and told this resident that there was a warrant out for both her and her husband because they owed the IRS money. This terrified client called me and I was able to track down a few police agencies in the area and found out that there was no arrest warrant for her or her husband and that this is a SCAM being run by people out of the country. What they will do is prey on senior citizens who are susceptible to this type of pressure tactic to give monies over the phone with a credit card. So please tell your constituents, especially the senior citizens that if they receive this type of phone call to ignore it and don't give any personal information out.

Mr. Troyer requested a legal opinion from Law Director Jamison regarding the Initiative petitions regarding the fire station. 1. Do the 53 extra signatures turned in count towards the supplemental ten percent? 577 petitions were needed and the committee turned in 630 so there was 53 signatures not needed.

Mr. Jamison responded no.

Mr. Troyer asked when does the ten day period for supplemental petitions begin.

Mr. Jamison responded assuming that the amended Ordinance is passed tonight and assuming that the committee that proposed the initiative ordinance does not like that amended ordinance; the clock starts ticking if it gets passed today.

Mr. Troyer stated if Council takes final action tonight the clock starts ticking then; it doesn't go day by day or start the next day, it starts now.

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

Mr. Jamison responded the Charter reads ten days after final action is taken.

Recreation Director Fields

Ms. Fields stated that the Halloween party theme is Gotham and Batman and it is anticipated for everyone to be in costume. Ms. Fields continued on a sad note one of the city's volunteer football coaches passed a few days ago.

Mr. Mencini stated yesterday morning there was a bad accident on I-77 and Chuck Willard was involved. Chuck is a volunteer coach for the city's basketball, football, baseball and soccer programs and was only 38 years old with a wife and three children. For the rest of the year team players and coaches will be wearing CW logos on the helmets. There will be a banner in Chuck's memory and an account has been opened at 5/3 bank for any donations.

Finance Director Cingle

Mr. Cingle stated that monthly reports for August have been distributed and there have been many requests from Council Members for information and the department is asking for your patience on these requests. In order to provide an accurate response information requested needs to be calculated so it may take a few days. There are many public records requests being received from outside entities.

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

Note: Moved by motion to the beginning of the meeting under Audience Participation.

Correspondence:

1. Correspondence from Brook Park resident, Phyllis Mitchell, requested to be read into the record.

MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):

- 1. RESOLUTION NO. 20-2014, AUTHORIZING THE MAYOR TO FIRE AN APPLICATION WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR A COMMUNITY DEVELOPMENT BLOCKS GRANT AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

The clerk read the resolution in its entirety, since it was not properly posted.

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

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

Motion by Mr. D’Amico, supported by Mr. Burgio, to adopt.

ROLL CALL: AYES: D’Amico, Burgio, Mencini, Powers, Higgins, Troyer, Salvatore
NAYS: None. Res. No. 20-2014, has passed under Suspension of the Rules. Adopted.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):

- 1. ORDINANCE NUMBER 9932-2014 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. Patten stated that Ordinance No. 9932-2014 has had its Second Reading.

THIRD READING OF RESOLUTIONS AND ORDINANCES:

- 1. RESOLUTION NUMBER 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, Burgio, D’Amico, 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. The motion carried. Res. No. 18-2014 is hereby adopted.

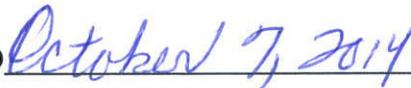
There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 10:55 p.m.

RESPECTFULLY SUBMITTED



Michelle Blazak
Clerk of Council

APPROVED



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