

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, SEPTEMBER 16, 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, BURGIO, POWERS, HIGGINS

Also in attendance were Law Director Jamison, Finance Director Cingle, Service Director Cayet, Safety Director Byrnes, Mayor Coyne, Recreation Director Fields.

Mr. Patten excused Councilman Mr. Mencini from tonight's meeting.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

REMARKS FROM THE AUDIENCE (ON ANY SUBJECT):

Richard Matting
5050 West 148th Street

Mr. Matting expressed concerns of a vacant lot owned by the city adjacent to his property where the city knocked down a house in 2012. Since the house was knocked down on that property every house from Marginal to that vacant lot floods. That particular lot floods up to the brand new fence recently installed and is causing damage and rotting of the fence.

Ray Peterlin
5811 Wengler Drive

Mr. Peterlin expressed concerns there will be a conference next month on solar and wind power. Solarcity.com will be moving into seven states but nothing near Cleveland. Mr. Peterlin continued that possibly the Ford Plant could get involved as a technological park being next to NASA. More information is available online at solarcity.com. or by calling 1-888-765-2489 for an analysis based on an address only.

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 Board of Control met earlier this evening and approved seven items. Mr. D'Amico stated that under M-6 on tonight's agenda Resolution No. 21-2014 is a time-sensitive issue with an October 1st deadline.

Legislative Committee – Chairman, Troyer

Mr. Troyer stated Legislative Committee has one item on tonight's agenda and announced that September 23rd is National Voter Registration Day and it has been

Reports from Standing Committees: cont.

set up with Recreation Director Fields to have Board of Elections personnel in the Recreation Center to register voters beginning at 9:00 a.m.

Parks & Recreation Committee – Chairman, Burgio

Mr. Burgio stated no report this evening.

Planning Committee – Co-Chairman, Salvatore

Mr. Salvatore stated that Councilman Mencini is recuperating from his recent surgery and will be back to work soon.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated the Safety Committee has legislation on tonight’s agenda regarding union contracts.

Service Committee – Chairwoman, Powers

Mrs. Powers stated no report this evening.

Board of Zoning Appeals – Chairman, D’Amico

Mr. D’Amico stated the next Board of Zoning Appeals meeting will be October 6th.

REPORTS FROM SPECIAL COMMITTEES:

Southwest General Health Center – Trustee, Salvatore

Mr. Salvatore stated he will be in attendance at a work session scheduled for October 10th from 8:00 a.m. to 5:00 p.m.

Berea Board of Education – Representative, Mencini

REPORTS FROM BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne requested Council approve the union contracts on the agenda; next year’s negotiations will begin shortly. The administration has met with most of the unions and the service end to talk about finances and proposals that will be forthcoming to Council.

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

Engineer Piatak

Mr. Piatak stated the Engle Road Resurfacing Project work continues on the north of Snow Road with partial and full-depth pavement repairs. Mr. Piatak reminded Council of the flooding meeting to be held this coming Thursday, September 18th at the Recreation Center beginning at 6:30 p.m.

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

Mr. Troyer asked Engineer Piatak if there is a map that shows how the storm water flows through the city.

Mr. Piatak responded there is an overall sewer map of the with all the manholes plotted, pipe sizes and flow directions.

Service Director Cayet

Mr. Cayet stated no report this evening.

Mr. Burgio asked Mr. Cayet about news reports of salt shortages.

Mr. Cayet responded there aren't any shortages but the cost will be going up quite a bit. Mr. Cayet will be attending a meeting on different types of deicing in the month of October.

Mr. Salvatore asked what is the increase in price, has that number been issued yet.

Mr. Cayet responded I've heard \$168 dollars a ton.

Mr. Higgins commented last year salt was \$29.00 and it depends on county location; southern counties are more expensive. ODOT (Ohio Department of Transportation) had a summer fillup and Morton Salt was awarded that at \$47.00 a ton and Cargill was awarded the winter fillup at \$51.00 and some change for a ton, for Cuyahoga County.

Mr. Salvatore stated the lowest increase seen so far is \$38.00 a ton.

Mr. Cayet commented that the city is locked in with a other entities and will always receive the same price.

Safety Director Byrnes

Mr. Byrnes thanked Council in advance for passing the collective bargaining agreements on the agenda this evening. The employees have waited for this and there are some ramifications for medical insurance that have to be addressed. During the Caucus meeting earlier there was discussions of police and drug activity in the city. To all residents if you see something call the dispatcher directly the department responds to every single call. It doesn't do any good, in reality, if a call is made to my office to tell the police chief which is now 18 to 20 hours after the concern. The police have been very good with addressing complaints coming through the Mayor's office and forwarded to my office so if there is any noticeable activity please call the dispatcher.

Mr. Salvatore stated the police department issued tickets to the amount of \$90,000 for last month.

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

Mr. Byrnes responded the program in place is working very well and there are more police on the streets; the month before the amount was \$55,000.

Mr. Salvatore asked Mr. Byrnes to pass along to the police department great job. Mr. Salvatore also thanked Mr. Byrnes and Police Chief Foster for the fast response on a recent call made.

Mr. Higgins stated to Safety Director Byrnes that he didn't want to get into the debate earlier about assistance for drug property through the safety department. Since I've been on Council when I am notified from a resident about a concern that they may have, whether right or wrong, or whether it was Chief McQuaid or Chief Foster it's been investigated thoroughly. Mr. Higgins asked Safety Director Byrnes with the discussions of minimal changes to these contracts a statement was made earlier for these to pass under suspension. The employees are now participating in health care costs and if, in fact, these go three readings and go into effect. I think it will be a disadvantage to the city potentially to start and enforce the participation of these health care costs from city employees.

Mr. Byrnes responded that every single city employee has been notified that the city is intending to start the process of withholding higher salary from them for health care costs effective September 22nd. All employees received a form that had to be filled out and return to Human Resources which is all done. If these contracts are not passed that will not be performed on time and would have to go back through the process and I think the employees do deserve some certainty. The city has kind of assured them that this will be taken care of and the employees made adjustments and made agreements and have done a great job and if these contracts are passed this evening there is no problem; if these contracts are not passed tonight then that would create a problem.

Mr. Salvatore stated I didn't want to say anything when the debate was taking place about drug activity in the city because of the confidentiality and sensitivity of that matter. There are other governmental agencies that work with the City of Brook Park on a daily basis and are on top of this issue. If anyone comes to Brook Park trying to peddle drugs the Brook Park police department is on it and all of us should be proud of that.

Mr. Burgio stated to Safety Director Byrnes that there are more police visibility in places that they haven't been seen before and on side streets. The number one issue in the city is speeding and I think it is being addressed.

Law Director Jamison

Mr. Jamison stated no report this evening.

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

Mr. Troyer stated to Law Director Jamison there are dates that these contracts were signed on July 29th, July 16th, August 5th, 6th, and 18th. Are any of these contracts in effect because of the 30-day limit?

Mr. Jamison responded technically they have to come before Council for approval. At the end of the day they are agreed upon contracts and need to be addressed tonight to get this resolved.

Mayor Coyne commented technically many unions were agreed to on separate dates, however, as to how the health care issue was going to be handled dragged these contracts on and the Administration wanted to bring all of them at the same time. So while most of the contracts were agreed to how the Administration was going to implement the employees percentage to health care benefits took a longer period of time.

Mr. Troyer stated to Law Director Jamison I was going to abstain on a few of these contracts this evening because of the changes that were made after signing.

Mr. Jamison responded my understanding that there were two contracts that needed to be changed, the effective dates. The union understood that those were typo's and there was no issue by union personnel from that perspective. There were just come clerical cleanup of each contract but nothing of substance is changing in each one; it was the duration language in two of the contracts that needed to be addressed. There was also one piece of legislation that had the wrong dates and has been rectified.

Recreation Director Fields

Mrs. Fields stated no report this evening.

Mr. Salvatore stated to Recreation Director Fields although it was a very tragic situation in losing a coach you and your staff put together a very nice event prior to the team that he coached; it was a very nice but sad sendoff and the department did a great job.

Mrs. Fields thanked Councilman Salvatore and mentioned that FOX 8 did a very nice coverage of the event and can be seen on the website.

Finance Director Cingle

Mr. Cingle stated no report this evening.

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

New Legislation:

1. An Ordinance authorizing the Director of Public Service to prepare specifications and further authorizing the Mayor to advertise for bid and to enter into a contract with the lowest and/or best bidder for the conversion of a 1986 Ford L-8000 sewer vactor truck to a dump truck with a snow plow package and declaring an emergency. Placed in Service Committee
2. An Ordinance authorizing a change order for the contract between Statewide Emergency Products, Inc. in the City of Brook Park and declaring an emergency. Introduced by Mayor Coyne Placed in Finance Committee
3. An Ordinance authorizing the Mayor to enter into an agreement with the Cuyahoga County Department of Public Works for grant funding for reimbursement costs of materials used in performing maintenance of county routes and declaring an emergency. Introduced by Mayor Coyne Placed in Finance Committee
4. An Ordinance authorizing the Mayor to enter into a contract between Brewer Garrett Company and the City of Brook Park and declaring an emergency. Introduced by Mayor Coyne. Placed in Finance Committee

MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):**INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):**

1. ORDINANCE NO. 9933-2014, 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

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

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

NAYS: None. The motion carried.

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

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

NAYS: Powers. The motion carried with a vote of 5-1. Adopted.

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

2. ORDINANCE NO. 9934-2014, 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

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

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

NAYS: Powers

Mr. Patten stated that Ordinance No. 9934-2014, has had its First Reading.

Mr. Salvatore stated the prevailing side can I ask for reconsideration. This is just to suspend if you want to vote the contract down that's fine but this will hold up the firefighters' agreement.

Mr. Patten asked Mrs. Powers if she will reconsider.

Mrs. Powers stated yes.

Motion by Mr. Salvatore, supported by Mr. Higgins, to reconsider the main motion for Suspension of the Rules for ord. No. 9934-2014.

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

NAYS: None. The motion carried. Ord. No. 9934-2014 has been reconsidered.

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

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

NAYS: None. Ord. No. 9934-2014 has passed under Reconsideration of the Suspension of the Rules. Adopted.

Mr. Patten thanked Councilwoman Powers for her reconsideration.

3. ORDINANCE NO. 9935-2014, 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

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

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

NAYS: None. The motion carried.

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

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

NAYS: None. Ord. No. 9935-2014, has passed under Suspension of the Rules. Adopted.

4. ORDINANCE NO. 9936-2014, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MUNICIPAL FOREMENS' AND LABORERS' UNION LOCAL 1099 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

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

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

NAYS: None. The motion carried.

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

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

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

NAYS: None. Ord. No. 9936-2014 has passed under Suspension of the Rules. Adopted.

- 5. ORDINANCE NO. 9937-2014 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE TEAMSTERS UNION LOCAL 436 AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

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

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

NAYS: None. The motion carried.

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

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

NAYS: None. Ord. No. 9937-2014 has passed under Suspension of the Rules. Adopted.

- 6. RESOLUTION NO. 21-2014, ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER. Introduced by Council Members Troyer, Mencini, Powers, Higgins, Burgio, D'Amico, Salvatore and Council President Patten

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

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

NAYS: None. The motion carried.

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

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

NAYS: None. Res. No. 21-2014, has passed under Suspension of the Rules. Adopted.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):

THIRD READING OF RESOLUTIONS AND ORDINANCES:

- 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

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

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

NAYS: Troyer, Powers. Ord. No. 9932-2014 has been adopted.

Motion by Mr. D'Amico, supported by Mr. Salvatore, to go into Executive Session.

Council/Administrative Remarks:

Mr. Salvatore asked Law Director Jamison for clarification on the legislation adopted under Third Reading with a vote of 4-2. By passing this it allows the residents' to do what has been asked of this Council all along, is that correct?

Mr. Jamison responded if the petition committee does not like the ordinance as amended they now have ten days to go out and get supplemental signatures to have the original petition (ordinance) placed before the voters.

Mr. Salvatore stated this was the proper procedure to take and the right route to take to accomplish what the residents' has been asking for? This get it to the ballot which they have been trying to do and would never have gotten to the ballot any other way other than making amendments and going through the process of getting it there.

Mr. Jamison responded yes.

Mr. Troyer stated to Law Director Jamison couldn't Council have brought up the same legislation to put this on the ballot?

Mr. Jamison responded no, the only thing Council can do is to propose Charter amendments that go to the electorate. Typically an ordinance or resolution as a body Council either adopts or don't adopt that piece of legislation. Council does not have the ability to take something and place it before the voters on a initiative. Council can place a Charter amendment on the ballot for people to consider but this is a method or a mechanism for the voters or the citizens to bring forward that they think is important or that they think is germane to what they think the issue is and then if Council decides to either adopt, reject or amend it or do nothing then there is a mechanism in the Charter to allow that to get to the voters to decide whether the proposed legislation becomes adopted or not. Council as a body elects their own Ordinances and Resolutions and don't typically submit them to the electorate to vote on.

Mr. Troyer stated you said Council doesn't typically but could Council have done that?

Mr. Jamison responded I don't think so but could go back and look, I could be wrong, but typically Council can submit as a proposed Charter amendment, which has been done in the past. In years other than Charter Review as an example a few years ago at the request of the Board of Elections certain filing deadlines to harmonize the entire county to be on the same time systems. There have been other instances in the past where proposed Charter amendments were put forth by Council but that is typically the way something can go to the electorate.

Mr. Troyer continued the only way to basically fast-track this after it gets on the ballot and passes the only way Council could have fast-tracked this was to change the ordinance to what the committee is asking for?

Mr. Jamison responded if Council would have adopted the original ordinance it would have become an ordinance if that's your question.

Mr. Troyer responded yes.

Council/Administrative Remarks:

Mr. Jamison continued it doesn't still escape the fact of whether it has any legal effects and as I said back in August let's say the initiative committee goes out and gets the requested number of signatures and gets to the ballot and the voters adopt that at the election there is still the issue does it have any legal effect and in my opinion it does not. I think that is why Council chose to amend it in the matter it did so.

Mr. Salvatore stated if it had passed in present form as presented it would have been adopted and not gone to the ballot, is that correct?

Mr. Jamison concurred.

Mr. Salvatore continued unenforceable and no opportunity to get to the ballot.

Mr. Jamison responded correct, it would have not gone to the ballot.

Mrs. Powers stated to Law Director Jamison last week mention was made that the time clock would start as soon as Council made the motion to accept this legislation; so when does the ten day period start?

Mr. Jamison responded it starts ten days after final action so the clock starts running ten days after the final action took place. So the ten day deadline would be a week from this coming Friday which would be September 26th.

Mrs. Powers stated all legislation passed this evening was done by emergency but why can't Council and open the fire station now?

Mr. Higgins – Point of Order.

Mr. Patten – It's been voted on there is a motion on the floor, I've tried to give as much latitude as possible but this isn't the time that should have been brought up at the Caucus meeting.

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

NAYS: None.

ABSTENTION: Troyer, Powers. The motion carried at 8:40 p.m.

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

Motion by Mr. D'Amico, supported by Mr. Higgins, to adjourn the Executive Session. Members of Council present voted AYE. The motion carried.

Motion by Mr. D'Amico, supported by Mr. Higgins, to adjourn the Executive Session. Members of Council present voted AYE. The motion carried at 9:29 p.m.

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

There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 9:30 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.

