

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, OCTOBER 7, 2014**

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

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

Also in attendance were Finance Director Cingle, Safety Director Byrnes, Mayor Elliott, Engineer Piatak, Law Director Jamison, Building Commissioner Hurst, Economic Development Commissioner Dolan (7:35 p.m.) and Recreation Director Fields (7:50 p.m.).

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus meeting held on August 19, 2014.

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

2. Regular Caucus meeting held on September 9, 2014.

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

3. Regular Caucus meeting held on September 16, 2014.

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

DISCUSSION:

1. PROPOSED TAX LEVY (RENEWAL AND INCREASE) CUYAHOGA
COMMUNITY COLLEGE DISTRICT – ISSUE 6

In attendance - Speaker Claire Rosacco

**Claire Rosacco
3141 Somerset Drive
Shaker Hts.**

Ms. Rosacco thanked Mayor and Council for allowing her to speak on this campaign. This will appear as Issue 6 on the November ballot which is a property tax levy for the college that was started in 1963 by a vote of the people of Cuyahoga County and is the first and largest community college in

Discussion: cont.

Ohio. This levy is going to be a 1.2 mill renewal and a 0.9 increase for ten years. There are two county levies that support the college and are 40% of the college's operating budget and are very critically important to the institution. The cost of the 1.2 mill levy is \$36.75 annually on a \$100,000 home and the increase will be an additional \$2.63 a month on a \$100,000 home. For the operations of the institution 85% of the graduates remain in the county and work. The college is ranked number one in Ohio in the degrees for health care arena. The college is also one of the largest work-force training providers not only in the state but also in Northeast Ohio. The college has about 60,000 students on an annual basis and half of those are working towards an Associate degree and the other half are working on work-force training certificates. This issue will allow the college to remain affordable and the college is the second lowest tuition public higher education institution in the State of Ohio. The students still struggle to pay for their tuition of \$2,500 annually for the Associate degrees plus books while working full-time; the average student's age is 29 years old with 60% being women.

Mr. Mencini stated out of the \$60,000 what percent might be out of the City of Brook Park?

Ms. Rosacco responded I don't have that information with me but that is kept by zip code area and I can get back to you with that answer.

Mr. Mencini stated that education makes the community as long as the people stay and work here but for the seniors on a fixed income why should they vote for this levy?

Ms. Rosacco responded one of the biggest challenges with levies is the not particularly liking the raising of taxes but this is crucially needed because since 2011 the college has lost \$63 million dollars through state and local funding and for the college to remain competitive this increase is needed for the next ten years. The college offers a Program 60 and an Encore Program both of which are for senior citizens. Program 60 is a free program that allows for seniors 60 and above to come and audit any course available to them if there is room and usually there is room. The Encore Program which is for 55 and above is a low-cost program and the group decides their own curriculum provided by the college.

Mayor Coyne welcomed Claire Rosacco and has served for elected officials for many years. Part of this tax increase is a renewal so hopefully that will be successful. This city understands the problem being experienced by the state cuts because the city has experienced those as well. The important

Discussion: cont.

thing about the community college is giving people who have been displaced by job mergers, acquisitions and other reasons the ability to get back in the workforce; which is a very valuable tool.

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

- 2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE BROOK PARK SAFETY DISPATCHERS/CLERKS, FRATERNAL ORDER OF POLICE ASSOCIATION (SAFETY DISPATCHERS/CLERKS), AND DECLARING AN EMERGENCY
Introduced by Mayor Coyne

Mr. Patten stated that item number two has been removed from the agenda.

- 3. A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE YEAR 2015 OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY.
Introduced by Mayor Coyne

Mayor Coyne stated this allows the city to participate in obtaining funding for projects in the city.

Mr. D'Amico asked if item numbers three and four on the agenda have any time sensitivit

Mr. Jamison responded yes for item number three.

Mrs. Powers asked if Council will be voting on the contracts or will the contracts be no-bid

Mayor Coyne stated every contract that the state or city participate in would have to be bid.

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

Mr. Piatak stated the applications are due down to the committee by October 17th; so it would be helpful if all the legislation was in place to submit with the application.

Mr. Higgins removed his motion and Mr. Troyer removed his second.

Discussion: cont.

Motion by Mr. Troyer, supported by Mr. Higgins, to place on the Council agenda immediately following.

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

Mr. Patten stated that will appear under M-3 as Resolution No. 23-2014.

- 4. AN ORDINANCE AUTHORIZING THE CONSULTING ENGINEER TO PREPARE AN APPLICATION TO PARTICIPATE IN THE YEAR 2015 OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENTS PROGRAM FOR FINANCIAL ASSISTANCE ON THE SMITH ROAD SANITARY RELIEF SEWER PROJECT-PHASE 4 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Motion by Mr. D’Amico, supported by Mr. Burgio, to place on the Council agenda immediately following.

Mr. Salvatore stated is this necessary to have in place by October 17th?

Mr. Piatak responded item number four is authorizing payment to Euthenics to prepare the application which goes together with item number three is authorizing the submission of the application to Public Works. Mr. Piatak continued that part of the time sensitivity is the applications materials didn’t become available until September 15th and the last Council meeting was September 16th; so there wasn’t enough time to put these items on the last agenda, that’s the reason for pushing this along.

Mr. Higgins stated for a point of information in case not all Council Members understand. The last piece of legislation is so the city can put an application in to Ohio Public Works to get free funding for a sewer project; so this will benefit the city by bringing monies into the community from the Ohio Public Works Commission and without the application the city cannot receive the funding.

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

Mr. Patten stated this will appear under M-4 as Ordinance No. 9939-2014.

Discussion: cont.

5. A RESOLUTION PROVIDING FOR THE SUBMISSION OF THE SUPPLEMENTAL INITIATIVE PETITIONS TO AMEND SECTION 143.026 OF THE CODIFIED ORDINANCES OF THE CITY OF BROOK PARK TO THE ELECTORS AND DECLARING AN EMERGENCY. Introduced As A Matter of Law

Mr. Jamison stated just to go through the history and to what Council's duty is going forward in this process. In July, 2014 a group of citizens put together and presented an initial group of petitions to have a certain ordinance changed as it relates to minimum staffing in the fire department for the City of Brook Park. Council pursuant to the Charter held a hearing on that proposed amended ordinance and afterwards Council pursuant to the Charter amended that proposed ordinance. Pursuant to the

Charter the committee that initially solicited or presented those petitions had the right if they didn't like the amendment to go out and get additional signatures to have the initial proposal put on the ballot for the voters to decide. The law provides that the initial group of petitions that were originally submitted had to be ten percent (10%) of the number of people who voted at the last General Election in 2013. The Charter further provided that in the event the committee did not like the amendment that they needed to get an additional ten percent of signatures; so essentially 20% was needed of people who voted at the last election. The committee presented those back on September 25th and the Clerk of Council submitted those to the Board of Elections and the Board had determined that there are a sufficient number of signatures to meet that requirement. If you remember this process from two years ago a little bit different on a Charter amendment Council's duty is to not only determine the sufficiency but also the validity of the petitions. Two years ago there were three sets with two sets being forwarded to the Board of Elections to be put on the ballot and one Council found not to be sufficient because of a defect in the one set of petitions. In my review of the petitions this time there are no such defects at this point; so if there are no defects in the petitions presented and I say defects in how they are formatted and certain other requirements along with having enough signatures. Then it is Council's duty to forthwith submission to the Board of Elections to be put on the ballot in February of next year and the deadline to get it down to the Board of Elections is by the November 5, 2014; pursuant of the Initiative Petitions presented by the committee.

Mr. Troyer stated to Law Director Jamison all that Council needs to do is pass this legislation there is no companion piece needed like for the tax issues?

Mr. Jamison responded no, this is all that is needed.

Discussion: cont.

Motion by Mr. Troyer, supported by Mr. Salvatore, to place on the Council agenda immediately following.

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

Mr. Patten stated that will appear under M-5 as Resolution No. 24-2014.

Mr. Salvatore stated to Law Director Jamison this item that was just placed on tonight's agenda will require Suspension of the Rules?

Mr. Jamison concurred.

FINANCE COMMITTEE – CHAIRMAN, D'AMICO:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH COUNTY OF CUYAHOGA, 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

Mayor Coyne stated this allows the city to apply for grant funding and what the department of public works determines what county roads here is up for interpretation and a letter has been received by the city allowing the participation in this program.

Mr. Mencini asked how often are these grants offered to the city.

Mayor Coyne responded the main issue is what is a county road but from time to time the county applies license tag fee monies for older county roads which I think Smith Road is included. This is only one of the county agencies that try to give monies back to the cities.

Mrs. Powers stated that Smith Road has been reconstructed several times over the last several years and would those monies be used for that or for future uses. If Smith Road is a county road why is the city taking responsibility for the roadway.

Mayor Coyne responded the county engineer's office does not have a jurisdiction except townships is Cuyahoga County such Olmsted Township. When I was with the county engineer's office we would try and find ways to use the \$5.00 license tag fee in Cuyahoga County to help cities. A broad determination was made that the license tag fee could be used on what was the old county highway road system. As for how the county engineer's office is doing this now I don't know they sent a letter stating there is a program and working with the city engineer we will submit

Finance Committee – Chairman, D’Amico: cont.

for grants. Generally those projects are the city’s responsibility unless and until the city can get participation by others.

Mrs. Powers asked for a ballpark figure of what this will cost to apply for this program?

Mayor Coyne responded nothing, the city is part of the program and once the criteria are sent out by the county engineer’s office and the city gets an understanding of it. The city engineer, who has been successful in gaining funding in the past, and I will sit down to see what reimbursements the city can apply for with the criteria received. I would think that some legislative action would be required to finalize the individual application.

Mr. Higgins stated this is fairly new county program that and the letter was sent to all the communities in the county stating that if legislation is not passed then that city cannot participate and this legislation could be passed and still not participate if the city doesn’t want to, it doesn’t cost anything. What the county is looking for is cities have the duties to maintain county roads whether by crack fill or fixing a catch-basin on the city’s own dime. What this program does is try to work some monies back to the communities for crack fill or fixing a catch-basin on a county road. An application is filled out and submitted to the county for approval and possibly reimbursement provided that work was done on a county road.

Mr. Troyer stated is this something that the County Council puts out or is there a sub-committee; who makes the decision?

Mayor Coyne stated the Department of Public Works from the County Engineer’s office.

Mr. Higgins commented the letter came from the County Engineer’s office, Department of Public Works Coordinator, and I spoke with Stan Kozlowski who does some of the finances down at the county office for details on this program.

Motion by Mr. Higgins, supported by Mr. Mencini, to place on the Council agenda immediately following. Members of Council voted AYE. The motion carried.

Mr. Patten stated this will appear under M-6 as Ordinance No. 9940-2014.

2. AN ORDINANCE AUTHORIZING A CHANGE ORDER FOR THE CONTRACT BETWEEN STATEWIDE EMERGENCY PRODUCTS, INC. AND THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Finance Committee – Chairman, D’Amico: cont.

Mayor Coyne stated the amount is for \$383.00 for police vehicles that were purchased last year and there were a few issues and it was determined that the amount needed for additional equipment exceeded the contract approval amount by \$383.00.

Mr. Jamison stated that four police vehicles were purchased last year, three for the police department and one for the fire department. The vehicle for the fire department in the trunk had a container that did not satisfy the requirements for the fire department in terms of being able to hold medicines and other equipment used in the chase vehicle. So a modification was needed to that vehicle and looking at the Statewide quote there was a \$383.00 difference; so this legislation allows the city to pay Statewide for the difference.

Motion by Mr. Higgins, supported by Mr. Burgio, to place on the Council agenda immediately following. Members of Council voted AYE. The motion carried.

Mr. Patten stated this will appear under M-7 as Ordinance 9941-2014.

3. 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

Mayor Coyne stated the city buildings are presently being evaluated and with the air conditioning system out for this building and there are other HVAC infrastructure issues in other various buildings of the city. Brewer-Garrett has performed this contract for several years and is the most knowledgeable of the system so this legislation allows for this company to continue work to the end of the year and then proposals will be put out for this contract. Currently, we are evaluating whether city

departments will stay in this building with improvements or be moved to the Recreation Center if improvements are made to that building and determine what the best decision is. So this legislation allows for the extension of the current contract until the end of the year.

Mr. Mencini commented that this is a very reputable company.

Motion by Mr. Burgio, supported by Mr. Mencini, to place on the Council agenda immediately following. Members of Council voted AYE. The motion carried.

Mr. Patten stated this will appear under M-8 as Ordinance No. 9942-2014.

SERVICE COMMITTEE – CHAIRWOMAN, POWERS:

1. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE SPECIFICATIONS AND FURTHER AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT WITH THE LOWEST AND/OR BEST BIDDER FOR THE CONVERSION OF A 1986 FORD L8000 – SEWER VACTOR TRUCK TO A DUMP TRUCK WITH SNOW PLOW PACKAGE AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Mayor Coyne stated the service garage has an older vehicle that was the old Vactor with low mileage the city wants to convert this truck into a tandem dump truck that will be used on the mains and would be a wise investment compared to purchasing a new truck on recommendation of the city's mechanical staff.

Mr. Mencini stated this has been done in the past at the service garage.

Motion by Mr. Burgio, supported by Mr. Higgins, to place on the Council agenda immediately following.

Mr. Cayet stated the timeframe would be as soon as the legislation is passed to start the bidding work and the cost estimate is \$48,000 compared to purchasing a new truck of this size at well over \$140,000 to \$180,000. The Vactor has approximately 60,000 miles and the body is rusting and needs to be replaced.

Mrs. Powers stated the truck is 28 years old and if the body is rusting how the city can use a rusted body of a truck with new parts.

Mr. Cayet stated the tank on the back of the truck is rusted that sucked out the sewers and the city is re-purposing this vehicle instead of buying a new one.

Mr. Higgins stated in speaking with the service director and the sewer Vactor trucks have a tank when jetting the sewers full of water and sucks the debris out of the catch-basins. The body of those trucks that hold the debris is common for them to rot out so what they're looking to do is pull the body off the truck. The frame and rest of

the body is good and put a salt body on the truck with a plow assembly, which is a good portion of the \$40,000.

Mrs. Powers asked Mayor Coyne what is the city's plan for snow plowing if the city is going to contract out the snow plowing is this truck needed.

Mayor Coyne responded I have no idea what you're talking about I am not contracting out any snow plowing in the city. There's hopefully a program that will

Service Committee – Chairwoman, Powers: cont.

be done for the seniors that will be done by contractors. Mayor Coyne continued that he's never been an advocate of rehabbing existing vehicles but in the financial climate that the city has currently there will be some limited capital improvements that this conversion may be the only item that the city will spend monies on for the fleet of the service department. I believe in leasing and every three or four years a quarter of the fleet is being turned over but this city cannot afford to do that right now Mr. Cayet, Mr. Higgins and Mr. Patten, who is an advocate of rehabbing service vehicles and it's worked well in the City of Parma Hts.; all three have convinced me that this is the smart move for the capital budget. With the upcoming budget workshops Council will see the choices that this city has very clearly moving forward and this Council will have to make some difficult decisions.

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

Mr. Patten stated this will appear as M-9 as Ordinance No. 9943-2014.

Motion by Mr. D'Amico, supported by Mr. Mencini, to go to the Addendum. Members of Council voted AYE. The motion carried.

ADDENDUM

1. AN ORDINANCE AUTHORIZING THE MAYOR TO HIRE THE LAW FIRM OF C COLLINS AND SCANLON, LLP TO ACT AS CO-COUNSEL WITH THE LAW DIRECTOR IN THE ACQUISITION OF THE SNOW ROAD PARKING LOTS BY PURCHASE AS DIRECTED BY THE MAYOR AND COUNCIL AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Mayor Coyne stated there have been discussions about the purchase of revenue property for the city in order to supplement and support the repurposing of properties that would be determined to Brownfield's that includes the 450 acres at Ford Motor Company as well as the Brookpark Road Corridor. Inquiries have been received that if the city is so broke how can this be done? So for the general public while the city is trying to work through the mess that exists in the 20 years that I led this city most of the services that the city has were provided by the employment and the payment of taxes by others and the ultimate plan of every Mayor and local Council is to do that. The more workers in the town that pay taxes, the more services that can be provided to the people at little cost or no cost. To invest this money into the city's future that will the city will get back through the revenues that has already been determined that are going to exist from this parking lot. This will not only make the city whole in the taxes that are being paid now but will allow the ability for the city to move forward to reclaim their property. Mayor Coyne continued to inform the public a little bit more is that why does a multi-million

Addendum: cont.

dollar company like Ford Motor Company clean up their own act and the answer is because they don't have to; Ford could allow the 450 acres to sit over there covered up with dirt and plant some grass forever, I have to say that if people think there is only one cemetery in the City of Brook Park. I ask every citizen of the community who wants to criticize me for proposing this and hopefully Council will pass it is there are two graveyards in this town and one of them is on Henry Ford Boulevard and I am going to do everything that I can to make sure that 450 acres is fully developed so it can return revenues to this city so that we can rebuild this community and don't have to ask residents to dig into their personal pockets. Mr. Chairman this is very worthwhile and revenue neutral to the city's budget and if and when the city can negotiate we will report back to Council for approval. If it's not a good deal for our town we will not move forward but we cannot progress as a city unless steps are continued to work a way out of the financial difficulties currently.

Mr. Troyer stated I'm on board with this and think there is potential for the city and this is just to get the city to take the next step to negotiate to see if the numbers are right for the city.

Motion by Mr. Troyer, supported by Mr. Higgins, to amend section two by deleting the word 'not' in the last line.

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

NAYS: None. The amendment carried.

Mr. Jamison stated what this basically means either way if the word 'not' is left in or taken out this shall not exceed \$50,000 for the services and I'm okay with the amendment. Mr. Jamison continued when the Mayor spoke of revenue neutral what the potential of the proposal for this is that if the city is able to negotiate a purchase agreement for these properties and this is an arms length transaction; not necessarily going through protracted legal litigation that it includes also the determining if a company or companies can manage these lots to generate the revenue. The way it would work is that to pay for the purchase of these lots the city would basically borrow the money. Then the revenue that would be generated by these lots would be used to pay back the payments due with the borrowing of the money. The projections the city has so far is positive that the city would make more in terms of the revenues generated by this project, then what would have to be paid in payments over the course of time. The intent is to take the monies made from that surplus to be used for repurpose certain industrial sites in the city to make it more attractive for businesses to locate or relocate to Brook Park. So revenue neutral means that the city would borrow monies for this project and the company managing this would generate revenues that would pay the yearly obligations with the surplus going into this program. Mr. Jamison continued that Collins and Scanlon have a lot of experience in this area and will assist me in this potentially complex agreement for the purchase of this property and also to assist in determining which group would be in the best position to help the city manage the properties. This is a two-fold process and a worthwhile to allow the city to take the next step to see if this is something good for the city.

Addendum: cont.

Mr. D'Amico asked Mr. Jamison to explain the no-risk situation because of the property appraisal and the bonds revenue.

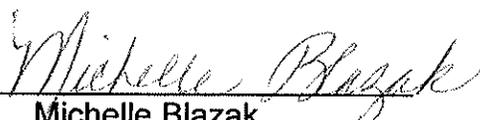
Mr. Jamison stated the city hired an appraiser for an estimate as to what the property values were and that service also calculated potentially what the revenues would be generated off of that. Based on those projections city personnel is confident that there will be minimal risk to the city in terms of moving forward; obviously there are factors as going through this process that the city can't account for but the city is doing due diligence in going forward to make sure this is a good deal for the city. Attorney, Tom Scanlon, and myself are going to help guide the Mayor and this Council through that process to determine if this is going to be a good process for the city.

Mr. Dolan stated this legislation provides for counsel assistance with the law director in doing due diligence for the preparation of a potential offer through a willing seller so that the price offered would be competitive and fair in all respects. That decision would be brought before this Council and it's my opinion that when these properties were taken for sale back in 2000-2003 era Brook Park would be in much better position today had they secured those properties then. Nevertheless, revenue neutral means is the revenue profits from this parking lot will pay for themselves; so the tax budget or city services will not be affected. The due diligence is for the examination of the revenues to see if the city can negotiate a price that will allow the throw off of monies for the cleanup of other industrial properties to attract new businesses. For example in looking at the revenue projections and Ford Motor Company back in 1999 paid \$9 million dollars in taxes and 2013 Ford paid \$2.1 in payroll taxes, which is a huge cut for the city. There was an article in Sunday's Plain Dealer that Advanced Manufacturing is happening in Northeast Ohio but in order to get Advanced Manufacturing Companies to look at a site those site needs to be cleaned and ready; whether it be Ford Motor Company or on Brookpark Road.

Motion by Mr. D'Amico, supported by Mr. Burgio, to place on the next Council agenda. Members of Council voted AYE. The motion carried.

There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 8:21 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.