

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON WEDNESDAY, NOVEMBER 4, 2015**

The meeting was called to order by Council President Patten at 8:00 p.m., the clerk called the roll and the following Members of Council answered:

HIGGINS, TROYER, SALVATORE, MENCINI, BURGIO, POWERS, SALVATORE

Also in attendance were Service Director Cayet, Recreation Director Fields, Engineer Piatak, Law Director Jamison.

Mr. Patten thanked every candidate that got involved in the election process went out and ran a campaign and gave their vision and view of the city. It's not an easy job and I give all of you a lot of credit for going out there and trying to give your view of what you see for the city. Secondly, I want to congratulate all those people that ran and won. Council President Patten introduced and congratulated the new candidates for City Council. Newly-elected Council President Astorino, Ward 4 Councilman, Rich Scott, reelected Council at Large Salvatore, reelected Council Ward 1 Tom Troyer, reelected Councilwoman Jan Powers, reelected Council at Large Jim Mencini, reelected Council at Large Burgio, newly elected Councilwoman at Large McCormick and new elected Law Director Carol Horvath. I wish all of you the best of luck and hope you do well and have great visions to help the city move forward and offer any of you anything that I can do at anytime I will always be open to be helpful. For the newly elected Members of Council the clerk will start preparing agenda packets that will be available at the Council office prior to the meetings to be updated for when you take office.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Council meeting held on October 6, 2015.

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

2. Regular Council meeting held on October 20, 2015.

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

REMARKS FROM THE AUDIENCE (ON ANY SUBJECT):

Joan Markusic
13911 Bellbrook Drive

Ms. Markusic congratulated all the new candidates and would like the candidates that ran to not lose site of their vision. Because everybody needs to be able to shed light in an area where it will help the city and the goal for everyone to take

Remarks from the audience: cont.

the 200 to 300 pound sows on a farm are more intelligent than dogs. To Mr. Jamison I will be contacting your office within two days to see if and whatever progress has been made to introduce this legislation and ask what would you like to live next door to a pit-bull that can hurt you, a cat that can get loose and kill you or a lovable little animal like Elmer.

Susan Barbour
5819 Robert Drive

Ms. Barbour congratulated everyone that ran for office and stated we know that all things work together for good and for those who love Brook Park and who are called according to their purpose. This was taken from a verse in the bible and changed to reflect the duties of Council and Mayor Coyne. Hopefully, with the new Council and with the candidates that didn't win we can achieve this cooperation to work together for the common good for all the residents' of Brook Park. Ms. Barbour thanked Service Director Cayet for turning off the safety town red light.

Liz Sayers
23065 Cedar Point Road

Ms. Sayers congratulated all the new candidates and stated hoping things get bigger and hope everybody does well and the new year is good; good luck to all of you.

Diane Doraty
6391 Smith Road

Ms. Doraty questioned the gentleman having a pot-bellied pig so what is the exception for the old farmhouse on Sheldon Road having beef, goats, chickens and all kinds of animals for the summer; so why the exception for them having farm animals.

Tim Jereb (second appearance)

Mr. Jereb stated that he has consulted his attorneys regarding the incident with little Elmer and they have advised me of a way to legally adopt this animal and there is nothing the city can do. I thought about doing that so that all citizens of Brook Park could have the same opportunity that I would like to have; so I will abide by the rules and will be contacting Mr. Jamison in two days for an amendment to the legislation.

Mr. Patten interjected to Mr. Jereb just for your information, the law director puts legislation in legal form but doesn't introduce legislation or the changes; that either comes from the Mayor's office or Members of Council would have to make that request.

REPORTS FROM SPECIAL COMMITTEES:

Southwest General Health Center – Trustee, Salvatore

Mr. Salvatore stated the health center received another award from HealthGrades that Southwest is one of the best in all of Northeast Ohio in providing patients with the very best outcomes of care. Southwest ranked second to Case Medical Center and based on 4,500 hospitals.

Berea Board of Education – Representative, Mencini

Mr. Mencini stated on October 27, 2015 state lawmakers gave final approval on legislation for an additional \$45 million dollars for several Ohio school districts as well as tens of millions for more; to avert an unexpected tax hike on many small businesses next year. Senate Bill (SB) 208 cleared both the Senate and House to offer monies to 75 school districts around the State of Ohio to make up for loss revenue from the elimination of the Tangible Personal Property Tax that was assessed on businesses inventory and equipment. This legislation partially restores the \$90 million in reimbursement that Governor Kasich vetoed out of the state budget bill. Berea City Schools lost \$1.7 million dollars to Kasich’s veto and will receive \$1.1 million dollars restored by SB 208. County Executive would like to allocate \$10 billion dollars to expand the county’s pre-kindergarten programs to reach more children and focus on improving and expanding the programs while bolstering enrollment; this proposal is being closely scrutinized by County Council for the budget hearings. Thanksgiving break will be from Wednesday, November 25th through Friday, November 27th. The Berea Titans football team qualified for the OSAA playoffs and will play Stow this coming Saturday. September monthly checks to vendors totaled \$4 million dollars and invited everyone to visit the website for a breakdown of the monies paid out to vendors.

REPORTS FROM BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mr. Patten stated the Mayor notified the Council office that he will not be at tonight’s meetings.

**REPORTS AND COMMUNICATIONS FROM OTHER DEPARTMENTS,
COMMISSIONS,**

PUBLIC OFFICIALS:

Engineer Piatak

Mr. Patten requested Mr. Piatak during his report to provide information regarding Ordinance 9981-2015 the Smith Road Sanitary Relief Sewer under First Reading on tonight’s agenda.

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

Mr. Piatak responded to my knowledge with this the Phase 3 Project and the contractor I don't know of any issues that would be significant to not award the contract to them. If that's how Council or the Administration felt then that would be a battle that they would have to fight but rest assured it would be a battle.

Mr. Jamison stated every construction project has issues no matter how big or small and there are always things that pop up. As I stated earlier the evaluation that's made when the bid comes in terms of the contractor that has the lowest bid is something the city. Depending on who is reviewing those bids makes that evaluation to determine based on what took place previous either with the city or any other project is a case by case kind of evaluation. Just because somebody had a problem doesn't necessarily disqualify them it depends on the scope, the severity, frequency and there are a lot of different factors that go into this; it's just because somebody had a problem the contractor can be totally rejected because if that low bidder deems the qualifications the city is trying to rule him out for are not appropriate it could lead to litigation.

Service Director Cayet

Mr. Cayet stated the leaf program began Monday, November 2nd and the department's intention is to do the entire city once a week; there are a lot of leaves so please be patient on the first time around. At the end of Holland Road on Eastland the Regional Sewer District has taken out the old overflow parking lot from Firestone the area has been landscaped and grass is being planted. Economic Development Commissioner Dolan worked out a deal and the property has been given back to the City of Brook Park. Mr. Cayet thanked long-time employee, over 30 years, Jeff Boggs for taking meticulous care of the ball fields and football fields; will be retiring in a few months.

Mr. Mencini stated residents have been contacted me about the leaves and with the beautiful weather this past weekend everyone raked their leaves to the treelawn; so this is probably like a major snowstorm for employees, could that be considered correct?

Mr. Cayet responded yes, there is 70 miles of streets with two sides to each street so that is 150 miles the crews have to suck up the leaves; there are three trucks out there working.

Mrs. Powers stated will the crews be picking up leaves everyday or will it somewhat scheduled like rubbish day? If questions us when leaves are going to be picked up in their neighborhood is there a certain day for certain streets?

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

could affect people living around them and also other animals in the area. So it's not just a simple issue of allowing certain kinds of animals there is a multitude of things that have to be addressed. There is an ordinance in place and I will sit with Mr. Jereb, if he wants, and walk him through that but there is an ordinance in place that allows for that process to take place provided it fits with the those exemptions or qualifications. I don't think there is a need to address new legislation on this issue if Mr. Jereb wants to sit down with me and talk about this ordinance later this week or next week to help him go through that process.

Mr. Mencini stated if new legislation is drafted that would open up a little bit of Pandora's box that if Mr. Jereb can have the pig next thing residents that have big yards on Sheldon or Engle Roads is going to be asking for who knows what.

Mr. Jamison responded if a certain kind of animal is specifically singled out again there is a multitude of issues that go with it; where is the animal going to be housed, how is it going to be cared for, does the person raising the animal have the proper ability, credentials and qualifications to maintain that animal. Like anything else certain animals require certain kinds of care and everything else. If Council was going to put an ordinance stating that residents are allowed to have a pot-bellied pig in their homes because then the question becomes the number of pigs, how many other people live in the house, how many other animals live in the home. There was a house in the Eavenson area where the lady had over 150 cats that were basically running the home and the person had to be taken out by ambulance and the cats were defecating in the ducts. The home had to be fumigated because of what was occurring so the problem becomes if residents are going to keep animals indoors that are something that would have to addressed and closely looked at. So we could take a look at the 'Prohibited Animals' ordinance that has been on the books for a long time and that is what is used to evaluate anyone who brings in an animal who fits in those parameters.

Mrs. Powers stated to Law Director Jamison I read the ordinance quite sometime ago and am not sure of the wording right now but think that the operative word is swine and swine normally is thought of as those huge animals that live on a farm, that become food. A pot-bellied pig has traditionally been a pet that I don't think are eaten. So it seems to me that if someone is willing to take care of whatever animal in their own house and yard I don't think is a problem if it is a traditionally a domesticated pet. When Mr. Jereb spoke he didn't mention snakes and there are some people that have snakes ten feet long and could also kill someone. I don't see a problem with somebody taking care of whatever animal in their own home and yard especially since pot-bellied pigs don't make any noise.

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

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

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

NAYS: Powers. The motion carried with a vote of 6-1.

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

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

NAYS: None. Ordinance no. 9981-2015, has passed under Suspension of the Rules. Adopted.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):

THIRD READING OF RESOLUTIONS AND ORDINANCES:

There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 8:41 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *November 17, 2015*

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