

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, DECEMBER 16, 2014**

The meeting was called to order by Council President Patten at 7:35 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, Economic Development Commissioner Dolan, Finance Director Cingle, Service Director Cayet, Law Director Jamison.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus meeting held on November 18, 2014.
Motion by Mr. Burgio, supported by Mr. Mencini, to approve as printed. Members of Council voted AYE. The motion carried.

DISCUSSION:

1. REQUEST FOR A LOT SPLIT OF 25' x 180' FROM PERMANENT PARCEL NUMBER 344-28-029 AMERICAN LEGION PARK (OWNED BY THE CITY OF BROOK PARK) TO CONSOLIDATE WITH ADJACENT PERMANENT PARCEL NUMBER 344-28-028 (6296 WEST 130TH STREET) Referred by the Planning Commission on December 2, 2014 **In attendance: Economic Development Commissioner, Mike Dolan and Debrah DeNunzio of 6296 West 130th Street, Brook Park**

Mr. Dolan gave a power point presentation for the intention of this lot split and consolidation and stated there is a sliver of land that runs from the east end of American Legion Park on West 130th Street that Ms. DeNunzio would like to purchase from the city to improve the property. This was a bank-owned home and Ms. DeNunzio has done a great job in restoring this old home and the lot is non-conforming because it's too narrow; with the additional 25' the lot will be conformed for construction of a garage on the property. The lot split when done will be approximately 75x190' with a portion of the old driveway broken off from the east end of American Legion Park and sold to Ms. DeNunzio for \$9,999.00 and a new plat filed with the County Records office and Ms. DeNunzio has also agreed to assume the cost of the surveying of the property done by McKay Engineering. There will still be access to American Legion on both the west and south sides of the park and grounds maintenance will still be able to get behind the outfield fence and the ten foot right-of-way will be remain with the city on West 130th Street. When Ms. DeNunzio is all done this will be model home for the city with all the improvements made.

Discussion: cont.

Ms. DeNunzio thanked City Council for this hearing and the intention is to continue to improve the property to add a garage; and the drive to American Legion Park has not been used in the last five years so that is what led me to approach the city.

Mr. D'Amico stated to Economic Development Commissioner Dolan what is the approximate square footage of the garage shown in the presentation.

Mr. Dolan responded that is just a mockup and there have been no plans drawn up but the structure will conform to city code and if any variances are necessary that can be discussed.

Mr. Salvatore stated that is a fair price and will make a tremendous improvement to that parcel, I am not one for selling land but in this case it will be a good move to enhance that part of West 130th Street. Will the construction of the garage be similar to the mockup in the presentation.

Ms. DeNunzio stated there are no drawings done but I do want to stay with the look of the house so that was something I pulled up to coordinate with the look and age of the house. I will have an architect provide ideas that has experience in historical homes to make sure it doesn't look odd.

Mr. Mencini stated at the Planning Commission meeting this request was overwhelmingly approved.

Mr. Higgins stated years ago that driveway was used to access an old workshop on the park property; are there any underground utilities in that driveway?

Mr. Dolan responded there is no utility on the parcel that is being broken off; there are utilities in back to the left.

Ms. DeNunzio commented last week gas company representatives were walking up and down the street and asked about the property because there is a manhole coming out of the grass. I told them that the building had been torn down and the gas representatives called and the manhole cover has been removed from the ground in the back; so what was there was taken out and the lines have been shut off.

Mr. Dolan commented that there are no electric lines in that area.

Mr. Higgins stated so I'm assuming that everything has been capped off.

Discussion: cont.

Mr. Burgio thanked Ms. DeNunzio for all the effort putting into renovating this Dutch Colonial home it is a nice home and was one of the homes he showed as a realtor a couple of years ago.

Mr. Troyer thanked Ms. DeNunzio for a great job on bringing the home up to code and for this new addition.

Mayor Coyne commented that recently City Council honored Tony Roberts who was the Assistant General Foreman that Councilman Higgins both worked under and that area was like Santa's workshop up there and the old clubhouse for Bantam Football years ago. Mayor Coyne commended Ms. DeNunzio and stated that the hope is that many residents' will undertake improving their properties and the city's goal is to have monies available to residents to help them do that, it is one of the most important things to do in the city.

Motion by Mr. Higgins, supported by Mr. Troyer, to have the proper legislation drafted and placed on the next Council agenda.

Mr. Jamison commented that City Council also has to approve the purchase agreement, we wanted this request to go through first, and a proposed purchase agreement will be forthcoming because it is Council's responsibility to approve the sale of this property.

Members of Council voted AYE to the motion to have the proper legislation drafted. The motion carried.

2. AN ORDINANCE AMENDING ORDINANCE NO. 9902-2014, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne & Councilman D'Amico

Mr. Cingle stated as discussed at the last meeting this legislation needs to be approved before the end of the year in order to clean up the city's financial reports and prepare for the end of the fiscal year.

Mr. Troyer stated to Finance Director Cingle the current General Fund passed last March appropriated roughly \$21.8 million dollars total; will these amendments change that amount at all either way?

Mr. Cingle responded no, they will not.

Mr. Troyer continued the appropriated amount will stay exactly the same?

Discussion: cont.

Mr. Cingle responded yes, correct, the total amount appropriated and passed by Council in March, 2014 for the General Fund will not be increased or decreased, per this legislation.

Mr. Troyer asked Finance Director Cingle for an explanation of Fund 345 – Home Days showing \$11,389.29, \$2,758.43 and \$1,627.89 not being spent and basically moved to Professional Services and Contracts. It seems that the city is spending the same amount on Home Days and it was my understanding that the city would save a little money on that.

Mr. Cingle responded the reduction in regular salaries was approximately \$2,500.00 due to not as many employees working as projected in March; same thing for overtime the number was not as great as projected. The reason for the increase in the Professional Services is mainly due to the fireworks; there was a little bit more added than originally projected in March because sound was also included in the fireworks show that was not budgeted in March.

Mr. Troyer stated so there was no savings with Home Days the city spent the same amount as was budgeted.

Mr. Cingle responded yes, if those numbers add to zero then there was no increase.

Mayor Coyne stated for clarification if you look at the exact amounts we decided rather this was for the enjoyment of the people so it is exactly the same that was appropriated. So instead of paying salaries; overtime and fringe benefits the city put the money into the fireworks display and sound system.

Motion by Mr. D'Amico, 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-4 as Ordinance No. 9949-2014.

3. AN ORDINANCE ENACTING CHAPTER 741 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SNOW REMOVAL CONTRACTORS' AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore and Council Members Troyer, Mencini, Higgins, Burgio, D'Amico, Council President Patten and Mayor Coyne

Mr. Salvatore stated at the meeting the Mayor held for the senior snow plow recently held at the recreation center there was a young lady that already

Discussion: cont.

contracted with somebody and gave them a deposit of \$150.00 and the contractor disappeared. The City of Brunswick has something similar in nature so that the city can at least identify who the contractors are and be able to track them down if that were to ever happen again to our residents'. The city's service director asked for this legislation to be amended.

Mr. Jamison stated this legislation is modeled under similar legislation in the City of Brunswick and the main purpose is to register individuals or companies that are doing business in the city. As the service is performed in the city the individual or companies will have to display a tag or sticker that will be easily identifiable as having registered with the city. The cost for registering is not that substantial and the purpose of this legislation is to get these individuals or companies inline. There is a requirement that they must have liability insurance so that if an issue arises in the course of performing their services and property gets damaged there is some ability to recoup for the agreed party for the damage sustained. In section seven there is also a prohibition in terms of how the snow would be removed in terms of depositing the snow. There have been certain situations in the past where certain contractors will pile the snow onto a neighbor's tree lawn and in some occasions blocking a fire hydrant or things of that nature; that would be prohibited under this legislation. This legislation is an attempt to try and regulate the individuals performing this service so that the city has an idea who is performing these services and also to make safeguards if damage is caused or don't fulfill their obligations; there is an ability to follow up and address those situations.

Mr. D'Amico asked if this prohibits private snow removal firms and/or individuals to come in and do snow plowing for family members that live in the city or is this just for hire?

Mr. Salvatore responded the legislation does not apply to anyone except for contractors. If a person wants to snow plow their sister or brother's house that wouldn't apply; the only thing that would apply is where they deposit the snow that should be regulated because it's important.

Mr. Troyer asked if this legislation would apply to someone plowing a neighbor's drive for no charge.

Mr. Jamison responded no, this is intended for individuals or companies that do this for profit. The one way to clarify that is in the definitions section language could be inserted in the appropriate place to show that this service is being done for compensation.

Discussion: cont.

Mr. Troyer commented or under 'Exclusions' that this does not apply to anyone performing this service at no charge. Mr. Troyer stated that he does this for neighbors and my concern is that I have to walk away because if it applies to people snow plowing at no charge. I would have to leave the dais and can't vote on this but I don't need to do that. Mr. Troyer asked Mr. Patten why this wasn't put in the Legislative Committee since it is a legislative item.

Mr. Salvatore responded I asked to have this placed on the agenda under Discussion in order to move forward.

Mr. Patten commented just to talk about it and the legislation is not being moved to the agenda this evening so that more discussions can take place.

Mr. Salvatore stated as I said before the intent of this is nothing more than to protect the residents from what happened to this young lady that was found out at the Mayor's snow plow meeting. There is nothing hidden in here that it is going to do anything else other than to protect the residents who enter into an agreement with a snow plow contractor. If that contractor disappears the city will be able to know where they are at because they will have to register with the city.

Mayor Coyne stated this legislation is very much needed and as Councilman Salvatore said if a resident calls wanting a roof put on their home that person will know to contact the Building Department for a list of registered and licensed roofers. The same would apply for snowplow drivers a resident can contact the Building Department to see if a person is registered to perform this service and if not than that resident knows not to contract with that person. This registration would also give the Building Department history on a contractors' performance, whether licensed and insured and whether any bonds have been forfeited. Secondly, the depositing of snow needs to be looked at because the winter of 1979 the city had a tremendous problem with commercial snow plow drivers depositing snow blocking fire hydrants and things of that nature.

Mr. Troyer stated this legislation is needed and likes the fact that the fee is low and not a tax and that contractors must register with the city. The only thing I don't see is where the snow can be deposited and I don't think that putting snow on neighbor's tree lawns can be prevented because it is city property. I think the insurance could be higher and can't co-sponsor until the finished product; such as doing this for no profit a permit is not necessary.

Mr. Cayet stated that the service department does not handle money or registrations so I would suggest amendments to this legislation.

Discussion: cont.

Mr. Jamison stated those amendments would appear in 741.02 second line delete Service Director and insert Building Commissioner; last line delete Service Director and insert Building Commissioner; 741.04 first line delete Service Director and insert Building Commissioner; 741.05 first sentence, first line delete Service Director and insert Building Commissioner; 741.05 subsection (a) delete Service Director and insert Building Commissioner and Section 2 (subsection a) delete Service Director and insert Building Commissioner. Mr. Jamison suggested that there are a few other changes that need to be made to the legislation such as if people are not being compensated and there is also an issue in Section 7 to expand the language to include right-of-way for individuals who might pile snow onto the city's tree lawns. Mr. Jamison suggested this legislation be tabled in order to insert the amendments and verbiage and placed on the next Caucus agenda for further discussion.

Motion by Mr. Salvatore, supported by Mr. Burgio, to place on the next Caucus agenda as amended.

Mayor Coyne suggested he is proposing calling a special meeting for Tuesday, December 23rd for the leases for the operation of the recreation center and this could be placed on that special meeting. Mayor Coyne continued this needs to be adopted because my concern is if a big snow happens this legislation will be in place to protect the senior citizens.

Mr. Salvatore withdrew his motion and Mr. Burgio withdrew his second to place on the next Caucus agenda as amended.

Motion by Mr. Salvatore, supported by Mr. Burgio, to place the revised legislation on the next Special Caucus agenda under Discussion.

Mrs. Powers stated that snow removal private contractors have been in this city for many years and have managed quite well without this legislation and Section 741.07 specifically says the city or state snowplows operations are exempt from this section. So if a private snowplow driver has to abide by this why shouldn't the city because the city is the major complaint in talking with people about snow removal. People clear their driveways and aprons and 15 minutes later the city snowplow trucks come down the street and fill the cleaned driveway aprons with snow and ice; so this whole piece of legislation should not be considered. Mrs. Powers asked Law Director Jamison to explain a first degree misdemeanor in terms of liabilities.

Discussion: cont.

Mr. Jamison stated the potential penalty would be up to six months in jail and a \$1,000 fine; that's the maximum potential penalty for a first degree misdemeanor.

Mrs. Powers continued this legislation is unnecessary and I definitely don't feel that if somebody is a little unhappy with a snow plow driver that individual should go to jail for six months or have an excessive fine.

Mr. Jamison continued that does not mean that the person will go to jail or get a \$1,000 fine, it doesn't say they 'shall' be fined \$1,000. That is within the discretion of the judge who also can suspend any jail and/or fine in their discretion; this just says up to that amount that is the potential maximum. A judge has a wide range when someone is before them be it with this type of case of any other type of case in terms of what a sentence should be; so don't infer that if someone would be found guilty of this they are going to jail or paying a large fine. That would be with the discretion of the court to fine the person or suspend the jail and/or fine depending on the facts and circumstances.

Mayor Coyne stated I'm puzzled by the thought process of this because the issue is protecting residents of the city and you heard a Councilman say, which you claim to champion, a lady was ripped off of \$150.00. If nothing else hopefully the judge would say to the offender to pay the \$150.00 to this court to replace that person's money. One of the concerns with various contractors at that snow plow meeting what if damage is done the contractor should be liable by posting that bond to restore that senior's property. As far as the city is concerned there is always a problem when the snow is heavy, and this has been an ongoing complaint from residents, how they just cleaned their driveway and apron and a city snow plow truck came down the street putting all the snow back in the driveway; another complaint received is how fast the snowplow drivers are going and the city does caution them on that. It is imperative to understand that the snowplow drivers need open the top of those catch-basins because back in 1979 when working in Middleburg Hts., during a heavy snowstorm there was actually a whole subdivision that froze over the catch-basins because city plows did not open curb to curb. There are also complaints of tearing up of the tree lawns and the reason is that this city has the old suburban curbs; that is why the new buttress curbs are installed with every new city project. Councilwoman, I cannot believe that you don't want to support legislation that makes sure when a contractor makes a promise to a city resident they fulfill it. If someone comes to a resident's home that is not registered with the city a resident can call the Building Department to see if this company is registered and if not then the resident knows not to contract with that driver or company.

Discussion: cont.

Mr. Salvatore stated I don't want to lose the intent of this legislation which is basically is to protect the residents' from being taken advantage of and if that does occur the city can take some action against that company or person. Mr. Salvatore continued that if a contractor steals money from a resident the fine should be \$1,000 and not the \$150.00 but that is the decision of the judge.

Mr. Mencini stated coming from the service garage a lot of the trucks plowing the driveways were service personnel in red trucks and residents knew that. Now if a heavy storm occurs there will be all kinds of people coming into the city offering those types of services. The city needs to have a register of who is coming into town because these drivers will dump the snow anywhere as I've seen them dump snow in the middle of the street. Also these drivers may tear up something or damage something so a registry is needed to see who is coming into the city performing these services.

Mr. Burgio stated to Councilman Salvatore I spoke with that same lady at the snowplow meeting and could see how distraught she was in losing \$150.00 but her main concern is that this would not happen to anyone else; so if people register with the city they are less apt to rip off a resident.

Mrs. Powers stated I want to reinforce that big brother is watching you and there are too many laws already and as I stated earlier snow plowing has been done by private contractors in this city for many years and there hasn't been a problem; so why create a problem. The minor misdemeanor is not necessary and should not be put on the books and why should city personnel be exempted from something that the private contractor has to follow. This legislation will discourage business from coming into the city because they won't want the hassle.

Mr. Higgins stated I've tried my best not to say anything but I can't listen to this anymore. Big brother is watching for bad people big brother doesn't have to watch good people. Last year and the years prior this city had 1,400 senior/disabled people on the city's snow removal list; so there weren't a lot of private contractors coming to the city. Those contractors are now looking at the opportunity to come to this community and make some money so Councilman Salvatore came up with an idea that will regulate and make sure that no resident is taken advantage of so that's not big brother. I'm not afraid of the laws because I am a law-abiding citizen so the people afraid of the laws are the are the people that want to take advantage of people; this is a good law. I've been involved in removing snow from streets for a long time and if somebody can tell me how a city snowplow can go down a street without leaving snow in a driveway

Discussion: cont.

apron I would like to hear it and I have heard that the plows should be lifted at every apron.

Mrs. Powers stated to Mr. Higgins if a private snowplow driver can come down and not leave snow on a driveway apron so can a city plow driver. As far as big brother apparently you didn't understand what I was saying. Maybe you heard in the past that big brother is watching you and what that meant is there was a book written in 1948 that foresaw what was happening currently where government comes in and regulates everything a person does. From the time someone gets up in the morning till the time that person goes to sleep at night there are cameras all over and if you notice now wherever a person is that person is being watched. What I was saying is that big brother does not need anymore regulations and there have been no complaints and no one said anything about the seniors when this was first brought up. So if someone was bilked out of \$150.00 that's unfortunate but people get bilked all the time and this legislation does not apply only to seniors the way it is written, it applies to every resident.

Mr. Patten stated to Councilwoman Powers just for information the streets are not plowed by private contractors. So a contractor driving up and down a street with a plow is not cleaning the street that person is only cleaning driveways.

Members of Council voted AYE to the motion to place the amended legislation on the next Special Caucus meeting to be called. The motion carried.

4. 2015 CAUCUS – COUNCIL MEETING DATES

Motion by Mr. Salvatore, supported by Mr. D'Amico, to place on the Council agenda immediately following under Verbal Approval.

Mr. Troyer stated why there are all these deviations from the Council Rules because there are a lot of changes especially with the month of September and November mostly. The Council Rules read the first and third Tuesday of the month Council shall hold their meetings and I can't see why a meeting wouldn't be held on the 1st and 15th in September.

Mr. Patten responded because of the holiday and if Council wants to change any of these meeting dates the majority of Council can do that. All the years that I've been on Council and have been involved Council has moved dates; changed dates or added dates approved by a majority vote of Council.

Discussion: cont.

Mrs. Powers stated last year three new members were elected to Council and all other Members of Council were experienced. Council changed the rules of Council meetings because the Council rule says that Council should meet on the first and third Tuesdays of the month. Because you and Mr. Higgins chose to run as an elected official the both of you should have to abide by the rules of this Council and have the meetings held on the first and third Tuesdays of each month. Most of the changes on this schedule are Monday holidays when you and

Mr. Higgins are work in another city and put that other city before Brook Park to attend that other city's Council meeting that is pushed up to Tuesday and therefore; this Council has to change this city's meeting dates.

Mr. Patten stated you are incorrect in your statement Jan because number one that is not why we have done that and I am excused from the Council meeting in the other city if they conflict with this Council meetings. I had a Council meeting last night in Parma Heights that I was not in attendance because I was excused. So you are incorrect on that statement and I don't know where you got that statement but you are incorrect.

Mrs. Powers stated last January when we were asked to change the dates...

Mr. Patten interjected who told you that...

Mrs. Powers stated you guys...

Mr. Patten interjected no, that's not true; we will pull the minutes that is not true. Who told you that?

Mrs. Powers stated this Council voted on it...

Mr. Patten stated that we changed the dates based on my job and Councilman Higgins' job, who told you that.

Mrs. Powers stated I think it was you but I'm not sure but I think it was you.

Mr. Patten responded absolutely not, we will pull those minutes to refresh your memory.

Mrs. Powers commented all right, great.

Mr. Higgins stated I will also object to that statement because it is not true in my case either. If you take a look at last year's schedule and the conflicts and changes made there was plenty of nights that I didn't have meetings after those

Discussion: cont.

holidays because we don't meet every Monday night in the city where I work. We go three out of four weeks not every week, so that's also incorrect what you just said, and I object to that.

Mrs. Powers stated I didn't say that you did I said this Council meets twice a month.

Mr. Higgins commented you said I couldn't meet here because of my meetings over there and that's not true, that schedule did not match what you just said last year over there; so I object to that.

Mr. Patten instructed the clerk to pull the minutes of the meetings when the Council meeting calendar was discussed and distribute to Council members.

ROLL CALL: AYES: Salvatore, D'Amico, Mencini, Burgio, Higgins
NAYS: Troyer, Powers. The motion carried with a vote of 5-2 to place the 2015 meeting dates on the Council agenda immediately following under Verbal Approval.

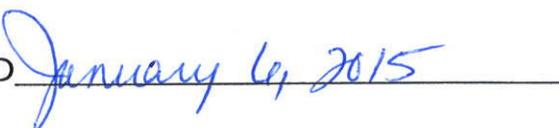
There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 8:25 p.m.

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.