

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, JANUARY 5, 2016**

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

**SCOTT, BURGIO, SALVATORE, TROYER, POWERS, McCORMICK, MENCINI**

Also in attendance were Mayor Coyne, Service Director Cayet, Law Director Horvath, Finance Director Cingle, Engineer Piatak, and Building Commissioner Hurst.

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Regular Caucus meeting held on December 1, 2015.

**Motion** by Mr. Burgio, supported by Mr. Mencini, to approve as printed.

Mr. Astorino stated on the first page the date is incorrect so if Council would make the appropriate change.

**ROLL CALL: AYES:** Burgio, Mencini, McCormick, Powers, Troyer, Salvatore, Scott  
**NAYS:** None. The motion carried.

2. Regular Caucus meeting held on December 15, 2015.

**Motion** by Mr. Mencini, supported by Mr. Burgio, to approve as printed.

**ROLL CALL: AYES:** Mencini, Burgio, Scott, Salvatore, Troyer, Powers, McCormick  
**NAYS:** None. The motion carried.

**DISCUSSION:**

1. ANNUAL DUES FOR NOCCA (NORTHEAST OHIO CITY COUNCIL ASSOCIATION - **\$400.00**)

Mr. Astorino stated this is an organization that the city has belonged to for many years.

**Motion** by Mr. Salvatore, supported by Mr. Scott, to place on the Council agenda immediately following under Verbal Approval.

**ROLL CALL: AYES:** Salvatore, Scott, Burgio, Troyer, Powers, McCormick, Mencini  
**NAYS:** None. The motion carried.

Mr. Astorino stated this will appear under K-1.

## DISCUSSION:

2. ORDINANCE NO. 9993-2015, AUTHORIZING THE IMPLEMENTATION OF THE BROOK PARK HOME MAINTENANCE ASSISTANCE GRANT PROGRAM (HMAP) AND DECLARING AN EMERGENCY Introduced by Mayor Coyne Cau 12/1/15, Cau 12/15/15, 1<sup>st</sup> R 12/15/15 – amended, 2<sup>nd</sup> R 1/5/16

Mr. Astorino stated this legislation is under Second Reading on the Council agenda following and has been discussed several times at both Caucus and Council meetings and there was still interest in having conversation on this topic.

Mr. Troyer stated I have two issues; one is there being no limit and I think some Members of Council thought I was set on the 125%; the documented income less than 125% above federal assistance guidelines. There is another number I'm good with and that would be 150% which a single person would be almost \$50,000; a four person family would be almost \$80,000 and still qualify. Mr. Troyer had the clerk pass out two amendments to Members of Council and Mayor Coyne. The first amendment includes the verbiage 'less than 150%' and what this does is puts a limit on the maximum household income that someone can make where they would no longer qualify for the loan; I think a limit is needed.

Mayor Coyne asked for an explanation on why you think a limit is needed.

Mr. Troyer responded currently Mayor, you would qualify, and residents making \$200,000 per household qualify.

Mayor Coyne stated so what, one can argue that all of the citizens of this community, whether they need it or not, are subsidizing this through tax dollars; so if they qualify why not, if they improve their property.

Mr. Troyer stated a four-person household at \$80,000 should be managing their money well enough to be able to get a loan from a bank; like regular people who are not needy can do this.

Mayor Coyne stated the city is using the HUD (Housing and Urban Development) Income Guidelines limits which are substantial with the benchmark that everyone follows. What I'm saying is if someone is going to improve their property we can all assume that people are managing things since the collapse of 2008. Many people who did manage things well are under water; probably some people in this room, their income might be different. So again, what Council is being asked to do is use the guidelines that have been a benchmark around this region see how the program works, I don't see an area for abuse but I don't see anyone interested and fall within the guidelines should not be able to use the program. I'd rather be it more expansive than restrictive and that is one of the reasons this is being set up because in so many other cases there is too many restrictions

## DISCUSSION:

for people to qualify. In my view the purpose of the program is to aid in maintenance of the homes in the city and that is why it was proposed the way it was.

Mrs. Powers stated when this was first brought up it was \$37,000 under the premise of helping the lower income people. \$37,000 may be a low income to some people and there are a lot of people in this city who think that is a high income and as Councilman Troyer pointed out this should not be available for people in \$800,000 income. Because it is supposed to be geared to helping the residents who are low enough income that need assistance. If you have \$100,000 income and need assistance in my opinion your own fault; monies are not being managed well. So I don't think that there should have a higher income level the income should be down to the lower income level that will help low income people.

Mayor Coyne stated to Councilwoman Powers if I'm reading the section you're speaking of the grants; section 5 of the legislation where it speaks to loans.

Mr. Astorino clarified it is marked as Section 5 so it is talking about the loans.

Mayor Coyne the legislation reads Brook Park residents in owner-occupied residential housing with documented income above the federal income assistance guideline shall be eligible for loans up to \$5,000 in matching funds for documented repairs and improvements' to owner-occupied residential structures; therefore, the residents are taking out a loan.

Mr. Astorino stated that's correct.

Mayor Coyne continued so all I'm saying is what the difference is. If residents take out a loan they are going to repay the loan that will go back into the program to revolve and sustain itself.

Mr. Astorino stated if I could answer your question what is the difference? The difference from what I see with the amendment, is it limits that who is eligible to the loan would have to make less than 150% above the federal assistance because the program is intended based on the first page of the ordinance. To assist the people specifically within the city's low to moderate income in target improvement area zones. It was my understanding from the discussions that this was designed to help people in the low to moderate income and that is what this amendment is doing is keeping the low to moderate income would have the first choice. As it stands somebody that is savvy with their money and has it if they put an application in and have a household income of \$200,000 they would be eligible for the program; I don't think that the city program should be helping people at the upper end they should be helping people at the lower end.

## DISCUSSION:

Mayor Coyne stated the Whereas states Whereas the City of Brook Park encourages the development and maintenance of real property located within the city; and specifically within the city's LMI (low/moderate income) and Target improvement Area zones. That's what it says it talks about zones but it is generally to encourage the development and maintenance of real property throughout the city. Anything the city can do to encourage people to do that is the intention of the program and why it was designed that way; so that everyone in some form has an opportunity to take advantage of the program. We don't know who is going to apply or who is not going to apply but if we have residents in the low to moderate income that do not apply and the monies are there the city is not getting neighborhood improvements. Everyone needs encouragement to improve their properties, so again, that would be my only objective to the amendment I think the program should be more expansive.

Mrs. McCormick asked if language could be added that would be a compromise between those two proposals by maybe setting some kind of deadline where the low income residents would have priority. Then if all the monies had not been used after that point perhaps open it up to above the suggested percentage. That way the program is open to everyone but the low income get priority first.

Mr. Dolan stated to Councilman Troyer's amendment it was discussed in December, 2015 one of the Members of Council identified the situation where there could be a family making \$80,000 and in fact the gross income in the household would be over the 150% of what low to moderate guidelines were but, nevertheless, because of the 2008 those residents could still be underwater on a mortgage and that situation is not uncommon. So even though residents have an income they could be paying \$2,250 a month on a mortgage on a home that's worth \$60,000 because those residents bought the home in 2007 at the price of \$150,000 or \$200,000. There are a fair number of those people in Brook Park and also have as Councilwoman Powers pointed out a lot of people who are low income according to federal guidelines under \$35,100 and there are a lot of people even lower than that who live in, what is called, very low income which is a single-person household under \$21,000 annually. The city also has extremely low income people, a good number of them, who live with less than \$13,200 a year. There are two ladies in the audience that have been patiently waiting for months who qualify for a grant and the whole purpose of the legislation is to put a framework in place so that the city doesn't have to come forward with every legislation for every resident who needs assistance with their home. What the city does when qualifying them if those residents have resources they are turned away. One case in point was a Brook Park resident who just moved into the city and came into apply and it turns out there was an additional \$40,000 income in the house that they didn't want to touch being a three-person household; I told those residents they didn't meet the criteria for getting assistance on the loan because you're not really in trouble and with that type of income in the household you can apply for the county's home equity program. The city looks at these people so if a resident comes in and has \$200,000 with \$150,000 being expendable income I'm not shy in telling

## DISCUSSION:

residents that there are other people who are a little bit more deserving or hard-pressed; which you will find with the majority of the residents who come forward. The two ladies in the audience are senior citizens and are deserving and have deferred maintenance on their homes for years simply because they live on a very meager income. The Council budgeted last April \$100,000 for this program and I do not want to bring every senior or person down on their luck, hard-pressed, in front of the Council on legislation. This is simply a mechanism that the city can go forward to help residents in Brook Park, make sure there is a need; quite frankly I already have a pile of applicants interested and the \$100,000 budgeted last year probably will be completely consumed; we can revisit the legislation. This is not something that is concrete the city is going to keep the records and Council can look at who applied, the average income was and what the situation was and tweak it. The city should really do something because I know there are a lot of people out there that want help and the overriding purpose of this program is to maintain the housing stock of the city. To the Mayor's point the bottom line is the city has to maintain the housing stock and this should be one tool in addition to the county's tools. Councilman Troyer your point is good but I don't think it will come into play to be honest; do I have a preference on it? I wouldn't want to turn somebody away who, for example, had a houseful of children and was above your 150% gross income possibly special needs children with huge expenses, I think the city should be able to help them and be able to monitor this program going forward and tweak it if you find people coming in that are making \$1 million dollars and trying to get a \$5,000 loan the city can address that at that time but the city should get going on this program.

Mr. Mencini stated to Economic Development Commissioner Dolan and there are two residents in my ward that are middle income one on Robert Drive and one on Rademaker Blvd. My point is this could be a very good program but if the city didn't set the right parameters is the city liable for a lawsuit.

Mr. Dolan responded no, these are general tax dollars, these are not federal dollars, so could a general taxpayer of the city say that these funds should be available to all residents. Council can put requirements on it as far as to who receives a grant or who gets a loan and someone could say but that's part of my money; yes potentially someone could come in and say that but is it likely I don't think so. If you look at the county programs they are open to everybody. The county low interest loan program is based on home equity there is no restrictions on income whatsoever. So yes, because these are general tax dollars there could be somebody saying that I'm a taxpayer and should be able to participate in the program.

Mr. Mencini continued like Councilman Troyer said a few meetings ago that the city may run out of money with this program, which is a good thing, then next year different parameters would have to be set.

## DISCUSSION:

Mr. Astorino questioned Mr. Dolan on something said in your presentation when you said that you would be turning people away if you felt they weren't needy.

Mr. Dolan stated what I do when a resident comes in is check the income of household as well as the expenses and if there is disposable income that can be used to come up with the match. The loan portion of this is the resident(s) have to have a match and I informed one resident by my calculations there is plenty of income for them to do the match and the residents preferred not too.

Mr. Astorino continued if the residents had plenty of income and had the match?

Mr. Dolan interjected if they had the match would they yes.

Mr. Astorino stated so the only criteria for turning them away is if they don't come up with the matching funds.

Mayor Coyne gave a suggestion that could possibly remedy this maybe another paragraph be added in Section 5, with Councilman's Troyer concern is that someone that makes more could be granted the loan and someone that makes less could be turned away because someone received the monies first.

Mr. Troyer concurred somewhat.

Mayor Coyne clarified is it close to what you're looking for.

Mr. Troyer responded yes.

Mayor Coyne stated on the last sentence in Section 5 include the verbiage 'Priority shall be given to the lowest income applicant'. So if a resident applies with a \$2 million dollars income and another resident applied making \$1 million dollars a year the second resident would get priority over the first resident; so the person with the lowest income will be rated higher than the person with the highest income. So if there are residents with an \$80,000 income, \$70,000 income or \$60,000 income the person with the \$60,000 would get the monies first and so on using the same scale received from the county. This way Council can be assured that there is a documented priority to the residents.

Mr. Troyer stated I don't dislike that but think along with that there is a need for some kind of timeframe of applying for this. I have a few issues that came up during discussion one being how are so many people applying for and know about this program; when this was first brought up there were people who supposedly applied.

Mayor Coyne responded because this was put in the city's newsletter.

## DISCUSSION:

Mr. Troyer stated there needs to be some kind of date to get it out there to make sure everyone aware about knows about it. So when there is a date to follow everyone can be there because I'm still concerned with people coming in and getting all the money before the lower income people who need it.

Mayor Coyne clarified an enrollment period.

Mr. Troyer yes, nobody get any money before the end of that period applications are put in and then take a look at what the city has.

Mayor Coyne stated on the website there could be an enrollment period like what was done with the seniors. There were some seniors that came in late and the city always tries to err on the side of the residents so I don't have a problem with having an enrollment period; the fact of the matter is I can guarantee residents will miss it. This is a new program and the city is going to try and give this to the people with the most need. In most cases the people with the most need don't have the match and the commissioner is trying to find some other way to get them help. There are a lot of residents and Council Members thought this legislation passed already and residents were calling City Hall asking why the Mayor isn't doing anything. Mayor Coyne stated to Mr. Troyer that the city can have an enrollment period but will have to be flexible. Let's say nobody comes in the first quarter of the year should the city sit on all that money all year long and tell people they missed the enrollment period, too bad. Council can pass the legislation but has to allow the Administration to implement the policy to make the program work and that's what we're trying to do. The people with the most need are reading and pay attention to something that can help them and are waiting; so there can be a deadline for enrollment and if nobody applies then the deadline can be extended but there can be an enrollment period so the city has some idea.

Mr. Troyer asked Mr. Dolan for a list of applicants who have applied for this program and everyone should know according to the Sunshine Laws this is public information. One issue is that people have already applied and are already interested how somebody can apply for something that hasn't passed yet; to say they're interested is one thing but people applying before the legislation passed is a concern for me. As far as Mr. Dolan saying he would be making the decision I think to keep from having a lawsuit or issues need to have a committee of three people making these decisions; not one person only because we don't have exact numbers and rules. If the city gets to the point where it is no longer the priority period and somebody comes in they can say the city can't deny them. I think there should be a committee that denies the residents that way there isn't only one person to go after it is a committee. The income levels for \$37,000 for a single person is the low income level and anybody below that usually gets benefits; nobody above that usually gets benefits. The number I stated was using that for a higher level but there is no federal high income level it's a low income level, anything below that.

## DISCUSSION:

Mr. Astorino stated the discussion has been very good here and the Councilman brought forward a decent amendment and the Mayor has suggested a very viable alternative that would deal with that. For the interest of time efficiency I was wondering if Council since this has been pretty well discussed and it is a new program and to the ladies in the audience that came tonight we're trying to get this done the right way and do appreciate your patience. I was wondering rather than this matter being debated if Council would entertain a motion to put the language in that the Mayor suggested, which does give the priority and the Mayor has committed that administratively there will be an enrollment period which covers some of the concerns of higher income people getting the monies before lower income people.

**Motion** by Mr. Salvatore, supported by Mr. Mencini, to insert language of priority and enrollment period.

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Mrs. Powers stated I have a problem with Mr. Dolan's presentation when he kept stating that's not likely to happen and to me the more loopholes there are the more likely something is to happen. The Mayor mentioned notification I would like to know how the entire city will be notified so that the low income people are aware that this program is available. The legislation reads grants and loans and as Mr. Dolan and a few Council Members said residents have approached them. If these are truly low income people and have been for so long that they have depleted their extra funds then would they be eligible for a grant because their homes still need to be updated but if they have no money shouldn't they be eligible for a grant.

Mayor Coyne stated to Mr. Astorino I think you summed up the debate and your suggestion is the right one to move forward and it's incumbent of the elected officials to notify the people in their wards and this program will be mentioned in the city's newsletter and on the city website; by word of mouth those people most in need will make the others aware that help is available and the city will bend over backwards to provide residents that help.

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The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Burgio, to insert language of priority and enrollment period into the legislation.

**ROLL CALL: AYES:** Salvatore, Mencini, McCormick, Powers, Troyer, Burgio, Scott  
**NAYS:** None. The amendment carried.

Mr. Troyer stated there is one more possible amendment in Section 1 inserting a number 8 to read employees of the City of Brook Park and persons covered by service contracts with the City of Brook Park are ineligible to participate in the program.

Mr. Scott asked Mr. Troyer are the employees of Brook Park taxpayers?

Mr. Troyer responded yes.

## DISCUSSION:

Mr. Scott continued why are they being limited to not being able to use this program due to the fact they are taxpayers? Do they not own property or do they not own homes? This amendment would limit people who work in the city and pay taxes and they can't apply for a loan because they are city employees?

Mr. Troyer responded this wording comes from when there are lotteries and drawings and just to prevent the perception of any impropriety.

Mr. Scott stated is that not Mr. Dolan's responsibility?

Mr. Troyer responded in a sense yes, and there could be an issue there with one person is making the decision.

Mr. Scott stated this is a new program that can be tweaked but currently no one knows where this program is going but Council has to get this program moving forward. There are people that are in need of this program and limitations are starting to be put on the program. Let the legislation go to Third Reading and passed and tweak as it goes along since it is a new program and no one knows what is going to happen.

Mr. Mencini stated to Mr. Troyer does that consider part-time employees because there are people on commissions and there are people that are considered city employees in this room. Are they being considered because if so then I might go along with Mr. Scott because they are taxpayers? So my question is who is considered city employees; part time – full time?

Mr. Troyer responded it would anybody who receives a paycheck from the City of Brook Park and again, this is about the perception of impropriety and not having issues with favoritism.

Mr. Salvatore stated this is a new program obviously we all agree on that in the amount of \$100,000 that may sound like a lot of money but will only assist 20 people. I assume based on conversations with Commissioner Dolan, Mayor Coyne and other Members of Council there are probably that many people looking into this program already; whether they've applied or not. The word is getting around and there are plenty of people out there that are trying to decide what would be best for them and how they approach obtaining these funds either by a grant or a loan. This is a pilot program and is going to be a trial and error for everyone and we may find out that this program is a huge success the way its written or we may find after the first 20 people the city has assisted that the program will have to be tweaked to be beneficial for everyone in different areas. I agree with the Council President this should move forward there are residents anxiously waiting to be able to find out whether they qualify for the loan or the grant.

Mr. Burgio asked Law Director Horvath does Council need the disclaimer.

Mrs. Horvath clarified the disclaimer excluding city employees.

Mr. Burgio concurred.

## DISCUSSION:

Mrs. Horvath stated this is a new program for 20 people with the lowest income applicant receives funds first I think Council could have this language go through and not worry about any impropriety; odds are most of these funds are going to be taken probably in the form of grants. I understand the concern to always make sure that everything looks like its honest and straightforward and think Councilman had a good suggestion perhaps for the future but, at this point in time, I would not worry from a legal standpoint about doing that.

Mr. Burgio stated there are some employees in the city that do make that much money and I would not like if they were cut out of the program; so this should be a more inclusive program.

Mayor Coyne asked Mr. Troyer for clarification of covered by service contracts for the City of Brook Park mean?

Mr. Troyer responded that would be like anything the city passes a contract for an example would be Brewer-Garrett.

Mayor Coyne stated so you're saying persons covered by a service contract; any employees of anyone who works for a contractor that does business with the city is what you're saying.

Mr. Troyer responded no.

Mayor Coyne continued in other words an employee who works for Brewer-Garrett and lives in the City of Brook Park would not qualify?

Mr. Troyer responded they would.

Mayor Coyne clarified the contractors themselves.

Mr. Troyer concurred.

Mayor Coyne continued so if they live in the city and own a contracting firm and performs contracting business with the city they would be precluded under this amendment.

Mr. Troyer concurred.

**Motion** by Mr. Salvatore, supported by Mr. Troyer, the second amendment that Councilman Troyer suggested has been discussed.

**ROLL CALL: AYES:** Salvatore, Troyer, Powers, McCormick, Mencini, Scott, Burgio

**NAYS:** None. The motion carried.

Mr. Salvatore expressed concerns with residents obtaining a loan and then moving out and renting the house; there should be some type of safeguard in this legislation.

**Motion** by Mr. Salvatore, supported by Mr. Mencini, to amend Section 5 by adding letter 'g' to include language 'During the term of the loan applicant must occupy said premise'.

## DISCUSSION:

Mayor Coyne as the sponsor of the legislation agreed with the proposed amendment.

Mrs. Horvath stated adding a letter 'g' would be more appropriate and more consistent with the language that talks about liens.

**ROLL CALL: AYES:** Salvatore, Mencini, McCormick, Powers, Troyer, Burgio, Scott  
**NAYS:** None. The amendment carried.

Mayor Coyne welcomed co-sponsors to the legislation; all Members of Council raised their hands.

Mr. Astorino stated this topic is not on tonight's agenda but at yesterday's Organizational meeting and one of the items not taken was a vote for Representative to the Berea Board of Education. There were two members nominated and unfortunately only one vote was taken. Upon further review of the rules Council can have a committee to the Berea School Board. So the second member is still interested in serving on the Berea Board of Education; Councilwoman McCormick was properly nominated and seconded to serve. It is very rare that two people are willing to serve on this committee and Council Rules allow for this.

**Motion** by Mr. Salvatore, supported by Mr. Troyer, to nominate Councilwoman McCormick to serve as a second representative to the Berea Board of Education.

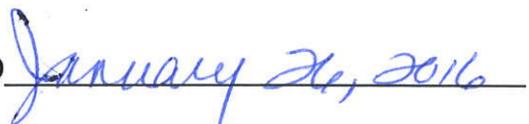
**ROLL CALL: AYES:** Salvatore, Troyer, Powers, McCormick, Mencini, Scott, Burgio  
**NAYS:** None. The nomination carried.

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There being no further business to come before this meeting Council President Astorino declared this meeting adjourned at 8:15 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.