

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, FEBRUARY 2, 2016**

The meeting was called to order by Council President Astorino at 7:00 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 Service Director Cayet, Mayor Coyne, Building Commissioner Hurst, Law Director Horvath, Engineer Piatak, Finance Director Cingle, Firefighter/Paramedic Wright.

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**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Regular Council meeting held on January 19, 2016.

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

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**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee – Chairwoman, Powers

Mrs. Powers stated no report this evening.

Finance Committee – Chairwoman, McCormick

Mrs. McCormick reported the Board of Control met at 6:30 p.m. and approved 26 items.

Legislative Committee – Chairman, Troyer

Mr. Troyer stated Legislative Committee has nothing on tonight's agenda.

Parks & Recreation Committee – Chairman, Mencini

Mr. Mencini reported the department is in week six of basketball and cheerleading season. Baseball and softball registration started yesterday February 1<sup>st</sup> and will run the entire month of February; if two sports are signed up during the month of February a \$10.00 discount will be given. The pre-Valentine Days Dance for youths ages 8 to 12 is Friday, February 12<sup>th</sup> from 7:00 p.m. to 9:00 p.m.

Planning Committee – Chairman, Troyer

Mr. Troyer reported the committee met on February 1<sup>st</sup> and approved a Conditional Use Permit for automotive use at 5775 Engle Road.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated no report this evening.

Service Committee – Chairman, Burgio

Mr. Burgio reported the Service Director had bid openings on the HVAC (Heating, Ventilation and Air Conditioning) systems for city buildings and also there is one piece of legislation on tonight's agenda for the resurfacing of Snow Road.

**Reports of Standing Committees: cont.****Board of Zoning Appeals – Chairman, Scott**

Mr. Scott stated Board of Zoning Appeals has nothing on tonight's agenda.

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**REPORTS OF SPECIAL COMMITTEES:****Southwest General Health Center – Trustee, Salvatore**

Mr. Salvatore stated the first meeting of the year will be held in the first week of March.

**Berea Board of Education – Committee Representatives Burgio & McCormick**

Representative McCormick stated the Board of Education meeting scheduled for Monday, February 1<sup>st</sup> was cancelled. There will be a meeting held on February 8<sup>th</sup> at the Administration Building. Superintendent Sheppard recently indicated that the district conducted an in-depth review of the district's schools and there are needs of roofs; windows; doors and utility systems require updating and the study also showed that the Berea-Midpark High School may need to be completely rebuilt. Superintendent Sheppard indicated that all these things would come at a significant cost and hinted at the possibility of placing a bond issue on the November ballot. The district is planning on holding a series of community forums before any serious talks take place of a tax increase would begin. Those forums will be held on February 17<sup>th</sup> at Berea-Midpark High School; February 24<sup>th</sup> at Ford Intermediate School and March 2<sup>nd</sup> at Middleburg Hts. Junior High. There have been several different plans that have been discussed and most of them would involve the elementary schools in the City of Brook Park that are in need of major upgrades. One of the plans talked about moving all of the elementary school students over to Ford Intermediate and additional details will be put out in a newsletter.

Representative Burgio stated besides what Ms. McCormick reported the district has been talking about the possibility of building a new high school and possibly closing Brook Park Memorial and Brookview Elementary schools. As Mrs. McCormick mentioned it is very important for Brook Park to be in attendance at those forums and give input on some of those items. The enrollment in the school district is 50% from Brook Park so the city has a vested interest in what is going on in the schools so it is a good thing to get involved and get some answers.

Mayor Coyne requested that Council representatives of the school board have someone appropriately appear at a meeting. The items being reported this evening is either what a member of the school board or the president put out in an email and the city's phones blew up and while the City of Brook Park has 50% of the occupancy or the students in the system it always seems that the City of Brook Park is getting something closed. District officials should come here and be honest about their detailed plans and if the district is going to close schools then the City of Brook Park should have some commitment from the district as to how those buildings are going to be reused. Let's join together in having an official request

**Reports of Special Committees: cont.**

coming from the city asking school representatives to appear at a meeting that can be live streamed prior to having the community forums because it seems that most of the negative impacts are going to involve Brook Park.

Mr. Astorino clarified the first forum is February 17<sup>th</sup>.

Mrs. McCormick concurred.

Mr. Astorino continued the board meeting is February 8<sup>th</sup>.

**Motion** by Mr. Salvatore, supported by Mr. Troyer, to have a Resolution drawn up requesting Berea School representatives to attend a meeting.

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Mr. Troyer stated the forum meeting that will be held in Brook Park is February 24<sup>th</sup>.

Mr. Astorino concurred.

Mr. Mencini stated there was a recent playground meeting at Brook Park Memorial when a notice was sent out by email and the body language wasn't very good. Some of these ideas will probably happen and as Mr. Burgio covered is the reduction of student enrollment; so that is probably one of the reasons the district wants to do this as well as the cost factor. Brook Park absolutely should have a say so in some of these things because it seems that Brook Park is caught on the outside with the school board, not that they don't do a good job. Mr. Mencini asked Mr. Burgio if there were any discussions with Superintendent Sheppard to talk about the permits for practices at Ford Intermediate.

Mr. Astorino stated there is a motion on the floor and asked the clerk to call the roll on the motion by Mr. Salvatore, supported by Mr. Troyer, to have a Resolution drafted requesting school officials to attend a meeting.

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

Mr. Mencini continued to Mr. Burgio if there were any discussions with Superintendent Sheppard regarding a possible meeting to discuss practice times at Ford Intermediate.

Mr. Burgio responded I will call them tomorrow.

**REPORTS FROM BOARDS AND COMMISSIONS:**  
-----**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**  
-----**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Coyne thanked Council on their consideration with the issue of the school board. Mayor Coyne stated that the capital and operating requests are being finalized with the upcoming budget and hope to have them complete by next week and forwarded to Council. Negotiations with several of the unions are being concluded and one of the unions has decided to go to the next step and will keep Council apprised as that progresses. There have been discussions with the discovery of the meth-lab in the Liberty Bell Condominiums and the city will be meeting with the Liberty Bell Association members to inform them what has occurred and how the city hopes to proceed on this particular matter. Notices are going out about the sidewalk program and have tried in the notification that the repair of the sidewalks is the responsibility of the homeowners'. There are some issues that the homeowners' conclude that the sidewalk program is being caused by the city tree and personnel are trying to work through those matters; there are options of grinding and leveling of the sidewalks. There are many people who have requested payment plans and in speaking with Finance Director Cingle today an opportunity will be provided for residents' who want to participate in that program to use Visa or MasterCard to pay for their share of the sidewalk blocks that are needed; again this is an assistance program. In the event that residents choose not to participate, in the past the city would give residents' two cycles to participate, if they did not then according to city ordinances residents could be cited for the unsafe sidewalk. Most people choose to participate in the program because it is a pretty good deal and if Council has any issues with phone calls please refer them to our office to try and get those issues addressed. There are some cases where the inspector is being sent back out to explain to residents who express concerns with the grinding or leveling of sidewalks but there are some cases that this can't be done.

Mrs. Powers stated that she has received three or four phone calls regarding the sidewalk program and read the letter into the record: Dear Resident; the City of Brook Park has conducted an annual inspection of sidewalks throughout the city. The sidewalks in front of your property are in need of repair and were marked in orange. We are providing an opportunity for you to participate in a program where the cost of replacement is paid by the city and the resident on a 50/50 basis. The costs of repairs at your address are as follows: blocks removed and replaced eight times \$200.00 for a total of \$1600.00; the city pays \$800.00 and the resident pays \$800.00. This is an optional program but if you choose not to participate the city

**Reports and Communications from the Mayor: cont.**

would require your repairs be completed at a later date at the sole cost of the property owner. Please complete and return the contract form along with your payment. In order for you to participate in this program we must have the completed form and payment of check, cash or money order payable to the City of Brook Park no later than February 19, 2016. Note that this phase of the Sidewalk Program will begin this spring and extend through summer. Mrs. Powers continued the person who gave me this letter is on Social Security and stated that her Social Security check does not allow her to have \$800.00 in by February 19<sup>th</sup> and according to the letter I just read if you do not pay by that date then the resident is responsible for the total \$1600.00. The resident told me that her sidewalk damage was caused by the tree and the resident has asked the city for years to remove the tree to no avail. The question to the Mayor is why not put residents on a payment plan especially since the project will not start until sometime in the spring. With a payment plan residents could manage but can't manage \$800.00 between now and February 19<sup>th</sup> and there are a lot of people in this city in those same circumstances.

Mayor Coyne responded as I stated residents can use Visa or MasterCard and collection of payment is impossible. The city needs those monies because the contract has been let so that has to be paid.

Mrs. Powers asked was the contract put out for bid.

Mayor Coyne concurred and stated Konstruction King will be doing the work. Mayor Coyne stated to Mrs. Powers provide me a copy of the letter to speak to the resident to work out this issue the best way possible; but payment plans will not work. Who is going to collect the monies if the residents don't pay? The only other thing that would have to be done is assess the residents which is a whole other process. The city is recognizing the special needs of some of the residents financially by providing this 50/50 program which is more than fair. Also, as I stated residents are usually given two grace periods so that residents can put monies aside for when the second period comes around. The reason the city is doing this program with a 50/50 split is because of the tree issues because some area tree lawn are not sufficient to handle the tree growth. Trees are being removed that are causing programs with the sewers and what used to be done in the past with this program is grind the roots of the trees to avoid expansion that was successful and will be done again as part of this program.

Mrs. Powers stated that she spoke with people from other cities and have been told that the Cities of Fairview Park and Cleveland does not charge anything for the replacement of sidewalk and when thinking about this issue the residents tax dollars are paying for those sidewalks to this day; so there should not be any extra costs for sidewalk replacement.

**Reports and Communications from the Mayor: cont.**

Mayor Coyne responded to the best of my knowledge that the sidewalks are the responsibilities of the homeowner and this program was started when I was in office the last time because of the situation with the sidewalks and came up with a partnership with residents to bring this program about; unless someone can show me differently the city is going to move forward with the way things are.

Mr. Astorino stated the city has this program set up the way it is for now and may be able to change it later or may not be able to but from what I heard the Mayor say is give him a copy of the letter so that the resident can be contacted.

Mr. Troyer thanked Mayor Coyne for sending someone to Liberty Bell that was really appreciated. A call was received and I told them to call you.

Mayor Coyne stated yes and that will not be made public because they did not request me to do so.

Mr. Troyer asked Mayor Coyne does the police department run a STOP Program and explain how that program works.

Mayor Coyne responded yes, it is an enforcement of traffic offenses in the city.

Mr. Troyer asked how is the program funded.

Mayor Coyne responded by the appropriations of the City of Brook Park with police personnel on 12-hour shifts that this program is operated. There is some overtime that is allotted in there as a result of the STOP Program the city and Mayor's Court for this year generated over \$1 million dollars in traffic offenses; last year was \$600,000 and the year before was \$300,000. So the 12-hour shift impact did a lot for enforcement and generated revenue for police to drive through the city; amazing performance by the city's police department.

Mr. Mencini stated to Mayor Coyne eight calls were received about the sidewalk program that the block is still good and the tree roots is the reason for the lifted block. Residents expressed concerns on why they have to pay for a new sidewalk block when the root could be cut.

Mayor Coyne stated the city gave people options because these issues arose when evaluating this program. In the past what the city did when a sidewalk block was raised by a tree the city would have those roots cut and replace the sidewalk block, which seemed to remedy the situation. If residents have a particular complaint and residents now that have options wants the cheapest option but not give the best results. So forward those addresses to my office so that the inspector can speak to

**Reports and Communications from the Mayor: cont.**

these residents about the criteria that the city uses in evaluating their particular area.

Mrs. Powers asked Mayor Coyne if the city will be leveling sidewalk blocks instead of replacing them. If there is a perfectly good sidewalk block that only needs to be leveled or a corner needs to be lifted would the city do that rather than replacing?

Mayor Coyne responded yes, as stated in the bid specifications the city will determine whether the block can be lifted or not; if the block can be lifted the city will do that. If the block can be grinded without being replaced the city will do that; those are the options in the bid specifications. The inspector made those evaluations originally and if residents want to challenge that the inspector will revisit that challenge.

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**REPORTS AND COMMUNICATIONS FROM OTHER DEPARTMENTS,  
COMMISSIONS, PUBLIC OFFICIALS:****Engineer Piatak**

Mr. Piatak reported with the sidewalk program the service department personnel sent out a little over 1,200 letters to residents' in Phase Two which is east of Engle Road and west of Smith Road. The inspector identified this past summer approximately 2,300 blocks or issues that need to be addressed; so by doing the math on average each resident has one or two blocks. Mr. Piatak continued there is a lot of paperwork involved with this project so we're asking the residents to bear with city personnel when answering concerns may have. The last batch of letters went out to residents on Robert, Sandfield, Sandhurst, Sheldon, Slater, Southway Drive and Court, Stonecrest, Sylvia, Susan and Wengler earlier today. The deadline is February 19<sup>th</sup> and it is anticipated being able to extend that deadline a little to allow residents to get payments in.

Mr. Troyer stated to Mr. Piatak on the Snow Road Project on tonight's agenda will it be helpful to suspend so that the project is received on time?

Mr. Piatak responded there is time until the end of the month but it is time sensitive and wouldn't want to miss that cut-off date.

Mrs. Powers stated to Engineer Piatak with the entire length of Snow Road being done from the airport to West 130<sup>th</sup> Street. A lot of that roadway from West 130<sup>th</sup> Street to Brookview Elementary School looks good condition so why does it have to be replaced. When traveling towards the airport and cross over the bridge that roadway is also in decent condition; the major part of that street that is bad is between Michael and Smith Road. Can you explain the reason why the entire length of the street needs to be replaced?

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

Mr. Piatak responded this project is repair and resurfacing so the considered repair section would be joint repairs and concrete sections from the airport to the Ford gate; it is not intended to do any overlay or asphalt in that section. The project will suspend over the bridge, railroad tracks and Engle Road so there would be no work performed on the bridge section. As the project continues east to the Snow Road underpass there is not a lot of work anticipated in that section; which I think was put in 2008 or 2009. There are some catch-basins that need to be repaired, some minor things, but wanted to include the entire corridor so that some of the little things in the sections that a lot of work is not anticipated but have the ability to include with the project.

Mr. Mencini stated there have been three or four water main breaks in Ward 2 and the word 'undermining' comes up. Mr. Mencini asked for an explanation the process when Cleveland Water comes out.

Mr. Piatak responded Cleveland Water will come out and find the leak and fix the waterline and then backfill the hole; then it's up to city personnel to come back and repair the pavement and the water department is back-charged for those repairs. Cleveland Water does not go in search of all different types of areas of where there may be undermining their only focus is getting the waterline fixed and getting the road opened back up.

Mr. Mencini stated Cleveland Water fills in the hole at the obvious.

Mr. Piatak concurred.

Mr. Burgio stated with the federal government paying 80% for the Snow Road Project and this is a main road in the heart of the city and will be a great improvement to the city. With the recent Smith Road Project will the landscapers return to check out the planted grass and trees?

Mr. Piatak responded yes, there will be a walk-thru of the entire project in the spring and there will probably be landscaping issues that will need to be addressed.

Mr. Burgio stated there are several trees on Smith Road that have missing bark, possibly rabbits or deer, if those trees die will they be replaced?

Mr. Piatak responded the city can't hold a contractor responsible for deer or rabbits eating the bark; the contractor put the tree in according to the contract.

Mr. Burgio stated what if the tree just dies?

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

Mr. Piatak responded there is a general warranty on the project and that would be considered part of the project.

Mr. Burgio continued don't contractors put paper around new trees for protection?

Mr. Piatak responded I've seen it both ways, 38 trees were planted on Leslie and Sylvia and to date there are no issues with either the bark or the animals. Those trees weren't wrapped and that area is more a park-like area where more wildlife is expected.

Mr. Troyer stated to Mr. Piatak with the Snow Road Project with the new area by the overpass that will still be grounded and asphalted; or just fix the catch-basins.

Mr. Piatak responded no, any of the areas within the entire project that has a concrete surface will remain a concrete surface. There is no intention of overlaying concrete and anything that has asphalt overlay will get an asphalt overlay replaced.

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**Service Director Cayet**

Mr. Cayet stated that a meeting was held with the Rocky River Watershed Advisory Committee along with Mr. Piatak, service directors and engineers from neighboring communities and the Northeast Sewer District (NEORS). The purpose of the meeting was to go over the community call-share programs that monies have been generated from additional fees the district has put on the property owners for storm water shedding from roofs, concrete areas and so forth. It was explained at this meeting that monies would be allocated back to the cities for use in storm rehabilitation maintenance and the monies that Brook Park can collect soon is a little over \$161,000. Estimated funds for next year will be between \$270,000 to \$320,000 that can be used for sewer projects in the city. These monies allocated would be for use of equipment, replacement of sewer lines and things like that. As Mr. Burgio indicated there were bid openings on the city's HVAC systems. Clarification on water breaks in the city here is how it works; service department gets a call usually from the police or resident, the water department is contacted and the break is put on the list. The department comes out and inspects and rates the break as to the need of repair because there are water breaks all over the county. The water department then comes out and makes the repairs and then sends an inspector out to make sure the repair is adequate. The water department personnel then faxes the city's service department a release then crews are scheduled to make the repairs to the street, tree lawn, curb or sidewalk if there is any damage. Every quarter all the bills are accumulated and sent to Cleveland Water and a cut is check to the city's general fund to pay for the repairs that were made by service department crews.

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

Mr. Burgio asked Service Director Cayet for details on the bids for the HVAC System; was there any cost-savings from the last contract?

Mr. Cayet responded there was a significant savings to the city. There were three bidders and for a three-year contract estimates are the high bidder at \$145,000, the next bidder was \$131,000 and the low bidder was close to \$64,000. The last contract bid out in 2006 the city paid roughly \$300,000 for a three-year savings; so this is close to \$240,000 over the three year term.

Mr. Mencini asked with the good weather could service crews maybe do some spring projects such as tree lawns?

Mr. Cayet responded it's too early for those types of things.

Mr. Mencini asked what are service crews doing?

Mr. Cayet responded crews are patching potholes in the early morning hours due to traffic during the day that crews can't get to the potholes. Second shift crews are doing sewer calls, prepping water breaks, cleaning city hall. Third shift has been servicing the plow trucks, janitorial work and sign work at night and whatever can be found that is safe for them to do.

Mr. Mencini asked about the new animal warden truck.

Mr. Cayet responded the final paperwork has been signed off for the title last week so delivery of the truck is expected any day.

Mr. Troyer stated that he's happy the HVAC System was sent out to bid and the city received such a great deal. Mr. Troyer asked how is the city doing on road salt?

Mr. Cayet responded winter is not over yet.

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**Law Director Horvath**

Mrs. Horvath reported other than the opinion provided concerning the January 12<sup>th</sup> meeting.

Mayor Coyne clarified with Mrs. Horvath is this a response to the memorandum I provided.

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

Mrs. Horvath responded I looked at your memorandum and attempted to answer some of the issues that were raised in it. I think there is one issue I reserved for a later opinion but that was my intent.

Mayor Coyne continued this afternoon is when I received this and will probably raise some questions in writing with you, when I return from Florida, but I think this really stretches the imagination as to the Council Rules, Ordinances and City Charter and seems to be tasking violation of those rules. My question is this a ruling or is this a review?

Mrs. Horvath responded well, Mayor, perhaps we could say it is both and in drafting this I looked at the Charter, city ordinances and current rules of Council, prior opinions of law directors which are on file in the law department and attempted to look at other sources. If you look at what I've written you will note that I did indicate that there were mistakes that notice was not properly issued and that the finance committee should have met as a committee of the whole. Also, I indicated that Council needs to follow its rules and regulations but that I see no legislative consequences as a result of the meeting.

Mayor Coyne continued I think my issues is that the Charter, ordinances and Council Rules were in fact not adhered to.

Mrs. Horvath responded to Mayor Coyne if you read my opinion you will see that I indicated that the notice wasn't properly served and it's obvious that a standing committee should meet as a committee of the whole. I also indicated that the errors were made in good faith and with the spirit of transparency and I would say that with a new Council and rules I believe everybody is trying to do the right thing and, fortunately, the meeting was a discussion and didn't have any legislation passed. So I really don't see any legislative consequences to the meeting and think it's something that should be addressed and put behind us for the city to move forward.

Mayor Coyne stated my issue was not any business was conducted. My issue was the various of the Charter or the Ordinance. I will submit this in writing but what concerns me is the determination that Council Members by their appearance at a meeting somehow waived notice. I would like further clarification and in fairness to you I will submit my issues in writing but that was my questions. Again, we are a chartered city and have provision in the Charter. Reading through this you're telling me that there were violations of the Charter and ordinances of the city.

Mrs. Horvath responded as indicated I feel that the notice was defective with the notices contained in the Charter. Council has its own rules and believe rule no. 5 is

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

the rule that was in question and there is case law that says if Council wishes it does not have to follow its own rules; obviously Council needs to follow the Charter and ordinances. I did raise the issue about notice and it was simply more or less of a question and there was some case law on that; I'm not saying that was the case here. I'm simply saying that there are some errors but fortunately no consequences and I'd be happy to look into it further and answer any questions.

Mayor Coyne stated one final question Council can violate its own rules if it changes the rules by a majority of Council, isn't that correct; Council can change their rules.

Mrs. Horvath concurred.

Mr. Scott stated on page two the last paragraph I did attend the special meeting/work session, whatever it is, and it reads 'these requirements at the meeting be open to the public and minutes be prepared and available for public inspection appeared to have been met'. I don't think there were any minutes for that meeting.

Mrs. Horvath stated it is my understanding that there were minutes taken and don't know if that is something that will be discussed at a later date. I'm sure that minutes should be approved by Council as a Whole.

Mr. Scott stated this meeting was from January 12<sup>th</sup>...

Mr. Astorino stated point of information is the meeting was recorded and the recording is available if anyone wants to listen to the tape that is the record of the meeting right now.

Mr. Scott is this available to the public if requested.

Mr. Astorino responded if a request is made for a copy of the recording we would provide a copy of the recording just like is done for any request of meeting recordings. If a resident or anyone requests a copy of a meeting a request is made to the Council Clerk to run the recording.

Mrs. Horvath responded my main concern was that the meeting was open and wouldn't violate the Sunshine Law and that was the point being attempted to make in the opinion.

Mrs. Powers stated the Mayor sent a letter that says that Council is not to contact any of his appointments such as the Safety Director, Service Director, etc., that everything has to go through the Mayor. This is a good time to bring it up because

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

as stated the Mayor said he was going out of town for a few days. I sent a letter to the Mayor about a resident that wanted a meeting with Police Chief Foster that has been going back and forth for a week and the Mayor responded looking for information as to who the person is requesting the meeting and what the particulars for the meeting so he can decide whether or not to arrange the meeting. It's been a week and there has been no word about whether or not that meeting will take place. If there was a real emergency situation, such as a water main break, and the Mayor was out of town or not available is that legal? Council should have the same rights as anyone in the audience or anyone in this city. My next door neighbor can contact the service director or anyone else and state their problem but I can't call on my neighbors' behalf and state the problem.

Mayor Coyne stated all processes of information comes through the Mayor's office it's always been that way for every Mayor in the history of this city. I am the head of the city and is processed through me and it gets done. If you have an emergency or any resident has an emergency they can take care of that. The Police Chief was at training exercises and seminars and there are some situations going on with the Cuyahoga County prosecutor that had to be attended too and is currently on vacation and when I return on Monday the appointment will be scheduled with the resident. We always ask when a meeting is requested that the pertinent information be given so that there wasted meetings; that is the process. No one is denied calling departments in emergencies the directors of the various departments and division take their direction from me but in the emergencies you can call whoever you need to call.

Mr. Troyer stated to Mayor Coyne if Council forwards a memo and you're out of town what happen?

Mayor Coyne responded anyone can email me and my staff can email me or call me on my cell phone.

Mrs. McCormick clarified with Mayor Coyne all informational requests go through the Mayor's office.

Mayor Coyne concurred.

Mrs. McCormick asked what the timeline for responses is.

Mayor Coyne responded it will be in a reasonable time I've sent requests for information to Council and have been waiting on the response for a long time; it all depends on what it is. What the administration tries to do is when several requests

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

are received is to give a comprehensive to everyone and if the process is followed the information will be given. As the Finance Chairwoman I'm still waiting for a meeting schedule with you to explain how the process works but any requests Council may have get it to us and we'll get it to you as fast as we possibly can.

Mrs. McCormick stated I'm still waiting for information from legislation introduced last year about the building department.

Mayor Coyne responded the Building Commissioner is in the process of putting that together currently and that is also being done as part of the budget process. Council wants the budget and in December the city closes out last year's budget to reconcile accounts. Then the budget process begins for this year and also the Administration is in negotiations that information has to be prepared for. The information you requested about the permits should be given to you soon.

Mr. Astorino stated to Mayor Coyne your request that came to the Council office is about two weeks old and you should have that shortly.

Mr. Mencini stated if there is an emergency and if the Mayor is not available I will be going to the necessary source to get that emergency handled; as a Councilman that is my job to my residents'.

Mayor Coyne commented if its an emergency city crews will respond but sometimes what you deem an emergency and a normal process are two different things, that's why we have to keep a handle on matters.

Mr. Troyer stated to Law Director Horvath the Finance Director is an elected official and controls the Finance Department so there would be no problem with Council sending a memo or information request directly to the Finance Director?

Mrs. Horvath responded as an elected official that would be the case but would have to check to give you a determination on that.

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**Finance Director Cingle**

Mr. Cingle expanded on Mr. Troyer's question to the law director all Members of Council can contact me directly and always have the 20 years I've been here; Mr. Troyer we talked earlier today. So send your email, send your memo or call me directly and I will respond accordingly. Mr. Cingle continued the department is working on the budget and January month-end reports will be distributed in the next few days. On Ordinance No. 9997-2016 that is on tonight's agenda there needs to be an amendment in Section 2 changing the fund number to 540 for the Snow Road Resurfacing Project.

**Reports and communication from other departments, commissions, public officials: cont.****Finance Director Cingle cont:**

Mr. Astorino stated to Mr. Cingle in preparing the financial reports I was wondering if for the year-end 2015 if there might be the ability to provide a copy in the appropriation type format for a 2015 actual; so that Council can compare the 2015 actual to the 2016 projected.

Mr. Cingle responded will do.  
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**OTHER COMMUNICATIONS, PETITIONS, AND VERBAL APPROVAL:  
(INTRODUCTION OF NEW LEGISLATION):****New legislation:**

1. A Resolution granting a Conditional Use Permit to operate Premier Auto Body and Collision, LLC at 14100 Brookpark Road in a U7-B District and declaring an emergency. Introduced by Council as a Whole. Placed in Planning Committee
  2. An Ordinance authorizing the City of Brook Park to provide a job retention and business expansion grant to Cuyahoga Machine Company, LLC 5250 West 137<sup>th</sup> Street Introduced by Mayor Coyne Placed in Finance Committee
  3. An Ordinance amending Ordinance No. 9993-2015 entitled 'Authorizing the Implementation of the Brook Park Home Maintenance Assistance Grant Program (HMAP) and declaring an emergency. Introduced by Mayor Coyne Placed in Planning Committee
  4. An Ordinance authorizing the Mayor to enter into a contract with Signal Service Company, without public bidding, to provide for the maintenance of traffic control devices and declaring an emergency. Introduced by Councilman Salvatore Placed in Safety Committee
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**MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):**  
-----**REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR  
RESOLUTIONS THAT PERTAIN TO ITEMS ON THE AGENDA:**  
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**INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):**

1. ORDINANCE NO. 9997-2016, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPAIR AND RESURFACE OF SNOW ROAD (PID 100238) AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

**Motion** by Mr. Salvatore, supported by Mr. Mencini, to suspend.

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

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

**Motion** by Mr. Salvatore, supported by Mr. Troyer, to amend Section 2, second line, deleting Fund 520 and inserting Fund 540.

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

**NAYS:** None. The amendment carried.

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

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

**NAYS:** None. Ord. No. 9997-2016, has passed under the Rules as amended. Adopted.

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**INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):**

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**THIRD READING OF RESOLUTIONS AND ORDINANCES:**

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**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

Jeff Duke

15914 Remora

Mr. Duke commented that he spoke about the topic of due diligence a few meetings ago and gave the definition of research and analysis done in preparation for transaction or maybe in the case of Council for statements made to Council. The point today is primarily directed to my Ward 3 Councilwoman Powers regarding her statements made earlier on the sidewalk repair program. Particularly, when she mentioned the Cities of Fairview Park and Cleveland where Councilwoman Powers made the statement that she called these cities and was informed the residents' don't have to pay. I would like to point a few matters so that this is on a fair comparison with the City of Brook Park. Looking at the City of Cleveland's website and type in search sidewalk repair a flyer appears that says August, 2015 there is a 50/50 Sidewalk Repair Program in the City of Cleveland; so I'm not sure who Councilwoman Powers spoke with but possibly she received erroneous information because the city's public website states a 50/50 sidewalk repair program. Also, looking at the City of Fairview Park's website shows a .25% (one-quarter) tax dedicated to street repairs and associated capital improvements which as one would

**Remarks from the audience on any subject matter: cont.**

think, in the public right-of-way associated capital improvements would include sidewalks. So of course the resident doesn't pay directly they already pre-paid through income taxes. So those points were made to possibly clarify the statements about sidewalk repair programs. What the city is proposing with the 50/50 program is a good one and if monies can be found so the residents' aren't charged that would be great but, in my opinion, there are other capital improvements that are needed there as well. Also, the sidewalks in the City of Berea are the homeowners' responsibility unless the city makes a sanitary or storm waterline repair and also in the City of Middleburg Hts. this program is also split.

Jack Thomas  
15934 Remora

Mr. Thomas stated the other day it was observed between my wife and I how many people on Remora Blvd. that were either alone or elderly and by going down the street there was only one household missed. The following comments were cleared by a highly ranked city official who cleared for me to go ahead with this. This observation was made by using the rubbish cans or more correctly the lack of rubbish cans. This has nothing to do with how the city is doing business it is how every city is doing business. With the large rubbish cans the residents who don't put out their rubbish cans stick out like a sore thumb. There are plenty of elderly or people who live alone that used to put their one bag of rubbish on the treelawn for pickup and now with the large rubbish cans these people don't find it necessary. According to an article in Good Housekeeping magazine that quoted a burglar who stated that the second best tell for burglars to target people was the lack of people putting out rubbish; especially when gone for long periods of time. When I left the state for awhile I thought I had all my basis covered grass mowed, mail didn't accumulate and everything that would be thought of except for putting out rubbish cans to the street and my home was hit; this is something that needs to be shared with the elderly neighbors. As the burglar stated in the article if there is only one bag put the rubbish can out, no one will know what is in the can.

Eleanor Matelski  
16167 Pike Blvd.

Mrs. Matelski stated I have very low money coming in and when I received the letter about the sidewalks that said I had to have \$700.00 by this month I cannot afford that and I do not have a credit card and do not want a credit card; if there is some way that I can make payments I would do that.

Mr. Astorino stated to Mrs. Matelski the Mayor would like to speak to you after the meeting about your issues.

**Remarks from the audience on any subject matter: cont.**

Jennifer Roberts

5368 West 151<sup>st</sup> Street

Ms. Roberts stated a few concerns I have by watching and attending meetings and have noticed a few patterns that I find disturbing and would like to express them with all of you. First I am getting tired of several Council Members that are blaming the Mayor for every problem in Brook Park and I am not alone when I plead with Council to try and work with the Mayor; not against him. I'm confident that he has the best interest of the city at heart and instead of trying to go back to the old way help him find a new way; change is inevitable and you need to accept that. Just because a program worked 20 years ago doesn't mean it will in today's world. If you are set in your ways you really don't belong on Council because you will do nothing but hold the city back. Instead of finding reasons to blame or roadblock against Mayor Coyne I challenge you to be a visionary and bring viable solutions to the table. Like when Councilman Salvatore did with the new snowplow program he saw a need and found a way to fulfill it. Even the Coyne bashers who position themselves as the champions of the elderly opposed the new program; I'm not sure they were in opposition since their arguments were weak at best. Maybe because it wasn't the old program or maybe Councilman Salvatore was the one who introduced it and they didn't think of it themselves but neither reason is acceptable. My thoughts are that some program is better than no program and it was a step in the right direction in restoring a popular service for our senior citizens. Another concern that I have is I feel that my Councilwoman, Jan Powers, is so focused on trying to serve only the senior citizens of her ward that she completely ignores the needs of the families and working class. First I want to say that I am for the senior programs and am proud that as a city we provide some of the best senior services in the area. In fact, in a meeting I had with Councilwoman Powers in October I mentioned a senior-buddy program where families would assist and watch out for their senior neighbors; Mrs. Powers liked this idea so much she mentioned it in the Home Town News and claimed it as her own, however, the seniors are not the only constituents who have needs in this city. According to the most recent population statistics found on the website [suburbanstats.org](http://suburbanstats.org), only about 20% of the Brook Park population is age 65 or over; so if Jan is only concerned with the needs of the seniors she is only servicing 1/5<sup>th</sup> of her constituents even though it is her duty to serve all the residents of her ward. I can give you a recent example of how Mrs. Powers doesn't support the working class in her neighborhood. During the December 15<sup>th</sup> meeting there was a debate over the new home improvement program that Mayor Coyne supported she was a strong advocate for putting a low-cap on putting on income for those who qualify for a low interest loan. Mrs. Powers stated if someone makes \$80,000 a year they should get a home equity loan from a bank and if a bank won't give them a loan it means they have bad credit; if they have bad credit it's their own fault. This statement tells me that she either has no idea of the housing market woes or she doesn't care or maybe it's just because most seniors aren't making \$80,000 per year. I don't know where she's been but

**Remarks from the audience on any subject matter: cont.**

the housing market collapsed in 2008 and this means that anyone who brought their houses prior to 2008 paid an inflated price for their property. As a result most of those individuals no longer have enough equity in their homes to qualify for a home equity line of credit regardless of their credit scores; I guess since most of the seniors don't have house payments this isn't her concern. Ignoring the needs of the working class will have a long-term detrimental effect on this city and based upon these Council meetings I can tell that the Mayor understands this and so does several other Council members, but some of you continue to be short-sighted. Maybe your only concern is staying in office and it isn't the future of Brook Park because after all it is mostly the seniors that vote. Even though many of the working class doesn't involve themselves in politics they voice their dissatisfaction in other ways. If they don't feel like the city they live in provides them with the services they can get elsewhere they move. Since the houses are cheaper now chances are someone with a lower income will buy or rent their house or the house will become vacant. If enough people choose to leave the city at once there will be a mass-exodus that will drive down housing prices further and will result in even more vacancies. In 2014 according to information found online the city made more than \$15 million dollars in income taxes; if the average income of the city declines so does the tax base. In addition to losing income tax when the population declines the city loses business tax income and the biggest funders are the families. For instance I probably spend more money at Marc's in a week for my family of four than most seniors do in a month. If I didn't live in Brook Park I would have little incentive to spend my money here and losing families will mean that businesses like Marc's will make less money and some businesses will fold. This translates to smaller payrolls, fewer tax dollars from businesses and empty storefronts. Then where will the money needed come from to pay for senior services I guess you will have to fall back on the contingency plan blame the Mayor. Instead of serving a portion of the population I challenge you to follow the words of Philosopher, Jeremy Bentham, it is the greatest good to the greatest number of people which is the measure of right or wrong.

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There being no further business to come before this meeting Council President Astorino declared this meeting adjourned at 9:16 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*  
Michelle Blazak  
Clerk of Council

APPROVED *February 16, 2016*

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