

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, FEBRUARY 16, 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 Safety Director Byrnes, Mayor Coyne, Service Director Cayet, Finance Director Cingle, Law Director Horvath, Engineer Piatak and Building Commissioner Hurst.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Organizational meeting held on January 4, 2016.

Motion by Mr. Burgio, supported by Mr. Troyer, to approve as printed.

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

NAYS: None. The motion carried.

2. Regular Council meeting held on February 16, 2016.

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.

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. with 24 items up for approval and the Finance committee has two pieces of legislation on this evening's agenda. Mrs. McCormick invited the audience in attendance and those at home to the Buzzard Breakfast to celebrate the return of the turkey vultures, Brooks and Parker, to Redeemer Lutheran Church for a free breakfast for the first 150 people who RSVP.

Legislative Committee – Chairman, Troyer

Mr. Troyer stated the Legislative committee has nothing on tonight's agenda and nothing in committee.

Parks & Recreation Committee – Chairman, Mencini

Mr. Mencini reported the center is in week eight of the basketball season and Ford Middle School, Officer Kosakowski will be holding a DARE graduation party for over 600 youth at the Recreation Center on Tuesday, Wednesday and Thursday of this week. The center had a pre-Valentine dance on Friday, February 12th, that was very big success and a special thank you to the IMPACT (Inspiring Many People Across the Community Together) group for volunteering to chaperone the event. The IMPACT Brook Park Youths' Mentoring Program held a snow event on Sunday,

Reports of Standing Committees: cont.

February 14th that had a great success. The deadline date for baseball and/or softball signups is February 29th.

Planning Committee – Chairman, Troyer

Mr. Troyer stated the committee has not met since last report and there is still one item in committee waiting for the final drawings for landscaping; when those are received they will be brought forward to Council.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated the Safety Committee has one item on tonight's agenda.

Service Committee – Chairman, Burgio

Mr. Burgio stated the Service Committee has nothing on tonight's agenda.

Board of Zoning Appeals – Chairman, Scott

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

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

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

Berea Board of Education Committee Representatives Burgio & McCormick

Mr. Burgio reported Councilwoman and I attended the February 8th board meeting and Superintendent Sheppard reminded the audience of the upcoming forum dates to be held in the communities to discuss perspective changes. The first one will be Wednesday, February 17th at Berea-Midpark High School; the second one will be held at Ford Middle School on Thursday, February 25th and the last one will be held on Wednesday, March 2nd at Middleburg Hts. Junior High School. All residents should attend one of these meetings to get the overview of the enrollment reduction and proposed changes. Mr. Burgio continued there was also discussion about Roehm Athletic Complex and partnering with Baldwin-Wallace for possibly two softball fields that will be paid for by private funding. Treasure Ghizzoni mentioned that the district is waiting to hear about the district's bond rating from Moody's in hopes the district will be upgraded. Two weeks ago Superintendent Sheppard, Treasurer Ghizzoni, Board President Chapman, Brook Park Representative Szabo and Middleburg Hts. Representative Farris attended the Caucus meeting where the superintendent gave a long report as to where the schools are at with a good question-answer period between Council and the superintendent. I raised the question about Brookview and Brook Park Memorial possibly being closed and Superintendent Sheppard responded there is nothing written in stone about the closing of those two schools and there has been no decision made and the district will meet with city officials before anything is finalized. In regards to the school district partnering with Baldwin-Wallace Mayor Coyne mentioned that the school district should partner with Brook Park because the city has outstanding facilities that can be utilized and the city can't afford them on their own but to partner with the district it could be done. Mr. Burgio urged all residents to attend one of the three forums.

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

Mayor Coyne congratulated the city's police, fire and building department for doing a fine job in executing the closing of the Travelodge on Brookpark Road; between the fire and building departments there were over 300 violations at this facility. Also want to thank the county prosecutor's office for helping the city in the temporarily closing due to nuisance issues. The city is hoping that the end result is that this facility remains closed and the city is looking currently at using some county monies that were allocated to tear the hotel down and hopefully the operator would redevelop the property a more suitable use. The finance director and I have just about finalized the budget with a few more things to be done and the capital budget is just about done. The finance director and I will be meeting with the city's financial advisor tomorrow to discuss the city going into the bond market; needless to say that the city's cash on hand is not sufficient to meet the damage to the roads that were not addressed last winter and by the end of this winter there will be of equal damage to the roads.

Mr. Mencini asked with the roads budget how does the city look, will there be a few streets done this year?

Mayor Coyne responded one of the things that will be talked about tomorrow with the city's financial advisor is borrowing some money for roads. Last March the Administration showed about \$10 million dollars of work that had to be done and clearly the city doesn't have that nor would it be suggested to borrow that much money; so that amount is being peered down with the pavement rating system to determine the worse streets. There are grant applications that have not been funded and need to deal with the city's fund portion of the Snow Road project. After tomorrow's meeting a presentation will be given to Council showing the problems. The last leg of the Smith Road sewer project will be a bond issue that needs to be done and that will be included in future discussions.

Mr. Troyer stated on the Home Maintenance Program (HMAP) is there an enrollment date to apply and how many residents have applied for this program to date. Mayor Coyne responded at the last meeting Economic Commissioner Dolan said there were 15 applicants and the enrollment period date has not been set.

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

Mr. Piatak reported with the sidewalk program the city has received about \$30,000 from the residents on the programs meaning that the city will be doing about \$60,000 worth of work; hopefully that number will continue to increase because there are more monies budgeted for this program. Initially the program had a cutoff date of February 19th and that date has been extended to the end of the month.

Mr. Burgio stated a complaint has been received about the left-turn arrow is not always working has the timing or reconfiguring of the traffic signal at Hummel and Smith Roads been changed since the sewer repair project.

Mr. Piatak responded that he is not aware of any signal timing changes that having taken place. With the phase three sewer project it is possible that a loop detector was cut putting that signal on flash during the project but should have been reinstalled and put back into the initial sequencing.

Mr. Byrnes responded the loop was cut during the project and has been put back in place and the department has not heard any complaints and is properly working.

Mr. Troyer stated on the Board of Control minutes item number six is the Euthenics 2015 annual report for the stormwater management program, can I have a copy of that report.

Mr. Piatak responded yes once the report is developed.

Service Director Cayet

Mr. Cayet reported the crews have been out the past few days plowing the streets. With the holiday yesterday there will be no effect on rubbish pickup except for Gateway and Glenway and both those places were picked up today.

Mr. Burgio asked how much salt did the city order and how much is on sight for the rest of the winter.

Mr. Cayet responded there was 5,000 ton ordered in May, 2015 and currently there is about 1,400 tons of salt and if needed the city can get more on the contract;

usually the city uses 300 to 400 ton for a typical storm. The balance on the contract the city can order another 2,300 tons of salt and out of that 5,000 order the city must guarantee 95% of 40 hundred-ton or if needed the city can go up to 110%.

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

Mr. Burgio stated it is my understanding that the new animal warden truck has been delivered; what is the status?

Mr. Cayet responded the truck was delivered last week, which was a week later than expected due to the recent storms in Iowa. Over the weekend the necessary information signs were put on the truck and today the radio was being installed and getting the plates; so hopefully by the end of the week the truck will be in service.

Mr. Burgio stated when I recently toured the service garage I was impressed with the crews fixing up and keeping the trucks in operation and repairing the snow blades. How are the rubbish trucks holding up this winter with the wear and tear of the hydraulic system always being used.

Mr. Cayet responded the automated trucks are an active vehicle and pick up anywhere from 7,000 to 14,000 cans a week depending on recycle or regular rubbish week. The city has had some problems with the transmissions and the engines in the vehicles. During recycle week the department needs three trucks and that is how many the city has so if a truck is down the department rents a truck. With the hydraulics of the truck even when it gets cold still operates but there is some wear on the pads when picking up the cans the pads are wearing out and the can lands in the back of the truck. After a few times of that happening the operator has the truck serviced; there have been some flat tire episodes due to the lack of cleanliness at the dump.

Mr. Mencini asked if the dumping of rubbish at the service garage still going on during the day.

Mr. Cayet responded the department is on the winter schedule and what that means is when the packer comes in at noon residents are told to come down between 11:15 a.m. and 12:00 noon because the crews don't like leaving the packer out in the cold weather because it is hard on the truck.

Safety Director Byrnes

Mr. Byrnes stated with the operations at the Travelodge that occurred last week it was a major event and took several agencies to pull it off such as the Ohio State Patrol, Cuyahoga County Sherriff's department, city's police department, the Southwest Enforcement Bureau and altogether there were 40 to 50 officers involved in the closing of that hotel with planning taking several weeks. What happened is city officials arrived at 8:45 a.m. and basically gave people a few hours notice to get out. People that were displaced and didn't have anywhere to go temporarily the church next door offered them shelter until other arrangements could be made for them. In going through all the rooms and videotaping them and closing the hotel there were six arrests made and also found five rabbits and two cats. There were two rooms that the master keys didn't work and law enforcement

Reports from other departments, commissions, public officials: cont. broke into and there was some contraband seized. There were about 185 fire violations and about 120 building violations noted so the operation was a success and took a real coordinated team. Watching these teams people would think that they have worked together their whole career for as smooth as the operation went. The police department responded to complaints at the hotel over 600 times in about a two-year period; the fire department had a high number of overdoses and other problems. So the city is a lot safer and hopefully there will be a better occupant for that land at some point in time.

Mr. Mencini stated on the hotel the problems didn't popup last week and the police had many issues with O'Malley's Lounge.

Mayor Coyne responded the hotel was closed on a nuisance issue just like the city did with some of the adult businesses in the past. Unfortunately, it takes a track record of myriad of things to do this it's not a singular thing but a combination of things. In this occasion like on Brookpark Road Bill Mason's office helped the city bring the case to get the adult businesses closed and it was the same thing here. So many people why was this allowed to go on for so long because there needs to be proof. For example, there has been suspicion for a long time that there was an illegal parking operation out of that hotel. The safety director and I were there as the city departments and other agencies were processing the people there and a gentleman came in complaining that the shuttle to take him to the airport was not running and showed the receipt for paying for the shuttle and a copy was made showing proof the hotel was running this operation and also found out that there were several internet companies that were booking operations out of the hotel, that may seem small, but all parking operations pay the city \$100.00 a space for airport parking. The city now has a whole gain of knowledge and evidence that will help with permanently closing this hotel and possibly vacant land that ideally the city would like to control but not certain that the city can seize that property. The criminal activity was bad at the hotel and the preponderance of bedbugs was worse and the washer and dryer at the fire station worked overtime. This was a very tragic situation to see the real life tragedy with the people living there which are a sad experience of life to see that.

Mr. Mencini commented that there was a school bus picking children up.

Mayor Coyne concurred.

Law Director Horvath

Mrs. Horvath stated the monthly written report has been given to Council concerning the outstanding pending cases involving the city noting two updates to that list. The first one is with the case of J.P. Morgan Chase Bank vs. Murphy unfortunately in that case the property being foreclosed on wasn't sold for enough funds for the city to be able to collect any proceeds. Secondly, there are some

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

changes with the case regarding City of Brook Park vs. Committee to Secure Our Safety and in that case a notice of appeal was filed on February 11th by outside counsel. The reason that outside counsel was employed was due to a perceived conflict of interest. I do concur with the Mayor and Safety Director's remarks relating to the Travelodge and would also note that there will be forthcoming shortly some legislation that will give Council an opportunity to object to the transfer of the liquor license from O'Malley's to the Travelodge.

Finance Director Cingle

Mr. Cingle stated no report this evening.

**OTHER COMMUNICATIONS, PETITIONS, AND VERBAL APPROVAL:
(INTRODUCTION OF NEW LEGISLATION):**

New Legislation:

1. An Ordinance authorizing the consulting engineer to prepare plans and specifications and the Mayor to advertise for bids and enter into a contract for the construction of the 2016 sidewalk repair program and declaring an emergency. Introduced by Mayor Coyne Placed in Service Committee
2. A Resolution objecting to the renewal of a D5A, D6 liquor permit at 16161 Brookpark Road, Brook Park, OH and declaring an emergency. Introduced by Mayor Coyne and Council President Astorino

Mr. Astorino stated on the second piece of legislation I've been asked by the law director to have that passed tonight under suspension. As stated in the Charter under Section 4.08 and also a Council rule that states nothing in the section shall preclude any Member of Council, the President of Council or the Mayor of the city from introducing emergency legislation on the floor of a Council meeting. Nothing shall preclude the ordinance from being passed at the said Council meeting. With that in mind I am going to move that resolution under First Reading and would ask that Council consider suspending the rules at that point and the legislation will have to be read in its entirety. This will appear under M-4 as Resolution No. 1-2016.

3. A Resolution designating March 21, 2016 at the annual appreciation day for Brook Park Service Workers in the City of Brook Park and declaring an emergency. Introduced by Councilman Salvatore Placed **in Legislative Committee**

Introduction of New Legislation: cont.

4. A Resolution that Brook Park City Council encourages residents to participate in the democratic process, supports community debate, welcomes residents to express their opinions and encourages residents to vote, Brook Park City Council pledges to the residents that their voice will be heard and respected by the legislative body of Brook Park Municipal Government and executes this resolution to a state of emergency. Introduced by Councilwoman McCormick

Mr. Astorino stated this legislation will appear under M-5 as Resolution No. 2-2016 per the Charter.

MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):**REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR RESOLUTIONS THAT PERTAIN TO ITEMS ON THE AGENDA.****INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):**

1. ORDINANCE NO. 9998-2016, AUTHORIZING THE CITY OF BROOK PARK TO PROVIDE A JOB RETENTION & BUSINESS EXPANSION GRANT TO CUYAHOGA MACHINE COMPANY, LLC., 5250 WEST 137TH STREET.

Introduced by Mayor Coyne

Motion by Mr. Salvatore, supported by Mr. Scott, to suspend.

Mrs. Powers stated the city is giving this company a \$50,000 grant and my concerns are the city has no money for roads, no money for all the different items needed but yet the city is giving money away to this company. The other concern is how many companies does the city have that are established in Brook Park that are going to come with their hand out when they find out the city gives \$50,000. I don't see a reason to do this nor can the city afford to do this and how is one company signaled out from all the other companies doing business in the city.

Mayor Coyne responded I couldn't disagree with you more the fact of the matter is this is not a handout this is to retain jobs in the city. The last I looked the best way to generate revenue to fix the city's problems is to have income taxes paid to the city and that's what this does. Secondly, every single business in this city that needs help if the city can make an investment and get a return on that investment long-term; then I think that is a solid investment to make. You continue to talk about how the city doesn't have money for this or the city doesn't have money for that and I've answered you consistently. From the operational side the city is on pretty good solid ground currently and the problem is on the capital side that will be seen in the upcoming presentation that additional revenue sources are needed to

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

meet these needs. So again this is one of the reasons and is a small business in the city and there is a lot of criticism that all the city cares about is the Ford plant that is also not true. This is a small business that came to Brook Park and wants to make an investment to retain jobs and there has been a substantial investment by this company in Brook Park and is money well spent to keep this company there. If anyone is aware of any business that can get a new piece of equipment or something to aid them in their competition to keep workers working in Brook Park the city cannot ill-afford not to provide them this assistance because it is out there for all cities. Some of the cities in different counties are offering all kinds of incentives to business people and this is a small investment and this company over the years will generate enough city income tax to assist solve some of the problems the city has.

Mr. Astorino stated the motion is on suspension and I kind of let Mrs. Powers speak to explain her position on how her vote will be for suspension and also afforded the Mayor the opportunity to speak to give the counterpoint.

Mr. Troyer concurred the motion should be talked about that is on the floor. People may not be aware that myself, Council President Astorino and Councilman Mencini visited this establishment and there was no rush expressed to get this done and will not vote to suspend on first reading on giving \$50,000 of the residents' monies. There has to be readings on this because it's wrong to just rush this through and no one spoke on this matter this evening and it's possible they may not know about it; so I will not be voting for suspension but most likely will vote yes on this in the end and think Council should have the readings on this.

Mr. Salvatore withdrew his motion and Mr. Scott withdrew his second to suspend.

Mr. Astorino stated Ordinance No. 9998-2016 has had its first reading.

2. ORDINANCE NO. 9999-2016, 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 and Council Members Mencini, Scott, Burgio, McCormick and Salvatore.

Introduction of Resolutions and Ordinances: First Reading: cont.

Motion by Mrs. McCormick, supported by Mr. Troyer, to suspend.

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

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

Motion by Mr. Salvatore, supported by Mr. Troyer, to adopt.

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

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

3. ORDINANCE NO. 10000-2016 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 and Council Members Mencini, Scott and Burgio and McCormick

Motion by Mr. Burgio, supported by Mr. Salvatore, to suspend.

ROLL CALL: AYES: Burgio, Salvatore, Scott, Mencini, McCormick

NAYS: Powers, Troyer. The motion was defeated by a vote of 5-2.

Mr. Astorino stated Ordinance No. 10000-2016 has had its first reading.

4. RESOLUTION NO. 1-2016, OBJECTING TO THE RENEWAL OF A D5A, D6 LIQUOR PERMIT AT 16161 BROOKPARK ROAD, BROOK PARK, OH 44142 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne and Council President Astorino and Council Members Troyer, Mencini, Powers, Scott, Burgio, McCormick and Salvatore.

The clerk read the Resolution in its entirety since it was not properly posted.

Motion by Mr. Salvatore, supported by Mr. Troyer, to add this legislation to tonight's agenda.

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

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

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

Mr. Astorino afforded the Mayor or Law Director to provide background for Council members and the audience as to the importance of this legislation.

Mrs. Horvath stated looking and drafting this piece of legislation the complaints were pulled up that were filed prior to the Travelodge being closed and was astonished of the litany of the illegal activity and involvement of this activity surrounding O'Malley's. I believe it is vitally important that this legislation pass and the way this matter would be pursued would be for Council to pass this legislation,

Introduction of Resolutions and Ordinances: First Reading: cont.

the clerk would certify the request for a hearing and it is my intention to also send a letter with the certification detailing all of the problems the city has had with this establishment. In speaking with Police Chief Foster and he also will be sending a letter detailing all the problems that have taken place there.

Mayor Coyne commented the law director did a great job of drafting this legislation and would suffice to say if the liquor commission shall allow provide city personnel to testify before them when this hearing is held.

Mr. Troyer asked I am wondering how strong this is has the city ever gone down this road before?

Mayor Coyne responded I think this is the strongest case the city has ever had.

Mr. Troyer asked how much weight does the liquor commission put into this?

Mayor Coyne responded with this complaint I think the commission will; others are just looked at. The liquor commission is in the business of selling liquor and permits to cities don't want any of those establishments but the fact of the matter is that this one is pretty serious.

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

Motion by Mr. Scott, supported by Mr. Burgio, to adopt.

ROLL CALL: AYES: Scott, Burgio, Salvatore, Troyer, Powers, McCormick, Mencini
NAYS: None. Res. No. 1-2016 has passed under Suspension of the Rules. Adopted.

5. RESOLUTION NO. 2-2016, THAT BROOK PARK CITY COUNCIL ENCOURAGES RESIDENTS TO PARTICIPATE IN THE DEMOCRATIC PROCESS, SUPPORTS COMMUNITY DEBATE, WELCOMES RESIDENTS TO EXPRESS THEIR OPINIONS AND ENCOURAGES RESIDENTS TO VOTE; BROOK PARK CITY COUNCIL PLEDGES TO THE RESIDENTS THAT THEIR VOICE WILL BE HEARD AND RESPECTED BY THE LEGISLATIVE BODY OF BROOK PARK MUNICIPAL GOVERNMENT AND EXECUTES THIS RESOLUTION TO A STATE OF EMERGENCY. Introduced by Councilwoman McCormick

Mr. Salvatore stated personally I don't think this should go on the agenda this evening due to only having a few minutes to review it and don't see the law director's seal of approval on this legislation; so I assume that this has not been put

Introduction of Resolutions and Ordinances: First Reading: cont.

in legal form and am not prepared to vote on legislation that has not been looked at by the law director. Mr. Salvatore continued with your permission I would like to ask a question to the law director if her department prepared this legislation?

Mr. Astorino responded I can address the question that possibly may resolve it because the law director and I talked about this and also to Councilwoman McCormick about this. Looking at Charter section and Council rules it states that nothing in this section shall preclude any Member of Council, President of Council or the Mayor of the city from introducing emergency legislation on the floor of the Council meeting. In addition nothing shall preclude such an ordinance or resolution from being passed at said Council meeting provided however, that it shall be fully and distinctly read once and the rule of three readings shall have been dispensed with the vote of six members of Council eligible to vote. The Council rule with legislation that comes before Council is all Ordinances have to be approved to the form by the law director and there is nothing that deals with resolutions. If any of the Council people want to come forward under the emergency situation as this one is being done that is their right and there is nothing that can stop that from happening.

Mr. Salvatore stated as one Councilman, I'm not saying I'm opposed to this but think it should be placed in a committee and placed on a Caucus agenda for discussion; I will support that. This is something that was handed out this evening with no signature from the law director indicating that the legislation is in legal form and that is the only job the law director has is to insure that legislation is in legal form. The legislation probably is but I would feel more comfortable if protocol was followed.

Mrs. Horvath commented to Mr. Salvatore this legislation came over late this afternoon and I have not had an opportunity to fully review the legislation; in looking at the legislation it is probably is appropriate as to form. I've taken a look at the Council Rules that state the law director shall approve ordinances, therefore, I would assume that this particular resolution would be at Council's pleasure.

Motion by Mr. Troyer, supported by Mrs. McCormick, to place on tonight's Council agenda as Resolution No. 2-2015 under M-5.

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

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

The clerk read the legislation in its entirety since it was not properly posted.

Motion by Mrs. McCormick, supported by Mr. Troyer, to suspend.

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

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

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

Motion by Mr. Troyer, supported by Mrs. McCormick, to adopt.

Mr. Troyer asked Law Director Horvath after another reading do you see any problems with this legislation?

Mrs. Horvath responded certainly as to form the legislation is correct and would make a comment as to content but as to legal form and correctness the legislation is correct.

Mrs. Powers stated Council just passed the liquor license legislation and information for both pieces of legislation were given to Council at the same time; with no time to look the liquor license; I had time to look at this legislation while the other discussion was taking place. The liquor license legislation was passed under an importance and this legislation is just to encourage the citizens of Brook Park to not only vote but express their views at Council meetings and have Council be interested, open and receptive to their opinions. I think this is a very good resolution and should be passed.

Mr. Salvatore stated I personally don't have any problem with the resolution itself. All I was trying to make a point of is the procedure that Council is being taken in order to accomplish something. This is a good piece of legislation but have a concern with the law director's comment of being concerned with some of the content in the legislation. I don't have a problem with voting on the legislation I have a problem with the process. To the law director what is your concern with the content of the legislation?

Mrs. Horvath responded probably if I had an opportunity to review the legislation longer I probably would have wanted to include something in the legislation to the extent as to who this resolution is being forwarded to. I would have probably tinkered with the language somewhat and don't have a problem with what is in here but would have drafted the legislation to be clearer that it would go out to the citizens of Brook Park or whomever the resolution is intended to reference.

Mr. Salvatore asked if an amendment was made would this have to put on First Reading because the intent is being changed.

Mrs. Horvath responded I could be being picky the content overall is fine and if it would be Council's intent to pass this legislation this evening Council certainly would be correct to form and content.

Mr. Salvatore stated I hardly think the opinion of the law director is picky I think it's an obligation to tell Council if we're doing the right thing or if Council is moving too quickly on. If Council amends this would this have to be placed back on First Reading due to the change of the intent.

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

Mrs. Horvath responded I believe it would be fine if Council chose to pass this legislation tonight and if it were amended it would somewhat change the intent of the legislation; the legislation is okay as far as form and correctness and it would be Council's pleasure to adopt, amend or do whatever Council feels is appropriate.

Mr. Salvatore asked Mrs. McCormick would you entertain a motion on the law director's suggestion to amend and place on First Reading.

Mrs. McCormick clarified the legislation would have to be read again tonight?

Mr. Salvatore responded no, it would be amended and placed on the next Council agenda under First Reading.

Mrs. McCormick responded I don't know what would be changed with the content because the legislation states encourage residents to participate which is very clear.

Mr. Astorino interjected Council has passed suspension of the rules so the way I see it this legislation is on a final reading, there is no way to put it back to first reading. The legislation has passed under suspension of the rules that the legislation will be dealt with tonight. Mr. Salvatore if you have a specific rule or guideline that you say is being violated. I understand what you're saying and the way I see this is Council suspended the rules and the legislation is on final reading. Even if the legislation is amended it can't be put back on first reading because it's on its final reading and can't go back to first reading. I also understand what the law director said and even if Council amended the legislation tonight Council can still pass the legislation with the amendment; unless the amendment changed the meaning of the legislation which I wouldn't accept that legislation because an amendment can't be made that changes the original legislation the vote would have to be no; Council can clarify and clean it up.

Mr. Salvatore stated an amendment is always proper on suspension or on Third Reading but I will withdraw my question to the mover of the ordinance.

Mr. Astorino asked the clerk was asked to call the roll on adoption.

ROLL CALL: AYES: Troyer, McCormick, Powers, Mencini, Burgio

NAYS: Scott, Salvatore. The motion carried. Resolution No. 2-2016 has passed with a vote of 5-2. Adopted.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):

THIRD READING OF RESOLUTIONS AND ORDINANCES:
-----**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

Chris Graves

5088 West 147th Street

Mr. Graves stated I think I speak for a lot of residents by saying Mr. Mayor please stop wasting taxpayers monies on frivolous lawsuits. The voters about a year ago said no and Judge McDonald about one month ago said no; what part of no don't you understand. Mr. Graves continued I'm just curious in the lawsuit that was thrown out a month what was the approximate cost that was spent?

Mr. Astorino stated Mr. Cingle doesn't have that information and rather than guess he will research and get you that information.

Mr. Graves continued my point was that it is probably in the thousands of dollars that the city has for something like this but no monies to fix the roads. Maybe the Mayor should spend his own money on this because this is wasting taxpayers' monies; stop wasting our money.

Ralph Lohan

15960 Meigs

Mr. Lohan stated there are probably a lot of people on social media that don't want to get involved but has the same questions everyone else has. With this lawsuit a robo-call was received from Mr. Troyer saying that Mayor Coyne is spending \$30,000 going after an appeal. It's not him spending the money because I found out today that the law department has a conflict of interest so the issue is being outsourced and spend the monies for the appeal and having a conflict of interest isn't a good thing because the law director is paid by the city and is a representative of the city and take an oath. Mr. Lohan continued that all the members of Council who voted to get rid of the tax rebate that is hope for the city and the closing of the Travelodge was a good thing. Everyone needs to start working together and try to get things done and quit blaming the Mayor.

Frank Kosmerl

15942 Paulding Blvd.

Mr. Kosmerl stated it sounds great that the city has signed on with the state to rebuild and repair Snow Road but some things need to be looked at such as giving the time for the concrete to cure and to have the proper mixture of the asphalt and aggregate. Snow Road needs to have a stronger in some spots a good concrete base and stronger grade of asphalt; so the city engineer needs to look into what these companies are using for concrete and asphalt. Also with the heavy trucks be restricted to entering the I-71 and I-480 ramps to give Snow Road time to cure so the road will hold up longer. Mr. Kosmerl expressed sadness for not giving good examples of the city suing residents and now appealing the hearing of the lawsuit of

Remarks from the audience on any subject: cont.

the vote that was taken by the residents' last February to reopen the fire station. The city should not be going the legal route every time there is a disagreement with neighbors' of the city. When a case has been turned down through the courts let the case rest don't go to lawyers because they cost a lot of money and nobody wins.

Beth Porch

13478 Settlement Acres Drive

Ms. Porch expressed concerns with the legislation appearing on the February 9th Caucus agenda regarding pay changes being considered for the non-union employees. As a human resource person for over 12 years part of those responsibilities was to coordinate a review of salary ranges every five years or so with the goal of pay scales being comparable to other similar jobs in the industry. In order to do this it was made sure that all job descriptions were complete and up to date in order to research market data comparing the current job to other similar positions of the same demographics, experience, skills and job responsibilities. The labor market and economy's health were also taken into consideration when reviewing the pay scales. At that time the company thought that hiring an outside accounting/auditing firm would be expertise and access to the market data was the best approach to a fair and equitable assessment of jobs; this also took the bias of looking at the person versus the position; the goal should be to attract and retain top talent. Performance and management have to become a priority when talking about jobs in the city. If there are well written job descriptions with clear objectives and qualified people in these jobs there is no reason why a good fair wage can't be paid; if a person doesn't perform then they should no longer be in the position. I am frankly disappointed by the amount of time spent on this subject from what I can tell these cuts are not going to generate a ton of money and we know that it certainly won't be a motivation for employees. There should be more time spent on how revenues can be increased and bring more dollars into the city and some of this can be managed by evaluating and measuring employee performance. Taking a look at some of the top positions does the recreation director, building commissioner, economic development and finance directors job descriptions all have revenue generation components to them; they should. Are we taking full advantage of the resources we have in the city; renting out baseball fields, football field, basketball courts, pavilion and community room? Are we collecting all the prior years tax revenues; are we charging and collecting late fees; are we collecting and enforcing the on the rental registry and permit fees? What are we doing to bring new businesses and expand our current businesses in Brook Park, the list just goes on. What are the objectives for each of these positions and their support staff and are they being met. The city should be more than willing to pay top salaries if there are returns on investment. My personal opinion is to spend more time evaluating the city positions and managing objectives that will improve the overall financial health of this city to get a bigger bank for our buck. If you plan to continue down this path of evaluating pay ranges; prepare job descriptions and

Remarks from the audience on any subject: cont.

hire an outside consultant to look at each and every position individually; not just the select few, to see if employees are being paid a fair competitive wage and then make sure the right people in those positions to fulfill the requirements. It should be Council's responsibility to put together a long-term solutions and strategic objectives to serve the city today and into the future; not just short-term savings that can have long-term adverse effects.

Susan Anderson
5700 Grayland Drive

Mrs. Anderson stated since the topic of the lawsuit came up tonight I'd like to address my side. You keep hearing the Mayor's side that he's appealing, yes he is, I seem to be the one that has drawn the most attention as the person being one of the three people being sued. As I looked around the room tonight I saw many of my friends and supporters here from all across the city. I don't have the money to fight this lawsuit. My husband and I are living on social security of less than \$2,000 a month; we have a mortgage payment of almost \$500.00 a month plus Medicare, home and car insurance, utility bills on top of groceries on the table. I'm tired of being battered by this city I did absolutely nothing wrong; I did what the Charter allowed me to do and what I believe was best for the residents on the west end. I have stood my ground and have remained fairly silent about this but quite honestly I'm exhausted. I turned 67 in January and my husband will be 71 in March and in October of last year after watching my husband self-deteriorate for three years we found out that he has Parkinson's. I don't need this in my life Mayor I did nothing wrong, I don't need this in my life Councilmen I did nothing wrong. While the Mayor continues this battle to prove a point and to regain control he is using taxpayer money to sue me into oblivion; the man is going to grind me into dust and before this is all over and done with because attorneys don't come cheaply. I will more than likely losing my home because I have no way to pay for attorneys, none, I cannot afford \$600.00 an hour. My husband and I scrape by every month I have an old truck and old car I don't drive anything fancy and don't wear fancy clothes. I earn a little bit of money working for my son, very little, when he needs my help and that's it. Finance/Tax Director Cingle can look at my tax return anytime he wants to and he can tell you we have next to nothing coming in. While all of you are sitting up there with your salaries and benefits my husband and I went from making good money to making next to nothing literally overnight through no fault of our own. I don't begrudge your salaries or benefits I have never been that type of person; what people make people deserve. If you make \$100,000 a year, \$200,000 a year all well and good I think it's a wonderful thing and am sorry it didn't happen to me. I can no longer continue to fight this lawsuit I don't have the wherewithal to do it. I cannot speak to the other two defendants I am not in contact with them at any point in time; I don't know what their financial situations are like nor do I care and if that sounds selfish that's too bad. I'm concerned about my well being and am concerned about the well being of my husband. When the lawsuit was filed on March 2nd of last year I thought my husband was going to have

Remarks from the audience on any subject: cont.

a stroke; you have no idea what this is doing to my family, none whatsoever. All because I stood up and said let's keep the fire station open for the well being of the west end residents. I broke no laws and did nothing wrong and want this to stop Mayor. This cold-hearted vindictive behavior has got to stop you are absolutely killing me and I know you probably could care less but I want you to know how I feel and I've made my point tonight. I will tell you one more thing as my husband's health continues to deteriorate if I lose my husband at an early age do not under any circumstances come to his funeral.

Virginia Fadenholz
5756 Edgepark Drive

Ms. Fadenholz stated I live on the west end and when the letter was received about the fire station I talked to the Mayor over the phone. It was clear to me that it was money orientated but he kept saying it wasn't about the money. I realized then how important that fire station was he had told me he already closed it and had the power to do it. I was one of the ones who went out with the petitions to get them signed and came to Council meetings and watched his pact fight us to the very end. It could have gone through where he didn't have to have a special election it could have gone right to the people to let them decide. I don't want to think that Brook Park doesn't care about the west end because when traveling through parts of Brook Park never explored to get petition signatures showed concern for the west end people. The time of getting help increased and I know that minutes count. We did this legally and it is not easy getting petitions signed, it is not easy doing any of the process we went through. He has this vindictive vendetta to get the unions or whatever I don't know. I've been here for 32 years and didn't pay attention to politics and didn't care until the fire station closed; I started paying attention. I realized what was going on here was absurd and what I say with my own eyes and am so glad there's a change in the wind because it was really embarrassing to be a Brook Park resident. Now the money spent for the putting it on the ballot and then having Mayor Coyne, Jamison and his posse filing lawsuit money was spent. We don't know how much apparently tonight but I'm sure we do. Now you're going after our neighbors who did nothing wrong and is within their legal rights to be able to overturn politicians; this is what the foundation of our country is about. It's just mind boggling to me that you are continuing this and I don't understand why you have that much power and if you don't have that much power why the Council hasn't put a stop to this. Why the people of Brook Park haven't put a stop to this; this was voted on the people and it won and I, for one, am glad it's there. It's not costing the city money and it's going to cost somebody in my little neighborhood a life possibly. There is no reason why that fire station should not be there it's been there for a long time and the reason why they put it there because of the way the city is. Leave my neighbors alone Mayor Coyne do not spend a dime of my taxpayer money on this absurdity, enough is enough let it go. You don't have the right to harass this city or these people and should be so ashamed, it's important for me and a lot of people in that neighborhood to have that fire station open. You're

Remarks from the audience on any subject: cont.

playing Russian roulette, you're playing a gambling game and I don't like it leave them alone, end this do not spend any of my money on this. You went to court and had that right now let it go.

Lavaine Cates
15499 Remora Blvd.

Mrs. Cates stated we're talking about taxpayers monies on the attorney. Why did Law Director Horvath have to turn it over to somebody else because there was a conflict of interest; doesn't Mrs. Horvath work for us. We're talking about spending our money but we don't have to hire outside attorneys she works for us and she's not. So we can't keep blaming the Mayor for everything and the other thing there are rules and laws here in our city. I have seen so many Council people and a lot of people here that are not following the rules and getting away with it. I can name some and I think we know exactly who it is and I know I don't have to say names but I am just sick and tired of it. None of you are better than any of us out here so with that being said we all need to look at the whole picture instead of choosing sides. Because this is what happening people are choosing sides and that's not the way the city will move forward. For our law director to actually have to choose a side is amazing to me; something needs to be done about that.

Virginia Fadenholz (second time – no address given)

Mrs. Fadenholz stated I just want to make a point I think when Jamison was here he hired his law firm to represent Brook Park so there was money used for a private law firm.

Patty Astorino
6258 Engle Road

Mrs. Astorino stated I wanted to build up on Mrs. Fadenholz's comment; I believe the last Council hired the law firm which I believe so far, Finance Director Cingle, somewhere close to \$20,000, correct? I think Mr. Jamison received upwards of \$6,000 above his salary so Mrs. Horvath stepping down it's no different than what has happened in the past. Mr. Jamison brought it forward and paid himself on top of his salary \$6,000 plus and the other law firm that was given by last Council was on the upwards of \$20,000 plus.

Susan Barbour
5819 Robert Drive

Mrs. Barbour stated she was upset and couldn't sleep when the robo-call was received. I feel that the money that you're going to spend on the appeal is better for our sidewalks so that when walking my dog I'm not tripping over uneven sidewalks; use the money for that for a better plan. I think some of the residents' here it would be better suited for all the residents of Brook Park. I'm going to plead to you Mayor Coyne to have a heart change your mind. Mrs. Barbour read scripture and pleaded Mayor Coyne to change his mind for the benefit of all; I'm a lifer and

Remarks from the audience on any subject: cont.

can't afford to go anywhere so please don't put this appeal in for the benefit and integrity of the city. There is too much drama in this city with all the social media, news media coming to the meetings we don't need this; we need something positive in this city and purge forward to make it better for everyone and future generations.

Catherine McCutcheon
5734 Norwood Drive

Mrs. McCutcheon stated the citizens have spoken the petition drive was successful and the election last February proved that the citizens want Fire Station No. 2 to remain open and serve the residents of the west end. There are more than 1,000 families that live in that area and there are businesses that depend on this service and the abilities of the firefighters to protect them. It is a mute point and has even evolved into a court situation with a judgment by people we respect a judge herself made the decision. The purpose of reaching another level of conflict is purely unnecessary and an appeal is unnecessary let's live with the results that have been achieved at this time.

Cindy Shick
13533 Bellbrook Drive

Ms. Shick stated I would like to open by saying like many other I have been a lifelong resident of Brook Park having been born and raised here and now raising my own family here. I have been actively involved in the city my kids and I both play recreational sports my husband and I coach and most recently I began the IMPACT Youth Program. I have seen this city go through its ups and downs and as a resident I only want what is best for the city so that we as residents can make this place a great place to live, work and play. I came here tonight to stress my concerns as well as the concerns of many other residents regarding the recent personal financial problems and the dishonesty surrounding these problems of Councilwoman and Finance Committee Chairperson, Julie McCormick. I would like to outline these issues and explain why many of us feel they are a detriment to our city. First, on January 25th 2016 news broke on cleveland.com that Julie McCormick has not filed city income taxes for the 2013-2014 tax years and she had a suspended license due to unpaid tickets. According to her statements to cleveland.com she said that the unpaid tickets were an oversight and she claims she only owed \$100.00 to the city for the two years. However, per the City of Brook Park Tax Ordinance Part 18 the penalty for not filing the two returns along with the monthly interest penalty for unpaid income tax would be well over \$100.00; proving that her claim of only owing \$100.00 is most likely false. Second, on February 3rd broadcast Channel 19 news uncovered additional negligent financial behavior relating to the unpaid property taxes. According to the news story court records showed that Councilwoman McCormick owed more than \$6,500 in back property taxes. In a Facebook statement Julie claimed that she is in a property tax payment plan with the county and is resolving the issue. Also, Action 19 news quoted her that is a minimal amount that is actually even due more of a paperwork issue at this point. However, if you reference the tax bill summary for her property you will see that she has made no consistent payments of the property tax and she has been assessed a penalty in every half. Even though a payment plan may be in place she is missing her payments and the county is continuing to assess interest in penalties; causing her debt to grow. In 2013 her tax liability was approximately \$3,700 and as of

Remarks from the audience on any subject: cont.

today, February 16th, 2016, her debt has swelled to \$6,932.74. Please make note of that amount increase since the broadcast on February 3rd. Third, the McCormick's owned a home at 105 Murphy Street in Berea foreclosure proceedings for this property began in September, 2013. According to Julie's statements on Facebook the family was dealing with some financial troubles during this timeframe which led them to being delinquent on their bills. What is interesting is while they owned and still had a mortgage of approximately. What is interesting is while they owned and still had a mortgage of approximately \$63,000 on the Murphy Street property the McCormick's chose to buy their home in Brook Park. According to the office of the Auditor's webpage they purchased their Schaaf Drive house for \$30,000 cash on April 22nd, 2013. Then just a few months later their Berea property is in foreclosure as seen on Cuyahoga County Clerk of Court website. Councilwoman McCormick claims that her name was not on the deed of the Berea property home which maybe the case, however, she is married to Eugene McCormick whose name is on the deed and she was named a defendant in the foreclosure proceedings showing that she shares liability. If you have \$30,000 to buy a new home you have money to continue to make your mortgage payments on your Berea property. Even if it means foregoing the purchase of the Brook Park property until you sold or rented your Berea home. What her actions show is the willingness to abandon her Berea home regardless of the consequences causing an unnecessary burden on the taxpayers; not a smart choice. Now I ask is this negligent behavior acceptable for someone who is a chairperson of a finance committee that oversees \$20 million dollars. Furthermore, the ongoing media coverage of Councilwoman McCormick has given our city yet another black eye; comments made on media sites are very negative and embarrassing. For example one individual writes flimsy excuses for not keeping ones' personal life in order. Many women work full time while raising children some of them without a spouse and do a good job at both; a little maturity would go a long way. She is not setting a very good example for her children or her community. Another individual writes her trying to deflect her own irresponsibility by claiming it as a political ploy is totally shameless. She's showing exactly what she thinks of the intelligence of the voters in Brook Park and a third person said it best to the voters in Brook Park wipe the egg off your faces. In summary, Councilwoman McCormick has shown a disturbing pattern of behavior, she forgot to pay traffic tickets, she forgot to file city income taxes for two years; she neglected to pay her property taxes on her current property and she hasn't followed her payment plan for this property; resulting in more penalties and interest. In addition she allowed a home to go into foreclosure because she stopped paying the mortgage on the property even though she had the cash to buy her current home. Since this information has surfaced she has made countless excuses for these missteps blaming her kids, blaming the financial crash of 2008 and even going as far as blaming the Mayor. I, as well as many others, would have more respect for her if she took ownership of her self-created problems. It wasn't until most recently that our city has finally stated to get back on track after years of spending our reserves our budget is now balanced. As we continue to move forward we need people who are trustworthy and who can make smart valuable decisions for our city. Due to her horrid performance...her poor personal financial decision making coupled with her dishonesty about her situation and the embarrassing news coverage. Councilwoman McCormick has lost her credibility and has shown that she is the wrong person to keep this city moving in the right direction. After all how can the citizens of Brook Park trust Councilwoman McCormick with their money when she has proven to be dishonest and incapable of handling her own? In conclusion, Councilwoman McCormick in more than one statement you said you wanted what was best for the City of Brook Park. If that is true then you will make the right decision for the city and you will step down from your position in Council effective immediately.

Remarks from the audience on any subject: cont.

Jeff Duke

15914 Remora Blvd.

Mr. Duke stated I had several prepared comments that I was going to speak on tonight but might as well throw them out the window after tonight's circus here Council part 5 is what is going on here. A few observations Mr. President that maybe you can Council members to respond to the residents after since there is no debate or no chance for Council, Mayor or the Administration to respond to resident comments since the resident comments have been moved to the end of the meeting; I think several audience members would love to stay around to talk on some of these points afterwards. Secondly, I'm surprised that the author of the legislation to encourage the residents to speak out at meetings is not here at this time I would hope as we consider cutting commission members salaries and other salaries of other people in the city. That we look to say maybe Council members should stay at the meeting the entire time and hear what the residents' have to say; that's something that is disappointing right now. Another point I'd like to make Mr. President to some of the Council Members is that I'm surprised of the inconsistency that happens with suspension of rules especially by a couple of Council Members that seem to consistently vote no for suspension of the rules for no other reason other than voting no and not providing any justification of background. I know sometimes Council members say that the residents' don't know well the residents' have a chance to speak and didn't choose to speak on agenda items. I'm going to speak on one agenda point this evening after the suspension of the rules was not voted for. I would encourage Council to invest in our local businesses, encourage Council to invest and vote yes and suspend the rules at the next meeting for the \$50,000 grant for the small business that was voted no on tonight. One of the Council members said I'll probably vote yes on this in the future but I'm going to vote no to suspend the rules just to delay the process; not the exact words, but that is the perception that some of the audience out here are seeing with the inconsistency with the suspension of rules voting no format. The term investment was used a lot and with investment revenue is needed and need money and sometimes have to spend money to make money and that's where I see the Mayor and whoever introduced the grant to the local business was trying to do; I applaud you for that. Thank you for trying to move forward and invest in our city and know that some Council members are for that and hope that a few others come around.

Patti Astorino

6258 Engle Road

Mrs. Astorino stated I think it's horrific that residents are allowed to come up to the podium and bash people's personal finances. Mr. Cingle is a Councilwoman making amends to her financial problems.

Mr. Astorino stated we really don't want to get into the question and answer this is comments from the audience we will listen to.

Mrs. Astorino stated on top of that Mr. Duke says it so important to hear the voice of the people well the voice of the people voted for the fire station too; so I wonder if Mr. Duke feels about that too. If the voice needs to be heard it needs to be heard all the way through not just on one side's ideas or the other side ideas. The fire station was voted on to be manned and opened and wanted to bring that to everyone's attention.

Remarks from the audience on any subject: cont.

Julie McCormick (podium)

6375 Schaaf Drive

I would like to thank my fellow council members for suspending the rules and supporting my resolution tonight. With the primary election coming up on March 15th, I thought it was important that we, as an elected body, encourage the residents of Brook Park to get involved in the election process and involved in their local government. Furthermore, a special election took place in February 2015. This election was fueled by the Mayor's vision for a new fire public safety approach. The Mayor's vision called for Brook Park to be served by just one fire station the taxpayers did not agree and took action; action that is permitted under the City's charter and by the United States' constitution. The taxpayers/residents circulated a petition to place this issue on the ballot and garnered the sufficient number of 1,000 valid signatures needed to place an issue on the ballot in the General Election of 2014. The taxpayers filed the petition prior to the deadline as required by law with the Clerk of Council. However, certain members of Council who were a majority in 2014 lay dormant and refused to assist the taxpayers of this great city. The taxpayers went out and circulated the petitions once again and obtained an additional 1,000 signatures needed to force the issue to ballot; because of lack of action by those council members who were the majority in 2014. The city had to pay an additional \$30,000 dollars to hold a special election and the taxpayers won the election to keep the fire station open, but the Mayor was not happy and told the press he would not honor the election results. So the Mayor had the former Law Director, Neal Jamison, file a lawsuit; a lawsuit that Judge Nancy McDonnell ruled as having no standing. The lawsuit cost Mr. Jamison the election and the taxpayers of Brook Park spent their own money on outside legal fees to defend the outcome of the election. The Mayor requested the new city Law Director, Carol Horvath, to appeal the court's ruling and the law director declined and the Mayor through a contingency fund that the old council of 2014 funded at one of their last Council meetings in December, 2015 this allowed the Mayor to circumvent the new Council of 2016 and hire outside council to represent the city of Brook Park. The Mayor not satisfied because the results of this election are preventing him from privatizing EMS and to achieve his goal of privatization, the Mayor is willing to keep the city polarized, expend more taxpayer dollars after he has told us for the past two years that we are in fiscal crisis, and has filed a slap suit against the taxpayers to intimidate them. The taxpayers/residents have spent around 35,000 dollar in legal fees and campaign materials to insure the voices of the public are heard.

Jacob Vecchio

14417 Park Drive

Mr. Vecchio stated a fact already here that I believe everyone is entitled to their own opinion whether someone is going to come up and bash the Mayor for something he has done. Whether he's going to appeal a court process or whether somebody wants to come up and state facts towards a Council Member; I don't think its fair for anyone to get bashed because they came up and presented their own opinion.

Remarks from the audience on any subject: cont.**Council/Administrations Remarks:**

Mayor Coyne stated people talking about the appeal case have nothing to do with the opening and/or closing of the fire station. You heard Councilwoman McCormick speaking from the podium saying that I wouldn't honor the results of the election; nothing can be further from the truth. The fact of the matter is I've always lived by this the voters are never wrong until they learn when they are. This appeal has nothing to do with opening or closing of the fire station it's been my long-range plans during my first term as Mayor to consolidate the fire operations of this city and someday it should be accomplished; we don't have the wherewithal to do that right now but someday it should be accomplished. The fact of the matter is this I know what the people believed that they voted on but the language clearly does not bear that; not even close to that. I like when Mrs. Anderson gets up there and certainly feel for her health and her plight has nothing to do with this. The lawsuit in itself is not seeking any damage from any citizens nor is it seeking to overturn the results of an election. What it is doing is to clarify the Charter of this city the language of that ballot issue happens to violate. The fact of the matter is I have nothing to do with the format of how the law requires us to respond to this. So there is no damage to any citizen I closed the fire station for operational reasons because I felt it was the best way. The voters of the city believed because what they were told that this would open the fire station; that petition ordinance has nothing to do with that. I opened it up because what the residents' believe you voted for and you can criticize me all that you want. All this lawsuit does and it has nothing to do with opening of closing of the station, the merits of this case were not heard. The judge said the city lacked standing that's much different from making a decision on those arguments; a big difference. So the fact of the matter is the station is open and it's going to remain open and these other issues will be addressed a couple of different ways. By the law to uphold the city Charter, by collective bargaining because if you really want to look at what the real issue is here. The citizens of the City of Parma Heights saw through it and their leaders didn't hide behind any citizens group; they were out front it was addressed and Parma Hts. residents' made their decisions. The fire station will remain open no matter what happens in this particular issues; so let's make that very, very clear. So this heartfelt that the Mayor is going to overturn the results of the election is not true either, so again, this is much to do about nothing in my personal opinion except that this has to be clarified. I actually applaud the actions of the law director because she did the right thing not putting her in a position because of how this election was formulated. Finally, let me say this Councilwoman McCormick always tends to put words in my mouth that I've threatened her, tried to silence her and I find it interesting this evening that she comes up with this...

Mrs. McCormick – Point of Order...

Mayor Coyne – I'm responding to the people of the audience and you were one of them...

Mr. Astorino – Hold on a minute, Mayor, sorry but a Point of Order has been called; what's your point Councilwoman?

Mrs. McCormick – A personal attack....

Mayor Coyne – I'm not attacking anybody...

Mrs. McCormick – Yes, you are you're accusing me of...

Remarks from the audience on any subject: cont.**Council/Administrations Remarks:**

Mr. Astorino – Excuse me everyone please I'm the Chair let's not debate back and forth. As far as to the Point of Order we are in the section where its audience participation and comments are being made. We are not discussing or debating an issue so things have been said and I'm going to give the Mayor the leeway to talk about certain things. I'm going to ask and hope that he keeps this debate as civil as possible and factual. We're not going through the debate on issues and it is his turn to comment.

Mayor Coyne – Mrs. McCormick went to the podium as a citizen and she indicated that I was doing this to overturn an election and I said that I wasn't going to honor the results of the election. I challenge her to find that statement anywhere and she's been doing this consistently. As she has the right to legal recourse so do I for statements that she has made and I think that's unfortunate. It might be interesting as we go through this she certainly has changed, maybe it's a false narrative or maybe it's being duplicitous but it's interesting about this issue she raised tonight about the citizens talking about this particular issue about the firehouse; because it doesn't bear a narrative that I have from her. So at any rate I apologize for any pain that anyone thinks they are suffering here; I have a job to do as the Mayor of this city and I'm going to do that for as long as I'm here. The fact of the matter, in my view, this was the largest boondog perpetrated on the voters of this city and having said that if that's what they think they voted for I'm going to honor that until there is a better way in dealing with our situation. Finally, Mr. Chairman there's never been a proposal for this Council, we went through this before another false narrative, to privatize any service. Did we look at it yes we did but there was no proposal before this Council, at anytime for the city to privatize anything and I thought that was straightened out.

Mr. Astorino stated in conclusion I would like to plead to everybody not only in the audience but up here there' are challenges that this city faces. Under audience participation yes, people have the right to get up and say what you want to say but jus try to remember that there is a responsibility as a citizen also for there to be a civil debate about things. Personal character assassinations do not help the situation from either side or as the resident said. We are all Brook Parkers so the fact that when we get up and start saying you did this and you did that; that is not helping us to actually get the business of the city done. It may make you feel good, it may earn points with your friends and may do that but its not good for the City of Brook Park to be doing this. So I would ask and challenge everyone to let the personal differences be set aside and let's just talk about the business of the city and how we do things and are a little bit more civil to each other. We can't keep going down this path and expect there to be a change to this city; I am sure everyone wants this city to prosper. I have heard the Mayor say repeatedly that no one loves this city more than him and he may be right but I think most of us love the city just as much as him and want this to work. We all were elected to try and do a job, we need your support, we need both sides and even those in the middle to support us and not get up here and make personal comments, personal attacks and character assassinations. Because we are elected to serve the residents until the end of 2017 and won't be able to do that if residents' keep coming up here and just telling us these bad things about us; we are not bad people. Everyone makes mistakes in their lives and we need to move on because as I heard several people here say tonight we need to move forward. We can't move forward if we keep being dragged backwards by people so I would ask and challenge everyone to set your personal differences aside and let's work for the betterment of the City of Brook Park.

Remarks from the audience on any subject: cont.

Council/Administrations Remarks:

Mrs. Powers expressed a biblical quote and stated there have been a lot of stones here tonight and ask you to look at your own personal, private life to see if there aren't some stones that casted inappropriately. With the lawsuit I think the city is sick to death of the whole issue and don't care what the point is whether its reopening the fire station or what the Mayor just stated; it's time to stop the nonsense. As far as Mrs. Anderson and the SOS (Secure our Safety Group) I think that everyone that is in agreement with her should all make a contribution to pay for her law expenses because after all without our consent our money went to support the other side; so it's only fair that we support her side.

There being no business to come before this meeting Council President Astorino declared this meeting adjourned at 9:18 p.m.

RESPECTFULLY SUBMITTED Michelle Blazak
Michelle Blazak
Clerk of Council

APPROVED March 1, 2016

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