

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MARCH 1, 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 Mayor Coyne, Safety Director Byrnes, Law Director Horvath, Finance Director Cingle, Economic Development Commissioner Dolan, Building Commissioner Hurst, Service Director Cayet, Engineer Piatak, and State Representative Martin Sweeney.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

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

Motion by Mr. Mencini, supported by Mr. Scott, to approve as printed.

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

NAYS: None. The motion carried.

Motion by Mr. Burgio, supported by Mrs. McCormick, to go out of the Regular Order of Business to allow Representative Martin Sweeney address Council.

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

NAYS: None. The motion carried.

Martin J. Sweeney
District 14 Representative
3632 West 113th Street
Cleveland, OH

Mr. Sweeney thanked Council for allowing a few minutes to speak and stated that he has been in this position for 15 months and previously served on Cleveland City Council for 18 years with eight as Council President. As my role as state representative my wards include the two western wards of the City of Cleveland, Brook Park, Brooklyn, Middleburg Hts. and Parma Hts. In Columbus there are a lot of decisions to be made and work hand-in-hand with the cities and this is the most important job that there is because state representatives take care of the neighborhoods of the cities represented. On the state there are more social issues then everyday running of the government that I'm still adjusting to. There have been big decisions made and some received my vote and others did not. The budget was just passed and now there is the capital budget that is coming up for discussions. There hasn't been any time to chat about the capital budget needs for the City of Brook Park and would like to do that within the next three weeks if there is a capital

project in place. If the city doesn't ask the city won't get and the opportunity to ask for something for the City of Brook Park is something to be championed.

Motion by Mr. Burgio, supported by Mr. Mencini, to go back to the Regular Order of Business.

ROLL CALL: AYES: Burgio, Mencini, McCormick, Powers, Troyer, Salvatore, Scott
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 stated the Board of Control met at 6:30 p.m. with 20 items on the agenda for approval and on February 27th Council held a Special Caucus meeting to discuss the 2016 capital improvements budget.

Legislative Committee – Chairman, Troyer

Mr. Troyer stated the Legislative committee has one item in committee and one item on this evening's agenda.

Parks & Recreation Committee, Mencini

Mr. Mencini stated the basketball and cheerleading season is coming to an end. Baseball and softball registrations have been extended and the next Recreation Commission meeting will be held on March 10th at 7:00 p.m. due to the St. Patrick's Day celebration. The center's Easter Egg Hunt will be held on Saturday, March 19th from 11:00 a.m. to 1:00 p.m. and free to all youths 12 and under but perishable food donations are being accepted; there will be candy, fun, prizes and pictures with Easter bunny.

Planning Committee – Chairman, Troyer

Mr. Troyer stated the March Planning Commission meeting has been cancelled due to lack of applications; there is one item in committee awaiting landscaping drawings.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated the Safety Committee has items on this evening's agenda with one item lay over from a year ago and should be voted down.

Service Committee – Chairman, Burgio

Mr. Burgio stated no report this evening.

Board of Zoning Appeals – Chairman, Scott

Mr. Scott stated no report this evening.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center – Trustee, Salvatore

Mr. Salvatore the first hospital board meeting is scheduled for March 2nd and will have a report at the next Council meeting.

Reports from special committees: cont.**Berea Board of Education Committee Members Burgio, McCormick**

Mr. Burgio stated that the next forum meeting is scheduled for March 2nd and I will be in attendance.

Mrs. McCormick reported the second community meeting was held at Ford Intermediate on February 25th that Council President Astorino and Council Members Troyer, Mencini and myself attended with about 65 residents in attendance, apparently there were some other meetings going on in the district which counted for the low attendance. Information was provided and the board asked the people in attendance to break off into smaller groups to make recommendations. Many of the recommendations were for a new elementary school to be built in Brook Park as a possible solution because with the plan presented it showed Brook Park would be suffering the most losses out of the three communities. The board stated that all recommendations would be taken into consideration and another Berea District Forum meeting is scheduled for Wednesday, March 2nd at Middleburg Hts. Junior High School.

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

Mayor Coyne thanked Council for attending the meeting last Saturday for the first round of budget discussions relative to capital improvement budgets such as vehicles and other items; any changes will be reflected and hopefully address Council's concerns. Council has had the budget for some time so if there are any questions please submit them to both me and the Finance Director in writing so that Council gets their answers. Mayor Coyne continued that one of the problem homes on Hummel Road has been processed through the county program and will be hopefully be demolished this week; the city is moving on other problem homes to get the eyesores removed from neighborhoods. In accordance with Section 4.08 of the Charter I'd like to introduce this evening an emergency ordinance to be considered by Council this evening. I have joined the party with the Secure our Safety Committee I was served with a suit today as a party with fire station operations; so hopefully if Council would consider enacting this legislation it would mitigate all the lawsuits and move the city forward.

Mr. Mencini asked if one of the problem houses on Lockhaven will have future consideration for demolition.

Mayor Coyne responded yes, the Building Commissioner will be providing to Council, with the list of current houses.

Reports and communications from the Mayor: cont.

Mr. Salvatore stated with the ordinance just received what effect will this have by passage relative to the closing of the fire station in the future?

Mayor Coyne responded this legislation speaks to the issue at hand that is my issue with the change by the election and what people thought they were voting on and what they really voting on were two different things. My issues with this is that it usurped the Charter that ordinance contradicted the Charter, and that is the issue of my appeal besides the city's standing issue. Others had issues with the reopening of the fire station which is the crux of the latest law suit so by reading the Whereas in the legislation the city is provided the ability to staff the two fire stations by the determination of the public safety director and the chief which the old ordinance rendered and talks nothing about minimum manning. The legislation states that the city will provide necessary personnel to man those stations be it full time or part time. Part time will give the city the ability in the future that if the budget challenges are there it will allow the city to schedule different sort of personnel to make sure those stations are manned. This legislation also does not preclude in the future that if the city is in a position to consolidate the fire operations into a singular station they merely have to amend the legislation to provide for that. So from my standpoint and in reading the lawsuits that have been received and mine today I believe this would remedy the city's situation.

Mr. Salvatore stated this legislation will keep the Ruple Road fire station open, which is a great idea, and secondly will this eliminate and put to rest the lawsuit.

Mayor Coyne responded from the city's lawsuit, from the Administration's standpoint, I would say yes and if it's my understanding of the lawsuit received today hopefully this would satisfy the prayer of the resident that brought that lawsuit.

Mr. Troyer stated having just received this legislation the Whereas are not binding and looking at Section 1 the change is minimum members on duty the Director of Public Safety and the Chief of the Fire Department shall see that there is an addition to the fire chief, assistant fire chief and fire prevention personnel sufficient **full and part time** firefighters at 17401 Holland Road, Station No. 1, and 22530 Ruple Road as necessary to protect lives and property for all persons and businesses present within the city. Mr. Troyer stated to Law Director Horvath this legislation does not guarantee that the west end fire station will remain open.

Mayor Coyne stated that's absolutely similar to the same legislation that were presented to the people to vote on; so that means the legislation meant one thing then and means something now. The city is by contract and my argument is that change also violated the contract if the city has two stations the city is obligated to have seven-man minimum. So the contract would preclude the ordinance as it does now so this legislation eliminates the conflict and gives the city in the event of

Reports and communications from the Mayor: cont.

financial issues to staff the stations with part-time personnel if that is the prerogative the city seeks.

Mr. Astorino stated the Mayor has asked under Charter section 4.08 to introduce emergency legislation and where it says nothing in this 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 the Council meeting. In addition nothing shall preclude such ordinance or resolution from being passed at said Council meeting providing that it shall be fully and distinctly read once and the rule of three readings shall have been dispensed with by a vote of six members eligible to vote. This legislation will be placed under First Reading and have read in its entirety.

Mr. Troyer stated to Mayor Coyne on second reading there is Ordinance No. 10000-2016 to enter into a contract with Signal Service company; this will not go out to bid but did the city get quotes or RFQ's (Request for Qualifications) for this contract?

Mayor Coyne responded this company is a sole source operation; there is no other company except Signal Service that does this work; except for cities that do their own.

Mr. Troyer asked with another piece of legislation pertaining to the 2016 Sidewalk Repair Program what are the designated areas for that project.

Mr. Piatak responded this would be Phase III of the sidewalk project and would be from Smith Road east; from Smith Road to West 130th Street.

Mrs. Powers stated with the legislation pertaining to Signal Service when this first came out research was done through several other cities and three different companies were received that handle traffic signals. So, there are other companies and other cities are using them.

Mayor Coyne responded so the question is were other companies sought and the answer is yes and as stated. To the best of my knowledge during the last 20 years there used to be two companies of the quality needed to respond to the city's operations. Also, to the best of my knowledge besides Signal Services there are cities that do this themselves so if there is information on other companies that provide this service please forward those companies and they will be contacted to see if they are in comparison with what the city has currently but to the best of my knowledge there is only one. When the city first stopped doing the signals themselves and brought in somebody else and the chief of police was not happy because that company was not dependable.

Reports and communications from the Mayor: cont.

Mrs. Powers stated there are at least three others and most cities do not hire for the entire year because this service is used on an as needed basis.

Mayor Coyne commented that some cities use contractors to replace bulbs whenever needed. Anytime there is a storm or an outage the city depends on this company to get the traffic lights working at the major intersections and throughout the city but if you provide the information and if these companies are comparable to the city then they will be considered.

Mr. Mencini asked how often are these companies used; do they come out weekly or monthly?

Mr. Byrnes stated Signal Service was in the city today repairing a traffic signal on Sheldon Road and are used on an as needed basis. During the winter months the company is here more frequently and at the last Council meeting there was mention of a signal on Hummel Road that Signal Service looked at the next day. So this company is on call and when the police contact them the company responds immediately and also perform routine maintenance on the signals so it's impossible to provide an accurate number.

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

Mr. Piatak reported the 2015 Sidewalk Program that is currently underway to date the monies collected is \$68,000 from residents so the city currently has \$135,000 or \$136,000 of concrete work that is under contract; there is room for more people to participate with the extension of the deadline. The Snow Road design plans were submitted to ODOT (Ohio Department of Transportation) with that phase of the project winding down and moving towards the construction phase within the next month or so.

Mr. Mencini asked how many people are signing up for the sidewalk program.

Mr. Piatak responded it's hard to say how many residents' are signing up but there 1,100 or 1,200 letters sent out with some residents' having one block to eight blocks; so it's hard to give an accurate number of how many people are participating.

Mr. Mencini thanked Engineer Piatak and the Mayor for the extension deadline for payment on the sidewalk repair program.

Mr. Troyer stated to Engineer Piatak is there an idea of the number for the next phase for the sidewalk program.

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

Engineer Piatak: cont.

Mr. Piatak responded the inspections have not been started so there is no number.

Mr. Astorino stated at last Saturday's special meeting information was provided for a preliminary estimate for Fry Road; what was the distance of that project.

Mr. Piatak responded the limits for the Fry Road estimate was from Snow to Holland Roads.

Mr. Astorino asked the water break analysis that is done is that time consuming if Council were to give some additional streets? Does it take much to do an analysis on whether water lines will have to be replaced?

Mr. Piatak responded the water break analysis is completed by the water department a request is sent in and the water department personnel research the records as to how many breaks there have been as well as the age, type and size of the mains is included in that analysis from the water department.

Mr. Astorino asked what the turn around time is.

Mr. Piatak responded usually within a day or two the water department gets back to me.

Service Director Cayet

Mr. Cayet stated with the mild weather the department has been removing and trimming trees that are causing sewer problems. To answer Mr. Mencini's question on the sidewalk program the city is looking at about a third of the residents for return on what was mailed out. This afternoon there was a meeting with Norfolk-Southern personnel and me about the tracks that run along Route 237 and railroad personnel plan on closing both Route 237 and Sheldon Road for approximately one day to repair the tracks and at a different time the tracks near Eastland will be closed. The first closing will be dig up so that rail can be laid down and the second closing will be for the rail crews to change the track that will take a week to two weeks this summer and the crews stated they will work around the upcoming Republican Convention.

Mr. Burgio stated is the department also filling potholes that have been popping out?

Mr. Cayet responded crews have been taking care of them also, the department patches the potholes, then trims the trees and crews on third shift are filling the potholes on the streets that have a lot of traffic during the day. To date Smith, Snow, Hummel Roads and parts of Route 237 as well as the ramps going into the IX Center and Brookpark Road have been patched.

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

Service Director Cayet: cont.

Mr. Mencini asked about the new animal control vehicle.

Mr. Cayet responded the plates came in yesterday and the truck is in operation and both animal wardens are very appreciative of the new truck.

Mr. Troyer stated to Service Director Cayet with the automated trucks with the hydraulics where are the cylinders that go bad sent to?

Mr. Cayet responded those trucks are still under warranty and are taken to MACK who make those repairs.

Mr. Troyer stated the city is then down one truck when a truck is in for service?

Mr. Cayet concurred and stated the last few repairs made have been to the truck itself with the workings of the truck as far as the motor, transmission and/or the exhaust regeneration system. These new diesel trucks are complicated with the new EPA (Environmental Protection Agency) rules so there is a lot of significant items that can go wrong with these trucks such as one little sensor can shut the entire truck down.

Mr. Troyer stated is there enough salt for the upcoming storm that may hit?

Mr. Cayet responded the city has plenty of salt.

Safety Director Byrnes

Mr. Byrnes stated no report this evening.

Mr. Mencini complimented the police on the city's STOP Program because patrols have been seen on the side streets.

Mr. Burgio commented to Safety Director Byrnes there are ten street lights that are out on Smith Road from where RoadQuake is located to Sheldon Road. First Energy has been notified and if residents want to report an outage on a street light either by using the form provided by First Energy on the website or by calling First Energy; but if there are more than three pole outages then First Energy requests that the pole numbers be faxed in and/or the addresses of the pole locations.

Law Director Horvath

Mrs. Horvath stated no report this evening but briefly added to the Mayor's comments concerning the recent taxpayer's lawsuit. The lawsuit was filed February 23rd and then this morning an amended complaint was filed; meaning both the City of Brook

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

Law Director Horvath: cont.

Park and the Mayor and the suit seeks Declaratory Judgment and also seeks Injunctive Relief.

Finance Director Cingle

Mr. Cingle stated February monthly reports will be distributed in the next few days and as working through the budget process the next month if Council has any questions please submit them in writing so the department can respond.

Mr. Troyer stated to Finance Director Cingle on the sidewalk programs with 2015 trying to get completed and 2016 just beginning both those programs will be funded this year.

Mr. Cingle concurred.

Mr. Troyer asked for information about the city’s bond rating as what it has been for the last 20 years and why it changed.

Mr. Cingle responded that information was requested today and hopefully should have it within the next day or so.

Mr. Salvatore thanked the Finance Director for meeting with him that ran out of time and would like to set up another time and date to meet.

Mr. Cingle responded if your schedule permits this Friday would be good at the same time as last meeting.

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

Other Communications:

Mayor’s Veto:

1. 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’S MUNICIPAL GOVERNMENT AND EXECUTES THIS RESOLUTION TO BE A STATE OF EMERGENCY Introduced by Councilwoman McCormick **per Section 3.03 (b) of the City Charter this item must be reconsidered by Council**

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

Other Communications: Mayor’s Veto: cont.

Mr. Astorino stated the veto is two pages long with other attachments that will not be read but are available for review in the Council office.

The clerk read the Mayor’s veto in its entirety as directed by Charter Section 3.03 (b).

Motion by Mr. Burgio, supported by Mr. Troyer, to reconsider Resolution 2-2016.

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

NAYS: Scott, Salvatore. The motion carried with a vote of 5-2, the legislation stands.

Introduction of New Legislation:

1. A Resolution granting a Conditional Use Permit to operate an automotive business in the U3-A Zone on Engle Road and declaring an emergency. Introduced by Council as a Whole **Placed in Planning Committee**
2. An Ordinance authorizing the Mayor to hire an inspector for the 2016 Sidewalk Repair Program Introduced by Mayor Coyne **Placed in Service Committee**
3. A Resolution expressing opposition to the appeal of Case No. CA-16-104103 and to withdrawal any and all necessary action for the appeal of this case and declaring an emergency. Introduced by Troyer, Powers, Mencini, Burgio, McCormick **Placed in Legislative Committee**
4. A Resolution urging the Mayor of the City of Brook Park to keep fire station no. 2 open and declaring an emergency Introduced by Troyer, Mencini, Powers, Burgio, McCormick **Placed in Legislative Committee**
5. A Resolution to discourage bullying and cyber-bullying in the community and declaring an emergency Introduced by Councilwoman McCormick **Placed in Legislative Committee**
6. An Ordinance authorizing the City of Brook Park to provide a grant to LUNI, Ltd. and the R.L. Wurz Company for the demolition of obsolete structures located at 16110 Brookpark Road Introduced by Mayor Coyne **Placed in Safety Committee**

MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):

REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR RESOLUTIONS THAT PERTAIN TO ITEMS ON THE AGENDA:

Jennifer Roberts

5568 West 151st Street

Ms. Roberts commented on Ordinance No. 9968-2016 that provides an economic improvement grant to Cuyahoga Machine Company if passed. As a resident and in support of economic development I am concerned that my ward three Councilwoman will vote against this grant based upon her comments made at the last meeting. I'm paraphrasing but she questioned why the city would give a handout to a company when there is no money for sidewalks. If I am a business owner and request for an investment in my company was called a handout I would be offended. A handout is something given and don't expect anything in return such as donating items to Goodwill. This company is asking for an investment so they can add a fancy machine to their shop which will allow the company to hire more employees and expand their product line. There is a high demand for CNC machine products so adding this type of machine is a smart business move for Cuyahoga Machine; also the company has promised their payroll will be a minimum of \$750,000 per year meaning the investment the city makes in their company will be returned in three years just in income tax alone. In addition if the city gives this grant my Councilwoman is concerned that there will be a line of business owners applying for grants; she sees this as a problem but I see it as a good problem to have when several companies are looking to expand their business in our city. Her next concern is how the city would determine who gets a grant if there are too many companies applying for grants and not enough money to go around. The solution is straight-forward the city looks at each company's financial history, how long the company has been in business and the potential return on the city's investment and choose a company or companies that will provide the city with the best return with a low or reasonable risk. As you can see her reasons for opposing this grant have little or no merit and when voting on this ordinance Council should consider how they want our city to be viewed by other business owners; typically business owners belong to several networking groups. Does the city want the owners of Cuyahoga Machine to tell other entrepreneurs' that the City of Brook Park doesn't support the group of companies or tell others that the City of Brook Park is a great place to operate their business? Bottom line I suggest my Councilwoman votes yes on this ordinance and the other Members of Council unless she wants to be know as the Council person who opposes economic growth in our city.

Jeff Duke

15914 Remora Blvd.

Mr. Duke also commented on Ordinance No. 9968-2016 the person who spoke before me brought some very good points and I would encourage all to consider that. The one thing I would like to add and want to say that I am definitely for economic program the grant program that the Economic Development department and Administration is putting together to spur investment into our city. A couple

Remarks from the audience on the ordinances and/or resolutions that pertain to items on the agenda: cont.

comments that Council may want to consider when looking at some of the section language in the contract; particularly Section 2 that states grantees agree to utilize the best efforts to commence and expand \$200,000 to expand its buildings and facilities on or before January 1, 2016. I just want to point out that maybe a more definitive answer of what best efforts would be i.e. \$1.00 or \$100,000 best effort when it comes to developing a more sound policy for future grant programs; also, what would be the reporting mechanism back to Council. I've seen Council for several years that they don't hear what is going on through the Administration maybe one of the required answers would be a quarterly report or semi-annual report from Cuyahoga Machine to say what has been expended in regards to the \$200,000. I agree with moving forward with the grant and encourage Council to consider that including my Ward Councilperson of ward three.

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

1. ORDINANCE NO. 10001-2016, ENACTING SECTION 748 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'AUTO TITLE LENDERS' AND DECLARING AN EMERGENCY Introduced by Council President Patten, Council Members D'Amico, Higgins, Burgio, Mencini, McCormick and Scott.

Mr. Astorino stated that Ordinance No. 10001-2016 has had its First Reading.

2. ORDINANCE NO. 10002-2016, AUTHORIZING THE CONSULTING ENGINEER TO PREPARE PLANS AND SPECIFICATIONS AND THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF THE 2016 SIDEWALK REPAIR PROGRAM. Introduced by Mayor Coyne

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

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

NAYS: Troyer, Powers. The motion failed with a vote of 5-2.

Mr. Astorino stated Ordinance No. 10002-2016 has had its First Reading.

3. ORDINANCE NO. 10003-2016, an emergency ordinance amending Section 143.026 of the Codified Ordinances of the City of Brook Park regarding the staffing of fire safety personnel in the City of Brook Park and declaring an emergency. Introduced by Mayor Coyne

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

Mr. Astorino stated Ordinance No. 10003-2016 has had its First Reading.

Introduction of Resolutions and Ordinances: (Second Reading):

1. ORDINANCE NUMBER 10000-2016, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SIGNAL SERVICE COMPANY, WITHOUT PUBLIC BIDDING, TO PROVIDE FOR THE MAINTENANCE OF TRAFFIC SIGNALS AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore and Council Members Mencini, Scott, Burgio and McCormick.

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

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

NAYS: Powers, Troyer. The motion failed with a vote of 5-2.

Mr. Astorino stated Ordinance No. 10000-2016 has had its Second Reading.

2. 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

Mr. Astorino stated Ordinance No. 9998-2016 has had its Second Reading.

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

Mr. Astorino allowed the motion and asked for more timeliness.

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

NAYS: Troyer, Powers. The motion failed with a vote of 5-2.

Mr. Astorino stated Ordinance No. 9998-2016 has had its Second Reading.

THIRD READING OF RESOLUTIONS AND ORDINANCES:

1. ORDINANCE NO. 9953-2015, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF MIDDLEBURG HEIGHTS TO SHARE THE USE OF A 2002 SUTPHEN AERIAL PLATFORM LADDER TRUCK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

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

Mrs. Powers stated this was brought forward in 2015 and at that time the Mayor wanted to privatize city services and basically give this truck to the City of Middleburg Hts. that would house the truck and send the truck to the city as needed. My opinion is this truck should stay in the City of Brook Park's possession and let Middleburg Hts. call on an as needed basis, so I am not in favor of this.

Third Reading of Resolutions and Ordinances: cont.

Mr. Salvatore stated for a point of clarification earlier in the meeting during my report I mentioned that this was more or less a housekeeping item to be put on the agenda with a motion made in the affirmative and then voted down so that this legislation no longer exists; there is no longer a need and there is no longer a partnership on this fire truck.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Mencini, to adopt.

ROLL CALL: AYES: None.

NAYS: Salvatore, Mencini, McCormick, Powers, Troyer, Burgio, Scott

The motion failed with a vote of 7-0. **Defeated**

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Mr. Astorino at the last meeting I spoke that prior to audience participation there are two Council Rule No. 8 deals with the Council President's job to preserve the order and decorum of meetings and to prevent the personalities or impugning of members' motives and to confine members into debate of the question under discussion. that I would saying prior to audience participation Council Rule No. 9 also states that all elected or appointed officials, shall at all times, conduct themselves in a professional manner, shall not use offensive language and shall not personally attack anyone either physically or verbally. These are rules approved and passed by Council at a previous meeting and these rules will not only apply to the elected and appointed officials but to anyone who addresses Council; this is not being done to stifle the conversation but are trying to have people addressing Council as well as Council addressing the public in the same, respectful manner established. There are very important decisions to be made and are here to help in any manner possible but this is a Council meeting and proper respect should be paid to everyone in attendance.

Mike Vecchio

14417 Park Drive

Mr. Vecchio stated Brook Park is our city that residents' need to take complete ownership of and this can only be accomplished by shared investment from each taxpaying citizen. The future growth and viability of this city is depends on every person doing their respective part to insure that this city is the one that everyone wants to live in; all of us must lay the path for future generations to follow. Mr. Council President prior to the election for the seat currently held you attended Caucus and Council meetings as a resident on a regular basis, often times speaking from the same podium chastising and berating some of the Council Members and Mayors of this city. Currently you sit on the dais elected by the residents of this city and your current position is to oversee the meeting agendas and enforce the rules set forth by the voting members that make up the Council of a Whole. Your position is not to make rules nor is it to propose legislation as you only have tie-breaking voting

Remarks from the audience on any subject matter: cont.

abilities. What has taken place since filling that seat is a tyrannical overstepping of your position you are changing rules at will not by consensus. You seek to dominate the debate of City Council not to summarize it and have stated that Members of Council are also residents' and are allowed to speak from the podium. How can this be true when at the beginning of every meeting there is a roll call of the members and not of the residents and this very action only pertains to set members of Council and those individuals who answer with a here or yeah. Those are the members representing the citizens of this city, voting on legislation, ordinance and rules for the specified time of the meeting. As Council President you have sought to preempt the normal budget process of which you are struggling to find facts to backup your contentions. On January 12th you presented four ordinances that you have yet to provide facts for only stating during the Special Finance Committee on this legislation there was no specific method that was approached. You have been asked by a resident to provide an official copy of the method used in proposing your cuts and to date nothing has been provided. Instead you use the excuse I do not have the time to engage in a back and forth on pay ordinances that are sitting in committee; my energy is focused on reviewing and trying to get a good understanding of the city budget. I guess this does not fall under your meaning local government will be more transparent. In keeping with the January 12th meeting it was listed as a special finance committee meeting of which you spoke from the podium to present your shared sacrifice ideas, not as a resident, but as a Council President where you introduced as such by the committee chairwoman. There are no meeting minutes that are against the rules set forth by Council. It was stated by the law director and yourself at the January 19th that Law Director Horvath would be looking into why live streaming and audience participation was disallowed by yourself, has there been a determination on this? I believe 41 days is more than enough time to research, determine and present the findings to the very public and city you are elected to represent. Mr. Vecchio stated with the mailer sent out under the Astorino pledge and items two and four I quote "Allow residents and Members of City Council the opportunity to speak on any issue. You the taxpayer will be welcomed to Council meetings and your opinion will be heard and valued"; you have since veered from that very pledge by stating that from this day forward if anyone wants to address this Council it needs to be done in the same respectful manner that Council that we establish for ourselves. As Council President and the Members of Council address one another using surnames yet you have stated publicly that we, as residents, are not to use the names of any individual while speaking at the podium. These very statements are the exact opposite from the mailer sent out during election time as you are in fact telling the residents' of Brook Park that they are not free to speak on any issue and opinions will not be heard and valued. This is a direct violation of the First Amendment rights afforded to each and every naturalized citizen of the United States of America. In closing, another exact quote from the mailer sent out during election "my pledge is to restore a form of city government in Brook Park that is of the people, by the people and for the people and to get city government working for the residents

Remarks from the audience on any subject: cont.

again. We need a government that will provide fair and equal treatment to all. We do not need a my-way or the highway mentality"; apparently these were only words to garner votes as you have in turn taken the my way or the highway approach to City Council.

Walter Welcheck
15574 Richard Drive

Mr. Welcheck expressed concerns with the budget especially the Recreation Department. A few weeks ago the Recreation Director asked my opinion for what is needed in the weight room and from my expertise I provided information to the Recreation Director. A few pieces of the equipment are in doubt and I told the Recreation Director that I would pay out of pocket to make sure the equipment is in there because it is a needed piece that all members would utilize. So hopefully I am going through the Recreation Department to see if this piece of equipment can be approved to facilitate this piece of equipment.

Jack Thomas
15913 Remora Blvd.

Mr. Thomas stated it is time to face one of the elephants in the room and that is social media. There have been remarks that are derogatory to other employees, childish in nature, bully-like in intent and downright embarrassing to most who are listening. The saddest part is that city employees on social media sites made some of these comments; never understood the keyboard warrior concept. There are plenty of accusations about Council not following rules, the Mayor not abiding the guidelines, etc. Those on the opposing sides of those issues and the aforementioned items have the rights to their opinions after all everyone has Freedom of Speech. My reference is to employees of the city and need to go further than just their opinions or their right to free speech which is a right to a citizen to protect them from an impressive government. It does not, however, protect you from your employer and in regards to social media issues the Ohio State Auditors office issued the following statement. 'Social networking users don't enjoy any immunities granted to the sites, therefore, as a city there should be policies in place that direct appropriate actions when posting messages. To the city users that use the statements what is your plan, what policies do you have in place to address these remarks using social networking. The site maybe protected under 230 or 512 but the user is not afforded those protections; so what are we waiting for? Does the city or any of its employees need a lawsuit to make the point here? Referencing the first item there is good news is there policies in place the answer is yes and is sited in multiple locations. There is a relation between an employer and an employee referred to conditions of employment. Generally, the employer is responsible for making the employee aware of the expectations of the job and in return the employer spells out the conditions of compensation the employee can expect to receive for completing the work. The City of Brook Park and I'm proud

Remarks from the audience on any subject: cont.

to say has addressed these concerns in several different ways. First off there is an employee handbook and as with most employers employees are supposed to receive and sign for a copy of their employee handbook. In the orientation section of this handbook on page seven it states the City of Brook Park expects its employees to treat the public and fellow employees with respect. On page eight of the same manual under the media the handbook states do not represent yourself as a city official or communicate with members of the media in a public forum including online computing networks about city of Brook Park matters and this is the important part. Unless it is part of your job duties I hardly think running other employees into the ground is part of anybody's job duties, reiterated. In another directive dealing with exclusively with social media section 4.16 states the following issues: 'Part A – Introduction – employees actions must never bring the city into disrepute nor should conduct be detrimental to its official operation. Under the procedure section in Article D-6 employees who post photos, comments, etc., of other city employees must, not might, should or think about it, they must inform and seek from the employee before posting the same; reiterated. In the same article D-12 there is this grossly violated statement No employee shall gossip about the affairs of the city with persons outside the city'; the very nature of social media is to engage others so this is almost impossible not to violate. These guidelines are considered conditions of employment and should be taken seriously and I'm not putting the blame solely. I'm asking all of us to take a look in the mirror and ask is the behaviors exhibited on these sites anything your children should emulate? Would your parents be proud of your behavior on these sites? The city has become an embarrassment in this arena don't take my word for it show friends how we talk to each other on these mediums and get their reactions; I've done just that and it is one of disbelief. If your one of the persons running one of these sites you can champion how disagreements should be held and aired without any type of censorship. Recently there were a few presentations made that contained items I immediately took offense too and disagreed with. In both cases I approached the individuals with my concerns not so surprisingly we still disagreed about the issue when we were done but neither took to name calling by broadcasting our discussion on social media or in person and have much respect for them for listening to me and will offend their right to their opinion. This opens the door for diversity, free thinking and compromise where possible so I'm asking the Mayor through the chair if necessary set the example by taking progressive disciplinary action against those who continually ignore these directives and instructions. It does need to be punitive in nature but clearly a message and an example needs to be set. For those not employed by the city who continually bash our elected officials, regardless of who they are, do you really think you're bringing about effective positive change for our city? Come to a Council meeting to air your concerns with those that have been elected by the community that voted for them or just maybe partner with a Council person, commission official, department head or the Mayor and get on board with something you can do to bring this city back to greatness. If the energy was taken that is wasted on these sites and apply it to one

Remarks from the audience on any subject: cont.

problem at a time we could probably fix some of the problems being faced expeditiously. Encourage, lead involve and evolve and let's show the surrounding communities this city can bounce back. In closing a quote by Hubert Horatio Humphrey "The impersonal hand of government can never replace the helping hand of a neighbor".

Joan Markusic
13911 Bellbrook

Ms. Markusic stated she is not on social media and find that it is a coward way of bashing and not dealing or not confronting anything then nothing gets solved. Ward 4 Councilman, Richard Scott, has stepped up to the task and am very proud of him; everyone in this city is responsible to come to a Council meeting. If people have to rely on social media nothing will get solved and more of a problem will be created; this city needs to come full circle and that is not the way to do it. People are cowards because they are afraid that they will be confronted and have to stand up for themselves. A public forum is more of an enough action taking way of handling things and everyone on Council should think before speaking and the public needs to step up for what they want. If something is important the public will attend the Council meeting and to any other meeting and stand up and all of this needs to stop. People need to stand together because if we don't stand together this city will get nowhere.

Ray Peterlin
5811 Wengler Drive

Mr. Peterlin provided the elected officials and directors a copy of his manifest that was read into the record and on file in the Council office for review.

Jennifer Roberts
5368 West 151st Street

Ms. Roberts stated at a February meeting I came to the podium requesting that Council work with the Mayor to move this city forward, unfortunately, I've been disappointed because the opposite has happened. My only interest is the future of Brook Park and with the current state of Council the city's future looks bleak. Based on my observations here are the items that need to be addressed to build a better Brook Park. 1. Follow through on campaign promises people don't like when the individuals they elected lie to them. Two months into the Administration the residents have seen some of the newly elected officials do the opposite of what was promised during campaigning. For instance a Councilwoman at Large promised to bridge the gap between the Council and the Mayor and all that has been done is try to discredit the Mayor widening the divide. The Council President promised a transparent government where all citizens' voices will be respected and heard but the last time I spoke at a meeting I was heckled by his wife and supporters because they didn't agree with my statement. The Council President did not intervene or chastise them

Remarks from the audience on any subject: cont.

for their behavior at least not in public. Also, the rules of audience participation have been changed not giving responses when the residents' voice their concerns. 2. Practice what you preach; actions speak louder than words and the rules apply to everyone. For example the Council President said that he cannot control what happens on Facebook but can control what happens during Council meetings and makes a statement just days after he argued with many residents' where he made disparaging remarks about the state of their marriages and spouses are treated. In a video posted on YouTube our Councilwoman at Large said that pulverizing behavior needs to stop but exhibits this type of behavior more than anyone. 3. A very common topic this evening is be professional on social media. The elected officials are the face of Brook Park and are the ambassadors of the city's brand and when behaving in a childish and confrontational manner on social media platforms, such as Facebook, the city's reputation is damaged. Posts made by city representatives should be limited to providing the city's residents with valuable information and social media should not be used as a forum or personally attack citizens. 4. Don't attack fellow Council Members when they vote different than you. One way to pulverize Council is to attack Council Members when they vote against legislation brought to the table. When two Council Members voted against the resolution introduced by the city's Councilwoman at Large she called both of them out on social media making the public think that they didn't believe in the people's right to speak and vote. She and everyone here know that they voted against the resolution because of concerns with the way it was introduced and because of the hesitation shown by the law director to endorse it. The city's Councilwoman at Large intentionally misled the public and this dishonest behavior will not be tolerated. 5. Listen to constituents you were elected to serve the people of the city not your own self-interest; if you disregard listening to your constituents we will question that behavior. 6. Support Economic Development if Council wants more money pushing your programs, the recreation center, the parks and roads then Council needs to support economic development; at times economic development comes with a short-term cusp but has a long-term gain from these investments that will move the city forward financially. 7. Support the schools whether eight or eighty the schools should matter; with the current challenges that the school system faces all elected officials should take an active interest in the school consolidation. It isn't the time to sit back and observe it is the time to come up with viable solutions to improve the school system without losing too much as a city; a good school system will draw people to a city whereas a bad one will drive them out. Eliminate the us versus them mentality must go don't vote for or against legislation because of what side introduced it vote in a way that will help the city's future. Even the seating of Council perpetuates us versus them and am not sure who came up with the current seating arrangement but would like to see Councilwoman Powers switch seats with Councilman Burgio to show that everyone is willing to work together. This is one community-one city and the success or failure of one segment of the city's population directly affects the other segments; it shouldn't be the Council President supporters versus the Mayor's supporters it should be the City of Brook Park versus

Remarks from the audience on any subject: cont.

the world. Only when the pettiness is put aside and act as a community and when the interest of the people are served will this city become a place that all of us are proud to call home.

Tim Jereb

15661 Hocking Blvd.

Mr. Jereb stated to Mayor Coyne why is the city in such a hurry to demolish the Travelodge and as previously stated that property could be refurbished by turning half into assisted senior living facilities and a nursing home. With the topic of Economic development by redeveloping this property there would be a need for more employees with two round the clock shift for nurses, complete housekeeping staff, and possible kitchen staff. When families come to visit they could take their senior out to lunch at one of the restaurants in Brook Park; so monies are being spent in Brook Park and generating revenue.

Motion by Mr. Troyer, supported by Mrs. McCormick, to adjourn the meeting.

Mr. Salvatore stated Council is taking a motion to adjourn when this hasn't been done in the past when the Council President would just call the meeting to adjourn and no necessary vote was taken. Mr. Salvatore stated the residents came with some great questions and think Council should be allowed to speak back to the residents.

Mr. Astorino responded Council can make the decision on whether to extend the meeting for that or if to adjourn the meeting. In the past residents usually stay around after the meeting to speak with Council members to discuss issues; by doing a motion to adjourn it's a case of Council making that decision.

Mr. Salvatore stated I agree 100% and to stay forward should have a motion made and supported for adjournment.

Mayor Coyne stated that's correct the citizens here this evening have the opportunity to speak to us this meeting is broadcast so what you're saying is you feel it's sufficient just to comment on these city issues just to the people that are here. The reason for the meetings to be live stream is so residents' at home can see what is being discussed and see the answers that are given or not.

Mr. Mencini stated two weeks ago at the Council and a week ago at the Caucus it was proposed to have a committee with Mrs. McCormick, myself and hopefully Mr. Salvatore to go over all of this and know what Council is going to do. This Council has to come to some resolution and hold that meeting as soon as possible to rectify this problem. I, personally, think that Council should be able to respond to the audience

Remarks from the audience on any subject: cont.

and definitely would love to do that since it hasn't been done for the last two to three years. There was definitely some items tonight that I would like to respond on and would definitely like to have that committee and having senior Council member Salvatore be part of it.

Mr. Troyer stated it was stated this evening that the rules keep changing and have a rule that the audience would be able to speak and the meeting would end with no rebuttal. Until the Ad-Hoc Committee is put together and decide if that is going to be different Council should stick to the rules because going back and forth and changing the rules every meeting does not go over well.

Mayor Coyne stated the Councilman just made a statement about rebuttal and I haven't missed any meetings this year and there was discussion on the method by which elected officials would converse to the comments of the people. I always did that through my Mayor's report and that is when the audience comments were at the beginning of the meeting. In discussing that if Council wished there would be no rebuttal with residents' but address what their particular concerns are. If it is your attention to not address that or disregard that I don't recall that discussion or any rule saying that the public would not engage in answering residents' questions at a Council meeting.

Mr. Burgio commented I've never voted no to adjourn but am tempted to vote no because I would like the audience to have their questions answered if that's what they want.

Mrs. Powers stated Mr. Thomas put it best when asking to have a more civil tone and am sure that I'm not the only one that noticed it fell on deaf ears. I don't listening to a good positive comments like Mr. Peterlin but to do the mudslinging I do not believe answers should be given to mudslinging.

Mr. Astorino stated before the roll is called the reason the motion to adjourn is being done and the vote is because as you heard some people are saying that I'm making all the rules. Council right now is deciding what to do with this. The way I view government should be run is I don't make the rules Council votes on the rules and it's my job to enforce it and in this situation Council is making the decision to adjourn.

Mr. Scott concurred.

The clerk called the roll on the motion by Mr. Troyer, supported by Mrs. McCormick, to adjourn.

ROLL CALL: AYES: Mencini, McCormick, Powers, Troyer, Salvatore...

Remarks from the audience on any subject: cont.

Mr. Salvatore stated point of clarification a yes vote means adjournment.

Mr. Astorino concurred.

Mr. Scott stated what are we voting on?

Mr. Mencini stated I thought it was to have discussion you never said what Council was voting on.

Mr. Astorino stated voting yes would mean adjournment.

The clerk continued calling the roll on the motion.

ROLL CALL: AYES:

NAYS: Salvatore, Burgio, Scott The motion carried.

There being no further business to come before this meeting was declared to be adjourned at 9:32 p.m.

RESPECTFULLY SUBMITTED Michelle Blazak
Michelle Blazak
Clerk of Council

APPROVED March 15, 2016

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