

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MARCH 15, 2016**

The meeting was called to order by Council President Astorino at 7:04 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 Engineer Piatak, Service Director Cayet, Safety Director Byrnes, Law Director Horvath, Recreation Director Fields and Finance Director Cingle.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Council meeting held on March 1, 2016.

Motion by Mr. Mencini, supported by Mrs. McCormick to approve as printed.

ROLL CALL: AYES: Mencini, McCormick, Powers, Troyer, Salvatore, Burgio, 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 reported the Board of Control met earlier and approved 28 items and following this meeting there will be Special Caucus to continue discussing the 2016 budget and other items.

Legislative Committee – Chairman, Troyer

Mr. Troyer reported the Legislative Committee has one item on tonight's agenda and two items on the Special Caucus agenda.

Parks & Recreation Committee – Chairman, Mencini

Mr. Mencini reported basketball and cheer/dance championships are this Saturday and basketball playoffs were held last weekend and was a great success. The Women's Volleyball playoffs begin on May 16th from approximately 6:15 p.m. to 9:00 p.m. Baseball/Softball registrations began February 1st and have been extended. On Saturday, March 12th the Titans held their pre-speed agility clinic for all ages with half-off for the upcoming football registration. This Saturday the Beautification and Pride Committee will hold their annual spring luncheon in the community room from 12:00 p.m. to 4:00 p.m., tickets are \$15.00; this is a great event and the committee will be going over the history of Brook Park. Berea-Midpark fast-pitch teams will be using Kennedy and Forbes fields on March 31st through the month of April; on Friday, April 1st Midnight Madness will be at the recreation center from 12:00 p.m. to 8:00 p.m. Both gyms will be closed the week of April 4th through April 9th for gym floor renovations. The Annual Senior Tea will be held on April 9th from 12:30 p.m. to 4:00 p.m. in the community room.

Reports of Standing Committees: cont.**Planning Committee – Chairman, Troyer**

Mr. Troyer reported there is nothing new from the Planning Committee and hoping to see the Luni & Wurz information coming to the committee soon.

Safety Committee – Chairman, Salvatore

Mr. Salvatore reported the Safety Committee has legislation on tonight's agenda.

Service Committee – Chairman, Burgio

Mr. Burgio reported the Service Committee has legislation on tonight's agenda.

Board of Zoning Appeals – Chairman, Scott

Mr. Scott stated nothing from the Board of Zoning Appeals.

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

Mr. Salvatore stated the board held its first meeting of the year and received several reports from 2015. The Foundation Committee reported a fundraising total of \$811,000 and an additional \$193,000 on special events. The Constitutional By-laws Committee presented a rule change that proxy voting would be accepted through email or text messaging and will keep informed as this continues along. The Finance Committee reported that the expenditures of over \$375,000 for the elevators and an adjustment in the salary wages & benefits of over \$400,000. The Trustee Education Committee picked the month of October to set the date for all trustees must attend an educational session. President Young provided an update on some of his goals for the new year such as reducing first year employment turnover, which will be a priority. From the service aspect a newly expanded and observation unit opened in January and has a capacity to hold 32 patients. upcoming year and currently has a staff to care for up to 22 patients. An action plan is being enhanced to patients' experience with the focus on increased staff accountability and be continuous in making rounds checking on patients to make sure they are satisfied with care given. The health center received the Blue Distinction award for maternity care given by Anthem Blue Cross & Blue Shield; also received recognition for safety and efficiency, an award was given for the Cardiac Care Unit, Spine Surgery and Knee & Hip replacement surgery. The health center and Berea School District are working on enhancing a linkage within the community.

Berea Board of Education – Representatives Burgio & McCormick

Mr. Burgio reported at the last of three Community Forums held on March 2nd at Middleburg Hts. Junior High Superintendent gave a review starting from the year 2008 to current with regards to the facilities, financial outlook and enrollment projections to the 2020, basically the same as presented at a past Caucus meeting. Assistant Superintendent Grosse explained the difference between operating and permanent improvement funds that are two separate funds much like the city's general fund and capital improvement needs. The operating side is for personnel, wages, books, etc., and permanent improvements are for buildings, buses, facilities, windows, gym floors and renovations. Superintendent Sheppard pointed out that the operating levy was balanced and Mr. Grosse explained that the seven-year plan is down to \$580,000

Reports from Special Committees: cont.

after expenses and ten school buses are needed at a cost of \$85,000 each with only \$580,000 left in the permanent improvement fund to last for five years. Closing Brookview Memorial and Brook Park Memorial would save the district \$1.3 million dollars per year and Superintendent Sheppard mentioned that renovating the schools could cost more than building new. There were some additional thoughts, questions and comments and enrollment is 100 to 150 students lost per year and the district currently has the smallest kindergarten class that the district has had. There are not enough students projected for two elementary schools in Brook Park and renovating both schools would cost about \$20 million dollars; the Berea District is considered a rich-property which means a lower reimbursement. There were discussions of plans for a proposed elementary school at Ford Middle School along with utilizing a portion of the building to be used as a performing arts center; none of these are written in stone they were just some of the discussion items. Ford Junior High has one of the largest auditoriums in the State of Ohio with 1,300 seats. Closing of the Administration building is another thought that the district may do along with the attachment of an enclosed walkway from Middleburg Hts. Junior High to Middlebrook Education Center is another consideration as well as partnering with Brook Park so that each city has one elementary school. If Brookview and/or Brook Park Memorial remain open chartered schools could occupy them which were a concern of the district. One opinion voiced was to build the high school where the old Midpark High School was located. Another question asked how does the district get community support for a bond issue and also the need to explain to residents' the difference between a bond issued and operating levy.

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

Mayor Coyne responded to Mr. Peterlin's narrative on a number of different city issues given at the last meeting because the opportunity was provided at that meeting. with the property behind the homes on Wengler Drive that has been an issue in the city for a number of years and the city has tried in various different ways to deal with this property. The last time that I was aware of ownership the property was owned by the State of Israel in a trust and Mr. Peterlin was correct to point out that there was a playground with a wading pool a long time ago. The property on Wengler lay fallow with a myriad of problems such as mosquitoes, drainage issues and maintenance issues as Mr. Peterlin pointed out and the city in its own way tried to address a lot of those issues and sprayed for mosquitoes. The ownership issue is still a problem and the city at one time tried to sub-divide this property and allowing the homeowners assume the

Reports and Communications from the Mayor: cont.

property but when the residents' realized that their tax duplicate would increase they were not in favor of that. The city tried to cut the grass on a regular basis and over the years various residents' put impediments to do that by putting structures up, horseshoe pits and all kinds of recreational items that kind of inhibited the city's availability to maintain the property. The city has examined this property over the last 20 years as possibly using it for some sort of retention to relieve some flooding that still exists in the area as well as Wedo Park. Now that residents' are going to be hit more with the assessment by regional sewer these are the type of projects the city can fund to get some permanent resolution to that problem. Mr. Peterlin also raised the issue with the traffic light at the corner of Fry and Snow Roads and the engineer will be taking a look at that light to see if the positioning of the pole is imperative to address and if so the city will try and address that problem; if there is a signalization or moderation problem that would involve some capital monies. The cost to maintain the trees, shrubs and other growth by the underpass on Snow Road was warranted to change with the stamped concrete pavement because it looks better and the maintenance is minimal; and residents with their own yards can testify that it is an all-time project and I'm sure some people liked the greenery at that location but long term for the city was better. The city is hoping to do the same things on the islands near the I-71 and Snow Road bridge because these are entrances to the city because people from all over the world will be coming to the Republican convention in July. There was some criticism of putting a fitting monument to the slain soldier one of the islands is named for with a resolution from City Council proclaiming this area. This town was built by veterans so for people to come into the city and see a fitting monument for one of the city's slain soldiers' is a good thing. Also there was talk about my allocation for recreation and criticized why the recreation roof hasn't been fixed yet. The answer to that question is I asked for the residents' to pass a tax to provide for seniors and recreational programs that was defeated three to one, notwithstanding, the city has a building that needs substantial improvements and when the budget process is finished that will be a topic that will be reviewed. It's not merely patching of the roof the roof literally has to be replaced in most areas and literally all of the units that deliver heat and cooling are either obsolete or in a great state of repair. At the last meeting it was mentioned that the city saved \$80,000 by closing the pool so just imagine how much revenue can be saved by making the building energy-efficient with lighting and all the other amenities that would go with that to reduce the city's energy costs. The same way with addressing the hot tub and the sauna and steam will have to be done under a thorough revamping of the building. In this narrative Fairview Park was mentioned and there is a dedicated tax to the city's recreation center as well as Middleburg Hts. The ODOT (Ohio Department of Transportation) sound walls the city did not have as much input on this project and the first one was supposed to be sandstone on both sides and a cap on top, well, there was sandstone on one side and the other side was concrete; that looked like a prison yard when driving through Brook Park on I-71 and as the other walls were built they were improved on. So the city has no determination as to what the funding is going to be and I am not advocating that the city apply for anything. As

Reports and Communications from the Mayor: cont.

for the jet noises I live behind the airport and don't see them as a problem at all and from time to time when the icing machine at NASA is operating the sound is heard. Mr. Thomas had concerns of people alleging that city employees are violating the city policy relative to the internet and being the subject of many internet criticisms the lines are blurred, I believe, between first amendment right, what is decent to people, mostly it is opinions that are given. The complaints that I have received and reviews that have been done and in speaking with the law director who recently attended a seminar on social media. I don't see any violations of any city employees and will continue to challenge anybody that thinks that they have been improperly treated or there are issues that weren't properly addressed; I see no occasion that anyone acted in their capacity as a city employee. Even if I did think that they were in violation there is so much case law coming forward where individuals' rights certainly trump what policies may or may not have. This evening there is a resolution that tries to deal with this topic and I don't participate except to view what people have going on from time to time and possibly may like something. Or if a resident has wrong information I will offer them to call me but other than that I don't participate in it. In many cases the people who are making the accusations against others for expressing their opinions or repeating something that was sent to them are hypocritical because they are doing the same thing themselves and clearly have a right to do so. I hope I addressed the two residents concerns that spoke at the last meeting and hope that Council with their rules provide some way to respond to residents.

Mr. Troyer stated with what was previously discussed the word would be respect-respect for the position if not the person. My question is when the gym floors are getting done will the upstairs track be open?

Mayor Coyne responded yes.

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

Mr. Piatak followed up Mayor Coyne's response to Mr. Peterlin comments regarding the Fry-Snow Road intersection. I looked at that area and also looked at angles of the single pole mast arms and didn't see an issue with the angle the arms were at. I did notice that there were some other utility poles in the way that may have dictated a certain angle of the mast arm but the important thing to remember is not necessarily the angle of the mast arm is the angle of the signal head and the signal head has to be perpendicular to the flow of traffic. So some of those angles are dictated by the steel of an intersection and not necessarily the angle of the mast arm. I did look at the pedestrian signals and the pedestrian signals that were installed in 2004-2005 were the standard signals at that time and do realize that there are new signals that are out there that might be a little fancier but the ones there are the standards at the time of

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

installation. The crosswalks and stop bars I pulled up four aerial views of the intersection and on all four view the crosswalks and stop bars were visible, however, when I was at the intersection they are difficult to see and more difficult at night. I will tell you that with the Snow Road Resurfacing Project that whole intersection will get a fresh coat of paint so the problem will be resolved with that project. Lastly, Mr. Peterlin mentioned about the vehicle detection system at that intersection and currently that is a standard loop detector and there is new video technology out there but there are some issues with that type of system. There is a new system out that is radar detection that is supposed to see all the hidden corners that the video detection did not, however, the capital cost to upgrade an intersection like that would be over \$25,000. Currently that intersection has six loops and to re-cut a loop end is about \$1,000 to \$1,200. The city can replace those loops over three and a half times for the cost of that video detection system and if the city was to upgrade the video detection system for the entire Snow Road Resurfacing Project there were approximately 13 signals so to upgrade that corridor to video detection would be over approximately \$6,000 and that funding would not be project eligible under the funding set up for that project. Mr. Piatak continued the city is still accepting applications for residents' to participate in the Sidewalk Program so anyone interested get your monies turned in to service department.

Mr. Mencini stated to Engineer Piatak with all the recent rains has there been any standing water problems or flooding problems in the city?

Mr. Piatak responded I haven't heard much issues I'm sure there is standing water throughout the community because Brook Park is pretty flat except on the northeast corner but have not been made aware of any major flooding or standing water problems.

Mr. Mencini asked how is the increase going with the sidewalk participation since two weeks ago?

Mr. Piatak responded I haven't received an update from the service department and Service Director Cayet may have that number but two weeks ago I think the city was at around \$70,000 of resident participation; for a \$140,000 project but will get an updated number for you.

Mr. Troyer stated to Mr. Piatak when talking about the sidewalk program that would be for the first phase, what was started last year. Not the second because the second phase is not even marked yet, correct?

Mr. Piatak responded correct, this would be for participation in phase two between Engle and Smith Roads; phase three would be Smith Road to West 130th Street.

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

Engineer Piatak: cont.

Mr. Troyer asked where was phase one?

Mr. Piatak responded that would be anywhere west of Engle Road.

Mr. Troyer asked when did that take place.

Mr. Piatak responded it hasn't the last time that took place was maybe 2006 as Mr. Cayet said, it's been a few years.

Mr. Troyer asked if there is any news on the Sheldon Road Quiet Zone, Norfolk-Southern?

Mr. Piatak responded I have not heard anything and have been trying to get in touch with the City of Berea to set up a discussion time about that city's expectations. As far as the notices that have been sent out to date I have not heard anything back and not sure if Economic Development Commissioner Dolan has heard anything but am assuming he has not because normally he would relay that information to me.

Mr. Troyer stated if there is anything he can do to help with that project let him know because I would like to help with that if I could.

Service Director Cayet

Mr. Cayet stated due to the mild winter there is still plenty of salt as well as 1,400 in the ground that has not been ordered. All shifts have been brought on the day shift except for a skeleton crew on second shift that runs all year long. The hot-patch crews are ready to put hot-patch down as soon as the asphalt company starts making the hot patch. There is a list of approximately 30 tree removal requests due to into the sewer lines or problems with sidewalks. The city is experiencing problems with vandalism in city parks and/or playgrounds; recently the Kennedy Park pavilion was torn up three times in the last two weeks. The Mayor and I were over at the pavilion yesterday morning about 10:00 a.m. to look at doing some improvements and by 2:00 p.m. I received a call that all the electrical feed, meter and sockets were busted out to the point that someone could have been electrocuted. Also there has been vandalism at Wedo Park so I would like to ask the residents' if you see any vandalism going on in the city please call the police department because it is your tax dollars used to repair the vandalism.

Mr. Mencini stated to Service Director Cayet does the city have a set date for the dumpsters at the service garage.

Mr. Cayet responded the dumpsters were brought out last week.

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

Mr. Mencini stated residents' can come down Monday-Friday and on Saturdays?

Mr. Cayet responded Monday-Friday at this time.

Mr. Mencini stated a Slater Drive resident contacted him three times to say thank you for the great job service crews recently did so please let the crews know.

Safety Director Byrnes

Mr. Byrnes stated with the recent incident that happened at the railroad tracks last week and for those who haven't heard about it there is a video on Fox8news. There was an AT&T worker in his van who tried, we think, to get over the gates when the lights were on but a semi-truck blocked the way and the AT&T worker found himself stuck on the railroad tracks. A city police officer on the other side of the tracks got the worker out of the van and about 40 seconds later the train collided with the van like a shoebox that had been kicked by a football player so it was nothing for the train to move the van but the AT&T worker survived. The train was stuck on the tracks for approximately four hours and this is the third incident since my hiring in 2014 where a vehicle has come in contact with a locomotive and in case anyone is interested the locomotive have won all three times. Ignoring this is a very dangerous thing and I ask that everyone keep that in mind and please check out the video that a Middleburg Hts. Council Representative took who actually saw the accident occur and could see that this was going to happen because of the conditions. Police Officer Duncan risked his own safety by getting the AT&T worker out of the van in a 40-second window before the locomotive hit the van and went across the road almost airborne. The police officer did a great job and I hope residents' realize that police officers do this everyday.

Mr. Mencini stated to Safety Director Byrnes with the recent vandalism the service crews and fire department have been out answering calls. Are the police patrolling the parks and neighborhoods to be on top of this.

Mr. Byrnes responded there are as many patrol officers on the streets as before and they are paying attention to the parks and as soon as the weather gets warmer the auxiliary police will also be patrolling. It was a problem last year and the city took steps to correct it but as Service Director Cayet stated is actually the answer; if residents' see something contact the police dispatch so that these incidents are stopped.

Law Director Horvath

Mrs. Horvath stated no report this evening but wanted to preliminarily address a request received from Councilman Scott concerning the legislation on a special meeting agenda last Tuesday. I've looked at rules, past practices and some other issues and I would say, at this point, it appears to me that legislation had its First Reading and has

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

been placed in committee. It's my intention to go through this matter again and submit a written report for Council and I would also say I would limit this opinion to that specific situation with regards to the special meeting on March 8th.

Mr. Troyer stated to Law Director Horvath I have some questions about Ordinance No. 10003-2016 that is on second reading. As you know this ordinance, if passed, would amend the ordinance that the residents' worked so hard to get on the ballot and that passed overwhelmingly; this is about the manning of the fire station. Most of us are not attorneys and we have a lot on tonight's agenda so I think and would appreciate a simple yes or no answer to my questions. Question no. 1 what is the status of Whereas' in the Ordinance are they legally binding.

Mrs. Horvath responded generally no.

Mr. Troyer stated number two but they should be correct, true correct.

Mrs. Horvath responded if you are asking me if the Whereas' are part of the ordinance – no. I think that ordinance that you're referring to is part of an attempt to see if the city may not be able to resolve this matter to all parties' satisfaction. I would like to address that probably in about a week in an Executive Session, if possible, I can't really, fully address how this particular ordinance would work with other things that are on the horizon but think this is the first block in an attempt to resolve this.

Mr. Troyer interjected let me put it this way in any ordinance the 'Whereas' should be true?

Mrs. Horvath responded yes.

Mr. Troyer continued question number three does the Ordinance 10003-2016 require the fire station to stay open and be manned as is...

Mrs. Horvath interjected in my opinion as it is written it takes care of the manning issue. The Whereas indicate that the fire station would be kept open and I think it's just one piece in the puzzle and there are further pieces that need to be put together before everything will be complete.

Mr. Troyer stated let me ask this again as far as a yes or no answer and as far as Ordinance No. 10003-2016, does the wording in that ordinance require the fire station to stay open and be manned?

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

Mrs. Horvath responded I would say it doesn't require the fire station to be open and instead the Whereas' reflect the fact that the Mayor has indicated that it's his intention to do that. The actual ordinance, itself, just changes the way that the manning is taken care of and instead of five and two it's full time and part time but the way I read it it's not a complete guarantee that the fire station would remain open; would still be at the Mayor's discretion.

Mr. Troyer continued question number four can the city determine to close the fire station regardless of the Whereas that state the Mayor intends to keep the fire station fully staffed; yes or no would be fine.

Mrs. Horvath responded I think we already discussed the effect of the Whereas' and part of the problem is the city is looking into the future could the station ever be closed; possibly. I think it's the intention the city is trying to work towards resolving this and the Mayor has indicated that he would want to keep the station open that is shown by the Whereas' but again the Whereas' are simply that and not necessarily part of the Ordinance; so I think this is one of the puzzle pieces and the other puzzle pieces have to come out.

Mr. Troyer continued and the Whereas' are not legally binding.

Mrs. Horvath responded that's my understanding, yes.

Mr. Troyer stated shouldn't there be additional legislation to accompany this ordinance, for instance, dropping the lawsuit or saying the lawsuit will be dropped in the sections; instead of the Whereas' which are not legally binding, wouldn't that be a good idea?

Mrs. Horvath responded if you're referring to settlement that is a possibility but, again, this would be best addressed in an Executive Session.

Mr. Troyer stated okay, I'll ask it anyways. How does the city withdraw the appeal and settle the lawsuit?

Mrs. Horvath responded I really hesitate to speak on that topic right now. I think we might have one of the parties to the lawsuit in the audience and really think it would be best to address in Executive Session.

Mr. Troyer continued shouldn't the city know the terms of the settlement before trying to amend the ordinance?

Mrs. Horvath responded I think that would be wise.

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

Mr. Salvatore stated to Law Director Horvath to follow-up on that same ordinance and trying to keep it away from any legal ramifications. I understand where you would want to keep certain things in an executive session but does the passage of this ordinance provide for the opportunity for that station to remain open, settle the lawsuit and put that to rest; does it do that?

Mrs. Horvath responded I think its one of the pieces to be able to do that and think that its something that is certainly a good thing to put forward in the hope that this would be able to resolve this issue. I think at some point in time Council might look at possible amendment to it but again, right now, it is just one of the puzzle pieces and hopefully the puzzle will be put together.

Mr. Salvatore stated let me rephrase for my personal edification; this is just more or less Council's belief should it pass extending an olive branch, sort of speak, to the other side saying that we would like to resolve this they don't have to resolve it based on this legislation it could continue on. Because we want to put it to sleep doesn't mean they have to is that an accurate statement.

Mrs. Horvath responded the whole idea of settlement is to have all parties agree and there is always a possibility that all parties may not agree; that is one of the reasons why I think this has to be taken into conjunction with other matters and further discussed.

Mr. Salvatore commented basically this doesn't resolve the whole picture until all the players are at the table to work out this.

Mrs. Horvath responded this is an important part of moving towards resolving this but I don't think it's all of it.

Mrs. McCormick stated as this ordinance is written would you say it does not guarantee that the fire station will remain open?

Mrs. Horvath responded this changes the way the fire station is manned I'm not sure that it can be said in all circumstances that it would guarantee that the fire station stay open. I think there are other pieces that have to come forward and would also point out none of us know in the future what may or may not happen. There may at some point in time no longer be a need for that station or some reason for that station not to be there. My understanding that the Mayor is indicating in the Whereas' clauses that he does intend to keep it open and that is his intention. To say that it's a blanket guarantee I have to be honest and say no that's the Mayor's intention but 20 years from now there may be a different Mayor and different circumstances.

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

Law Director Horvath: cont.

This something that there are other pieces that have to come together and those other pieces should be discussed in executive session.

Mrs. McCormick asked Law Director Horvath what is your recommended course of action to be. Do you think an amendment should be discussed more?

Mrs. Horvath responded I think possibly you could do some amendments and think the amendments would be not great, meaning not extensive, so it could be amended and something that should be looked at and discussed but think it's a little bit premature.

Mr. Mencini stated to Law Director Horvath you are absolutely right with the aspect that anything can happen; I believe that with anything but definitely believe that with this, we have seen a lot with this. Are you recommending being the law director that Council make amendments on this legislation; do you think that is not full?

Mrs. Horvath responded I think at this time as previously stated this is one piece of the puzzle and it's hard to determine what the other puzzle pieces are going to look like. So it may be best, at this point in time, consider not bringing this forward right now but perhaps wait and then after an executive session consider amendments.

Mr. Troyer stated one more question to the law director and again I want to stress in any piece of legislation the Whereas' are legally binding; yes or no?

Mrs. Horvath responded I think we went through that and I said that they are not legally binding.

Mayor Coyne stated question to the law director the amendment to this legislation what is the change?

Mrs. Horvath responded the change is that instead of having minimum manning of five firefighters at the main fire station and two at the Ruple Road station the Mayor has the ability to sufficiently staff both fire stations with full and part time employees.

Mayor Coyne continued that is the only change in Section 143.026, isn't the whole body of the rest of that section kept in tact?

Mrs. Horvath responded that is my understanding.

Mayor Coyne stated and that is the same language that was on the ballot, is that correct?

Mrs. Horvath responded I believe so.

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

Law Director Horvath: cont.

Mayor Coyne commented so it dealt with minimum manning. So the very language that was on the ballot that folks told people kept their fire station open. The only change in that is instead of five and two is full and part time, is that correct?

Mrs. Horvath stated that's correct.

Mayor Coyne continued so the Whereas' notwithstanding the only important ones is there is no change in the ordinance except for the manning. So if one would argue that the existing ordinance keeps the station open the changes in the amendment would keep the station as well. If you review that language that's what it does, is that correct?

Mrs. Horvath responded it doesn't really say...the Whereas' talk about keeping the station open.

Mayor Coyne interjected what I'm saying to you is the language that was voted on by the people if they believe kept the station open. The only change in the language is not five and two but full and part time, is that correct.

Mrs. Horvath responded that's correct.

Mayor Coyne continued okay, so if one can conclude that the existing ordinance keeps the station open, the amendment keeps the station open because the only change is full and part time. Can one conclude that from that language?

Mrs. Horvath responded I think one can conclude that but I also think Councilman Troyer's question was over a broader range; I think he was asking for a greater time period and certainly...

Mayor Coyne interjected not to interrupt you but it's a question I'm asking you not Councilman Troyer's. So therefore that is the only change?

Mrs. Horvath responded that is the only change.

Mayor Coyne interjected right and finally what the Mayor wishes to do is in the final Whereas which says 'to eliminate the need for all further litigation', is that correct.

Mrs. Horvath responded that's correct that is in the final Whereas'.

Mayor Coyne continued therefore, I would agree with you that we should go into executive session these are multiple lawsuits and they have to be timely because, as you know, we have a status conference on one. The fact is the original one all it decided was our status, is that correct? That we failed to have status, is that correct?

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

Law Director Horvath: cont.

Mrs. Horvath responded yes, the first lawsuit the ruling was that we did not have standing.

Mayor Coyne interjected right, there was no issues decided only we did not have standing, is that correct?

Mrs. Horvath continued there were no legal issues that were ruled on. The only issue was that the city did not have standing.

Mayor Coyne stated so the only thing by appeal by the city is whether we have standing or not, is that correct?

Mrs. Horvath responded that is the only issue before the court.

Mayor Coyne continued so there is no prayer of any residents' or anybody else to incur any costs whatsoever, is that correct?

Mrs. Horvath responded at this point in time yes that's correct.

Mayor Coyne continued the new lawsuit that we received by a resident I was named in it as well, is that correct?

Mrs. Horvath responded yes, you were named as Mayor and the city was also named. I do not believe we've had service on it yet. When I checked the docket, Monday, we still hadn't received the paperwork.

Mayor Coyne continued finally my review of that lawsuit, if it's successful, I could be compelled to close the fire station, is that correct?

Mrs. Horvath responded that is the relief that the plaintiff is asking for.

Mayor Coyne continued so therefore it is in the best interest of everybody to try and resolve this issue so that we can move forward for the foreseeable future. I agree with you and just wanted to get those issues out before the public so that they were clear and concur with you and think as soon as we possibly can and you're ready, Madam Law Director, that an executive session be called to talk about this matter. Therefore, all Council has to do is give this legislation a reading this evening and we can go from there.

Mrs. Horvath stated I think that's correct it would be best if discussed in executive session.

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

Law Director Horvath: cont.

Mrs. McCormick stated to Law Director Horvath I have a question about the language in this ordinance; the Mayor said that the only changes were to full and part time. There are two specific words in there that cause concern for me and they are 'sufficient and as necessary'. Doesn't that change or create like an out?

Mrs. Horvath responded sufficient and necessary would refer to the level of full or part time and that would be at the Mayor's discretion because he's in charge of administering the city. So what is the definition of those two words but I think the intent is to leave both stations fully staffed.

Mrs. McCormick continued the word sufficient could be at some point determined that sufficient means no one to be staffed there.

Mrs. Horvath responded I think it would be hard to say that sufficient would mean no one. As long as there is a station I think the intent is to keep the station open. I don't know if maybe an amendment would define what sufficient means. At this point in time, as I said, this is one of the puzzle pieces that has to fit together and needs some work.

Mrs. McCormick continued the same with the word necessary. Who determines necessary the Mayor, correct?

Mrs. Horvath responded correct because he...

Mrs. McCormick interjected he could see it not necessary.

Mrs. Horvath continued the Mayor would be the person who would be in charge of administering all of the city employees. So whoever the Mayor would be at whatever given time under that ordinance would make that determination.

Mayor Coyne clarified the union contract requires if there are two facilities open there has to be seven-men minimum manning on a shift; so that takes care of the union contract and that is where this should be resolved down the line. Therefore, if there are two facilities open there has to be seven men on a shift that's under a legal binding contract with the city and the firefighters union.

Mr. Troyer stated to Law Director Horvath my concern is with the amended Section 1 that does say sufficient full and part time firefighters at 17401 Holland Road, Station No. 1, and 22530 Ruple Road, Station No. 2, as necessary to protect lives and property of all persons and businesses present within the city at all times. Again, this is subjective you're talking about sufficient and as necessary to protect lives and properties of all persons. Now we know that the current people in those positions have already decided two years ago that we didn't need that fire station so they could do it again, would I be correct in that based on what I just read?

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

Law Director Horvath: cont.

Mrs. Horvath asked for clarification on what section?

Mr. Troyer stated section 1 is hereby amended to read and 143.026 – minimum members on duty again. Mr. Troyer read the amended version as follows: The Director of Public Safety and the Chief of the Fire Department shall see that there is in 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, Station No. 2, as necessary to protect lives and property of all persons and businesses present within the city at all times.

Mrs. Horvath stated so you're asking me if that could possibly change?

Mr. Troyer responded the question is when and if this legislation is passed can they legally shut that station the next day?

Mrs. Horvath stated what this does is change the staffing. Instead of having the minimum manning now we have staffing with regard to full and part time; the Mayor always has the ability to make changes to personnel. I think what you're asking me is there any guarantee that the station will never be closed is that what you're asking me?

Mr. Troyer responded yes, whether it is a day after legislation is passed or down the line is there any guarantee in this piece of legislation.

Mrs. Horvath continued that guarantee is something that we probably would discuss in executive session. The actual legislation, itself, on the face reads that there will be full and sufficient staffing and the Mayor is indicating that he intends to keep that station open. I guess what I'm saying it is probably best to discuss this further in executive session.

Mr. Troyer commented I hope we do come to some type of agreement to keep...because this doesn't in my opinion and yours too. I hope we can come up with something that will drop the lawsuits and close this matter and keep the fire station open.

Mr. Salvatore stated I would think there has to be some type of language in here that provides for the opportunity for this Mayor or any Mayor. To have the latitude to be able to close that station in the event that a new one is built. Would we want to keep that open and not staffed and build a new station that would be adequate to protect the west end; I think that's the real goal here. Maybe not this Council or Administration because of budget constraints but I certainly would hope that the future of this city has plans to build a new fire station that would adequately protect everyone and be in the right spot at the right time to protect everyone equally. So I don't think Council wants to pass a

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

Law Director Horvath: cont.

law that says that could never happen because I think that is the future of the city to be heading into that direction for everything.

Mr. Troyer stated if we could repeal this if things change Council just has to have a meeting and repeal it. Right now I want to see something that guarantees that station is open and my residents on the west end are safe.

Mr. Salvatore commented I think that's what we all want; I think everybody wants to see that.

Mayor Coyne stated one final question to the law director is there anything by law and as the ordinance is constituted right now that will preclude me from closing that fire station if I wish.

Mrs. Horvath responded I don't believe there is.

Mayor Coyne continued so, therefore, it is open and will remain open until we have long-term solutions to our safety problems in the city. Finally, I will state that the part-time give us firm flexibility during difficult economic times because of the challenge to the city's budget that could occur.

Recreation Director Fields

Mrs. Fields stated this Saturday, March 19th, is the annual Easter Egg Hunt from 11:00 a.m. to 1:00 p.m. in the gymnasium; the department is asking that everyone bring a non-perishable food item. The department would also like to say a special thank you to the Brook Park Boosters for the new Easter Bunny costume. March 25th is Good Friday and the department's operational hours will be 8:00 a.m. to 12:00 p.m. The school's spring break begins March 18th to March 28th the department has a special calendar for all the activities that will be occurring from 12:00 noon to 5:00 p.m.; also the department is trying to get area businesses to provide a snack for the children.

Mr. Mencini asked how did the seniors St. Patrick's Day festivities go with voting taking place.

Mrs. Fields responded North Park Retirement brought the seniors a corned beef dinner to celebrate St. Patrick's Day with over 88 participants.

Finance Director Cingle

Mr. Cingle stated the tax department will be open extended hours to allow taxpayers the ability to file tax returns in person. The department will have extended hours on March 22nd and 29th and also April 5th and 12th to 7:00 p.m.; the tax department will also be open on Saturday April 9th and April 16th from 9:00 a.m. to 12:00 p.m.

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

Other Communications:

- 1. CORRESPONDENCE RECEIVED FROM RESIDENT
Mr. Astorino stated on the agenda is correspondence from the resident who asked to have it read. Over the weekend I also received correspondence from this resident asking that the letter be withdrawn and not read into the record; correspondence removed from agenda.

New Legislation:

- 1. An Ordinance amending certain sections of the Administrative Code to provide adjustments in compensation for employees of the city, other than elected officials or those covered under negotiated labor contracts and declaring an emergency. Introduced by Councilwoman McCormick, Councilwoman Powers, Council President Astorino, Councilman Mencini and Councilman Troyer **Placed in Finance Committee**
- 2. A Resolution authorizing the Mayor to enter into a municipal utility district agreement with the City of Cleveland in connection with the provision of water service and declaring an emergency. Introduced by Mayor Coyne **Placed in Legislative Committee**
- 3. A Resolution authorizing the Mayor to enter into an Asset Transfer Agreement with the City of Cleveland for the transfer of water service assets and declaring an emergency Introduced by Mayor Coyne **Placed in Legislative Committee**
- 4. A Resolution authorizing the Mayor to enter into a restatement of the water service agreement for direct service with the City of Cleveland and declaring an emergency. Introduced by Mayor Coyne **Placed in Legislative Committee**
- 5. An Ordinance authorizing and directing the Mayor to enter into restatement of the water service agreement with the City of Cleveland Introduced by Mayor Coyne **Placed in Legislative Committee**

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

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

Steve Roberts

5368 West 151st Street

Mr. Roberts addressed economic development grants and think that Councilman Mencini said it best last week; it's not the 1970's, 80's not even the 90's anymore. Sometimes a caret has to be dangled to attract and keep business in the city and I-480 and I-71 are not enough to do that. The City of Garfield Heights has easy access to I-480 and I-77 and how is that working out for them? That city is beyond broke and if you don't believe me take a drive through the city. You can't sit up there and complain that there is no money for roads, parks, sewers, sidewalks, senior services and then vote against economic development. If there were more businesses and tax monies we would be able to fund city services. I can't tell Council how to vote all I can suggest that you vote for what is best for Brook Park. If economic development is not what is best for the city then please explain why and where the money is going to come from. Then when the city gets a bad name against businesses how will we attract new businesses to replace the ones that were run out of town.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 10004-2016, AUTHORIZING THE CITY OF BROOK PARK'S PARTICIPATION IN THE STATE OF OHIO PURCHASING PROGRAM, FOR THE PURCHASE OF COPIERS AND PRINTERS, AND DECLARING AN EMERGENCY
Introduced by Mayor Coyne

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

Mr. Troyer asked for a reason for suspension because it is my understanding that there is another month on this possibly.

Mayor Coyne responded we're going to do this why prolong it, let's get it moving. There is still an implementation date the city has to meet so let's do this.

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

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

ROLL CALL: AYES: Burgio, Mencini, McCormick, Powers, Troyer, Salvatore, Scott
NAYS: None. Ord. No. 10004-2016, has passed under Suspension of the rules. Adopted.

2. ORDINANCE NO. 10005-2016, 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

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

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

Mrs. Powers stated I would like to speak tonight in opposition to the city's handing out economic development grants. I am all for economic development and broadening our tax base but paying out checks is not the way to about it. I have nothing against any individual, business or development plan I just thing our economic development dollars can be spent more wisely and more fairly. Rather than give away economic development monies of \$25,000, \$50,000 or \$200,000 to individual businesses. Wouldn't it be better to pool up all those small amounts into one large amount and give all the businesses in Brook Park a tax break or refund; rather than have each business in town come ask the city for their own tax money back to help themselves out. Why not let them keep it in the first place. If they have to come and ask for it they might be asking for something in return in the future. If they keep what they already have they won't owe anyone anything. Do we really want to be telling our existing businesses that we are going to use some of their tax dollars to subsidize their competitors in town.

Mr. Salvatore commented I didn't want to interrupt to show respect for my colleagues but this is more than one occasion we're speaking to a motion that is under suspend the rules which is the only comment that is really necessary and that speech could be given at the next layer of the passage of the ordinance. I'm only saying this because we're really trying to get these rules in order and help the chairman to get some proper protocol going up here and that was improper.

Mr. Astorino stated the only reason I allowed it to continue is I felt she was making an argument to why she was stating her position why she would possibly be against suspension also; I didn't want to cut off the conversation.

Mr. Salvatore stated I didn't want to cut it off either that's why I waited until it was done.

Mr. Troyer stated for various reasons I'm going to vote no on suspension. I am still doing my due diligence on this and am looking into this and there haven't been any plans to the Planning Commission yet. So that's proof to me that they're going to go through with the new building so I want to see more evidence before voting for this piece of legislation.

Mr. Mencini stated I think everyone knows where I stand on this one when I received my tax abatement on my house in 1994 and don't think Brook Park was booming then I don't think a lot of residents' moved out because Jimmy Mencini received a tax abatement. I think people chose to stay here because it was a good community and we did a lot of things in the 1950's, 1960's, and 1970's to get us there where people weren't minding that so much; and would have elected to get this absolutely. My point

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

is there are a couple of businesses at Brookgate and Snow Road that are hurting right now and might not be there too much longer. If that market crashes and I'm always looking ahead for my own investments and rentals if the market crashes in 2017 or 2018 we're going to be glad we have any business coming here. So I think that is very important and I read the letter that was retracted that mentioned my quote about dangling a caret because every other city does it and some are more generous then we are at this point.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Scott, for suspension of Ordinance No. 10005-2016.

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

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

Mr. Astorino stated Ordinance No. 10005-2016 has had its First Reading.

3. ORDINANCE NO. 10006-2016, AUTHORIZING THE MAYOR TO HIRE AN INSPECTOR FOR THE 2016 SIDEWALK REPAIR PROGRAM AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Mr. Astorino stated Ordinance No. 10006-2016 has had its First Reading.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

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 Salvatore, D'Amico, Higgins, Burgio, Mencini, McCormick and Scott

Motion by Mr. Salvatore, supported by Mr. Troyer, to remove from this agenda and place on the next Caucus agenda under Discussion.

Mr. Salvatore commented I had an opportunity to meet with the law director and there are a few items that the law director would like to have the opportunity to research.

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

NAYS: None. The motion carried to place legislation on the next Caucus agenda.

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

Second Reading of Ordinances and Resolutions: cont.

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

3. ORDINANCE NO. 10003-2016, AMENDING SECTION 143.026 OF THE CODIFIED ORDINANCES OF THE CITY OF BROOK PARK REGARDING THE STAFFING OF FIRE SAFETY PERSONNEL WITHIN THE CITY AND DECLARING AN EMERGENCY
Introduced by Mayor Coyne

Mr. Astorino recused himself from the chair due to conversations with the law director prior to this meeting there may be a potential conflict of interest that I have. Mr. Astorino turned the meeting over to Council Pro-Tem Mencini and left the dais.

Mr. Mencini stated Ordinance No. 10003-2016 has had its Second Reading.

Mr. Astorino returned to the dais to chair the rest of the meeting.

THIRD READING OF ORDINANCES AND RESOLUTIONS:

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 adopt.

Mr. Troyer stated I rise before you tonight in opposition of this ordinance not because I don't want to be friendly to business to help them succeed and prosper in our city but because I have done my due diligence. I have some information on this matter and can't with good conscious vote to give away \$50,000 of our residents' money for the following reasons: 1) I believe the company will purchase the machine whether or not we give them the \$50,000; they may already have. The new expanded building talked about in the legislation will be basically for storage and will get 100% property tax abatement. This company is already getting a tax abatement to the tune of \$285,905.00 over 15 years which is \$19,300.00 per year according to the county. 100% on an all new building is a lot of carets they are already getting. There are other reasons also like the contract is marked draft and still not signed. The date year is still wrong on the contract and you want us to vote on something that has the wrong year on it and like I said they are already eating plenty of our carets. For all these reasons I will vote no on this ordinance and urge you to do the same.

Mrs. Powers stated I won't read my full statement but I will reiterate do we really want to be telling our existing businesses that we are going to use some of their tax dollars to subsidize their competitors in town. I would like to remind Council that a few years ago a \$100,000 grant was given to SAAB and they were here for about a year. This company has several small companies-branches in several different communities. I

Third Reading of Ordinances and Resolutions: cont.

agree with Councilman Troyer all the indicators say they were going to build and buy this machine because they already purchased 3.2 acres of land to expand on and already have their building plan for expansion so if they have that much planning in place I'm sure they have the plans for the machine in place and are going to buy it whether they get the \$50,000 from us or not. Like I said how many companies are going to come for a grant or how many other companies...it's there tax dollar and our tax dollar going for this and I disagree with it totally.

Mayor Coyne stated first of all the contract is a draft until Council authorizes us to enter into that contract, that's the way it always is. The law director will review the contract and make sure it conforms to the ordinance passed that's the way it is and the dates will be put together and will be submitted to Council. So whatever due diligence you do if they're building the building for storage maybe they will put another machine in there I don't know you can preclude they're already going to do it. The tax abatement for the public every citizen and every business in this community that builds a new structure is eligible for 100% tax abatement; that's how we built many of the new houses as well as Councilman Mencini's house that he spoke of and how vacant lots next to an interstate were developed. The houses were the former Neely School used to be those are residents' that took advantage of tax abatement and there are residents' throughout the community that build new additions that qualify for tax abatement; so that is for every single business and every single citizen in this community. Community development grants Councilwoman Powers we are not using anyone's tax monies to compete with anybody. One of the toughest things we had in the city over the years, used to be easy actually, we probably had 200 job shops that did business with Ford and General Motors and that's no longer the case. I'm not aware of these companies competing with one another and any company that comes in here and we can do the equation, the partnership, the investment we make in them will bear fruits to the city; we're still battling to try and have a larger development at Ford. In the meantime every one of these small industries that can be maintained in the city diversifies the city's tax base. I've shared all with you our investment and evaluations by Fitch and they tell the same thing. If I could do a 100 of these a year and the city had the money to do that 100 I'd do 100 of them because it is showing the small industries are coming and locating in Brook Park. Are we a wonderful place to do business? Yes and believe me I hope this spreads like wildflower that businesses want to come to Brook Park to get a fair shot and if help is needed the business will get it. The last one talked about was strictly for a demolition and you're right I want those crap buildings torn down so the fact of the matter is that it's for demolition, for buying a new piece of equipment that will create a job that will produce revenue to the city that I think is a sound investment. Finally, it is the city's hope that businesses don't compete with one another they do business with one another. If you go to other cities that are struggling for investment the small business person will tell you no one cares about this but Brook Park is saying we want the small business and I hope to fill every vacant building or demolish a building. Why did Boss Karting come to the city because

Third Reading of Ordinances and Resolutions: cont.

the city gave them the demolition business and that building would have sat there as an eyesore for our city. So Councilwoman Powers I think you're understanding of this is without merit and I'm proud that Councilman Troyer rose so that I can explain the city side of this and what we're trying to accomplish and think we've been very successful so far. Mr. Chairman I didn't hear what business that Councilwoman Powers mentioned that the city gave \$100,000 and the business moved out.

Mrs. Powers responded SAAB.

Mayor Coyne commented that was before I was elected and basically that was a dealership going into a condition when most major dealerships the auto industry is requiring new campuses be built and the city has taken advantage of that. I can't speak for SAAB because that was done before I became Mayor.

Mr. Troyer stressed that this company is here and already built the building and spent \$1.2 million dollars-plus and are not going anywhere. To bring a business in for new revenue, yes, I want to hear about it and do something but again I don't believe this business is going anywhere and I don't believe that they need city money to buy this machine; I believe they will buy it anyway, strongly.

Mr. Mencini stated to Councilman Troyer how do you know they would get this machine?

Mrs. Powers commented how do you know they wouldn't?

Mr. Mencini continued I'm asking my colleague, Mr. Troyer.

Mr. Astorino interjected please the format is are you turning the floor over to Councilman Troyer?

Mr. Mencini stated I'm asking the question, I was there with Mr. Troyer when this Cuyahoga Machine transpired.

Mr. Astorino stated if the Councilman wants to answer your question but then you've given the floor...

Mr. Mencini interjected then I will go to question number two was it the owner of the company that told Mr. Troyer they were going to get it anyway? Thank you

Mr. Troyer stated I would like to note the proper procedure would be to throw me the chair for the question, thank you.

Third Reading of Ordinances and Resolutions: cont.

Mr. Salvatore stated if it took 289 carets to get this company here that's great and if it's another bushel of carets to keep the company here that's even better. We have watched a number of businesses grow in Brook Park and then find a better deal and leave the city. There were a couple of major businesses on West 130th Street or look at Brookpark Road which carries the city's name. For us to be arguing for free construction on Brookpark Road I don't get it. Anything we can do to improve Brookpark Road and advance the economic growth for our city, not for us sitting here, but for our children and grandchildren. It's time this city starts moving forward again and for many years of sitting up here I saw a lot of great things happen and saw things happen that I didn't think we should be doing and struggled with coming up with the right decision. I saw the city putting a fee on ambulance runs and people thought we were crazy but those fees bring in over \$500,000 a year. I saw the birth of the Aerospace Parkway and wondered how that was going to happen because that was called the road to nowhere and now there is growth potential back there for the future. I saw the airport deal come and go and thought this isn't a good idea and how can the city do this but here we are many years later. Throwing a conservative figure out there that airport deal brought this city over \$50 million dollars.

Mr. Troyer – Point of Order.

Mr. Astorino – What's your point, Councilman?

Mr. Troyer – He's off topic.

Mr. Salvatore – I'm still talking about the carets that you brought up.

Mr. Troyer – I thought you were talking about the airport.

Mr. Salvatore – All I'm saying is Brook Park has had a tremendous amount of potential and its one step at a time.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Scott, to adopt Ordinance No. 9998-2016.

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

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

Third Reading of Ordinances and Resolutions: cont.

2. 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 Mayor Coyne

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

Mr. Salvatore stated that Councilwoman Powers has other names of companies that perform this service that she was going to bring tonight. Do you have those?

Mrs. Powers stated there were several other companies that were not contacted with one being Lampion, A&E Safety, Mainline Electric and Perram Electric. So this could have been sent out to bid because there are other companies out there. This didn't go out to bid because we were told that only Signal Service and no one out there.

Mr. Troyer stated there are four or five companies that do this type of work and I would request that in the future, because it is important to have city signals working. The City of Strongsville uses Perram exclusively and there are at least five other companies that we know of. There is one city that received an estimate and Signal Service matched that estimate or quote. I'm not happy that we didn't at least go out for quotes for this I do understand the not going out to bid but firmly believe this should have went our for quotes. I will vote for this tonight but when this comes back around it will be a no next time if the city doesn't go out for quotes; we have to get the best deal and protect the residents' monies for everything the city does.

Mayor Coyne stated for \$40,000 I don't have to go out to bid. Now that I'm aware there are other providers we will certainly get proposals from them but I want to see if apples to apples are being compared. So if Councilwoman Powers would provide me with those companies then we will take a look at what the specifications are which is important. If these companies compare to the city's specifications then we will definitely get quotes from the companies.

Mr. Troyer stated do we need to table this?

Mr. Astorino and Mayor Coyne both said no.

Mr. Troyer continued the legislation does say to enter into a contract with Signal Service Company.

Mr. Astorino responded correct the legislation is to go with Signal Service and the Mayor said that in the future those companies would be looked at.

Mrs. Powers commented these companies were very easy to find all I did was call other cities and ask them who they used for city signals. Some cities said it is so infrequently

Third Reading of Ordinances and Resolutions: cont.

that the company needs to be used so there is no contract the city just calls the company when needed.

Mayor Coyne stated I would like to see those companies because to see the specifications for the city's using those companies. Brook Park's is a thorough contract so what I'm saying is there has to be an apple to apples comparison so what happens when there is a major outage? Then it would be my belief that the city using those companies are paying hour per hour; where Brook Park has a blanket. So what I need to see is what cities use these companies and the what the particular contracts cover so if you would provide those companies I will be more than happy to include those companies in the future.

Mrs. McCormick stated as I understand this company has been used for many years and there's been no major problems that any of us have been made aware of so why fix what's not broken and stick with this company. We don't know if Brook Park would have a problem with one of these other companies and regret switching.

Mayor Coyne concurred with Councilwoman McCormick but it intrigues me with Councilwoman Powers investigation warrants for us to take a look at and see the merits of individual response and believe that's why the chief recommended that the city does it this way.

The clerk called the roll on the motion by Mrs. McCormick, supported by Mr. Burgio, to adopt.

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

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Ray Peterlin
5811 Wengler Drive

Mr. Peterlin stated with trains hitting objects is it possible until the gates are installed that the trains go at a slower speed. Also Mr. Peterlin stated that with the Fairview Park Senior Center tax is interesting and a good goal for Brook Park to maybe try and do the same thing. Mr. Peterlin provided a copy of his remarks to all elected officials and administration and is on file in the Council office for public review.

Joan Markusic
13911 Bellbrook

Ms. Markusic stated as far as the city getting business the city needs business and if we have to spend money to make money then that's what we have to do. As far as the safety issue with the railroad tracks I understand that I drive a school bus but I do not think that people being accountable for their own actions should be put on the city.

Remarks from the audience on any subject: cont.

Every person makes a decision and if someone is going to cross the railroad tracks when a train is there that's crazy and people need to be accountable for their own actions. I'm tired of the city being blamed for people getting hurt, killed, things being destroyed because we don't have somebody there watching. Or because the proper things aren't at the railroad track if the lights are flashing then a train is right there and you don't go. I think that the city having to spend money because of people's ignorance is wrong and think that it's time to hold people accountable for the things that they do. I don't agree with having school bus violations reduced to something lower so that people don't have to be accountable for the school bus lights. I don't think when someone breaks a law they should be able to get the ticket reduced to something else. I know it happens because I've seen it and think it's time for us to stick to our guns and hold people accountable for their own actions and get our city back up and rolling.

Eva Murphy

6036 West 130th Street

Ms. Murphy stated I moved to the city 30 years ago and love this city and haven't been to a Council meeting in a long time. I've been with AT&T for 35 years and the people that do install direct television and this particular gentleman was a contractor from AT&T and makes our company look bad. So I just wanted to state that safety is number one and we're all responsible for our own safety; that was a foolish move on that contractor's part. The other thing I wanted to mention is we have a great city and I want to make Brook Park great again. So as a leadership coach at AT&T I would like to see everyone get along here, it was quite disturbing to see how the meeting went today, and let's make our city great again and if there is anything I can do I'd be more than happy to lend a hand.

Diane Kaszei

16083 Harrison Drive

Ms. Kaszei stated I'm here today because there is a house on Harrison Drive, next door to Mrs. Powers, that has been in violations for over two years and continuously being told that it is being handled, something is being done, it's been taken care of and we should go through the process. There's graffiti painted on the front and side of the house, there is junk that has collected in the backyard, side yard and front yard, there's a supposed flagpole that is really a pvc pipe that is half the time knocked over in the wind and the flag is hanging on the ground and the list goes on. I was recently told that this homeowner had to go to court and all the charges were dropped because he was now in compliance. I ask you to drive down Harrison Drive and take a look at that house and tell me if that is compliance because if it is then our city is really gone down the tubes. Because that house looks like it should be condemned and torn down not that is currently in compliance with all city codes for homes and hope all of you will drive down Harrison Drive and let me know if that house is in compliance with our codes.

Remarks from the audience on any subject: cont.

Teresa Duncan

16485 Hummel Road

Ms. Duncan thanked Mayor Coyne, Neal Jamison, Ted Hurst and Ed Orcutt for working very hard on getting the foreclosed home of seven years next door to me torn down. I feel safe and can open up windows and did speak to several of my neighbors in that area that were thankful.

Jennifer Roberts

5368 West 151st Street

Ms. Roberts thanked Finance Director Cingle for his 20 years of service to our community; he is always very professional, knowledgeable and patient when answering any kind of finance question. Also, he has a knack for providing explanations that everyone can understand and is an asset to the city and I'm sure many people will agree that he earns every penny that he makes. After watching this year's budget proceedings I do have suggestions for streamline the process for next year. I understand Council needs to know why accounts fluctuate from one year to the next which has prompted many questions why this go up or why did this go down and in most instances the answer is very simple with hours spent answering these questions. I recommend with next year's budget an addendum that is provided that lists every account that fluctuates five-percent (5%) or more with a brief explanation as to why the account changes. Doing so will eliminate the bulk of these questions and will give Council time to focus on the important aspects of the budget. Also the addendum would be helpful for the residents' to have a better understanding on how taxpayers' monies are spent without having to watch hours of budget meeting footage. Ms. Roberts thanked Councilman Scott for continuing to encourage the 18 to 40 year olds to attend Council meetings to make their voices heard. I agree with him that all segments of population should be engaged to city politics and some don't pay attention since their focused on their careers and families; I am embarrassed to say that until about six months ago I was one of those guilty by not paying attention. In fact if it wasn't for the poor treatment received by my Councilwoman last year I would still be unaware. Now that I've been paying attention I feel compelled to be involved because when our elected officials decisions are detrimental to the future of our city we need to hold them accountable for their actions regardless of whom it is. They are elected to represent all of the citizens not their own interests or the interests of a few. I do want to thank Mayor Coyne as well for making an effort to find a way to use Ford's property so that we can pursue IKEA. I know working a deal with Ford and getting IKEA to come here maybe a long shot but it shows that he's thinking of the future of this city. Even if IKEA doesn't come if we can work out a deal with Ford we can draw other companies to the area diversify our portfolio and improving our bond rating. Finally, I do want to discuss how the last Council meeting ended and how we are being censored as a community. Passing resolutions that encourage people to speak but then denying the people's right to have questions answered is reprehensible. If you choose not to respond to comments individually so be it but to prevent the Mayor and other Council Members from responding takes censorship to a new level. Our Council President said that the people's questions and concerns can be addressed after the meeting; that's the wrong

Remarks from the audience on any subject: cont.

answer. If someone takes the time to prepare a statement or make a suggestion on the record all replies should be on the record as well. I first met Mr. Peterlin at the March 1st meeting who told both my husband and I that he is a war veteran and showed us the statement he prepared. I could tell he put a lot of thought and energy into his ten-page statement and was passionate about his topics. During his speech he asked several good questions that deserved answers in a public forum and was denied this opportunity. It is despicable and embarrassing to treat one of our war veterans and long term resident's in this matter. He risked his life to protect our freedoms including our freedom of speech and was denied answers when he exercised this right. Mr. Peterlin was justly upset after the meeting and the Mayor addressed his issues today but he shouldn't have had to wait two weeks for his answers. Since our Council President is constantly reminding the Mayor, Members of Council and the audience that these are his meetings and he runs them as he sees fit then he alone is to blame for the censorship we face. The irony during our Council President's campaign he promised every citizen to have the right to speak and be heard but we have seen the complete opposite. Actions speak louder than words and this dishonest behavior will not be tolerated.

Jeff Duke
15914 Remora Blvd.

Mr. Duke stated a couple of comments and maybe follow-up questions for Council. There were two questions that went unanswered at the last Council meeting especially regarding the increase in funds for the Council budget which was greater than ten-percent (10%). One of the Councilman had a tendency to ask a lot of questions about a lot of the other budgets when they went up five-percent (5%) or ten-percent (10%) but that question went unanswered; so hopefully that somewhere along the way I do get a response to that question. Another thing I would like to reiterate Mrs. Roberts's comments about Finance Director Cingle and the excellent job of putting together the budget packet. One thing I would also recommend is look up the definition of budget – the definition of budget is an estimate it's not an actual number. I think things change and once we understand that a budget is an estimate and you're voting on an estimate you might have to change things going forward; so you may have to change your mind down the road. Something to be aware of since a lot of people are definitely starting to look up definitions such as due diligence which was mentioned several times tonight; so I'm glad to see that folks are paying attention to some of the residents' comments. Another thing I would like to say as a resident this is an implication that I'm seeing an inference is that there are two Council people here that will not vote for economic development for a business if they already get some kind of break. Okay, you get a tax abatement don't come and ask for anything else because you already get a tax abatement; it doesn't matter if that tax abatement was 14, 13 or 12 years ago or whatever it was. I'm telling you this as a resident of Brook Park I am glad that the Mayor and the Economic Development Director and Administration are trying to invest in the businesses in our city. Keep it up I support you in that endeavor even though some others may not do so. I hope some of these Council Representatives understand that residents' want our tax dollars to be spent in our city and I prefer that the Mayor and

Remarks from the audience on any subject: cont.

Economic Development Director find out who will do a shared investment in our city. If the business wants to come in and invest over \$1 million dollars and ask for \$25,000 to help tear down a building keep writing those \$25,000 checks I'll take ten \$25,000 checks with \$10 million dollars investment and think there are several people in this audience that will agree with me.

Penny Peterlin
14150 Starlite Drive

Ms. Peterlin stated I have an issue isn't there anything that can be done to stop the train horns and stopping on the tracks when going by on Holland Road, it's so annoying.

Charlie Troutman
16146 Rademaker

Mr. Troutman commented we had a history lesson tonight and you guys got your but chewed out pretty good. Can we continue with the meeting please.

Council/Administration Remarks:

Mr. Astorino - as it's been stated in the past and I guess I need to explain it a little clearer for some of you. This idea of audience participation coming and telling us thing and us not necessarily addressing is not something new to this Council; this has been done in the past where things were not addressed. I do find it kind of interesting that the perspective you're trying to give is that there is a censorship going on as you're standing at the microphone exercising your right of free speech. You have the right to speak to us and you're doing just that as you're complaining that we're censoring you; that doesn't make any sense to me. We're giving you the right to speak and what we've done in the past up here at Council is if you have questions or concerns we can direct it to the proper director that's here or the proper Council people that are here and deal with that. Some of the people what you need to consider is what happens is once we come back up here any comments made by either the Council Members or by the Mayor they're getting the last word and there's been times where I've heard people in the audience say well, do I get to address that and there's no format for that. Mr. Peterlin you brought up questions and they took the time to research your questions and give you proper answers that evening. So everyone sitting there saying we're reprehensible and despicable we're following the format that's been followed in the past and we're continue to do that and I see heads shaking no but if you looked you would see that's what has been done in the past. Since there's no other business to come before this Council...

Mayor Coyne – Mr. Chairman, I'd like to comment on that if I may.

Mr. Astorino – No, I'm not going to recognize you Mayor there's no other business to come before audience participation...

Council/Administration Remarks:

Mayor Coyne – There is I think you made statements that are not correct and I'd just like to address it. I've been at Council meetings longer than anyone up here, even Rick Salvatore I think and I'd like to comment on it if I may.

Mr. Astorino – go ahead Mayor.

Mayor Coyne – Thank you Mr. Chairman, the fact is there was always some ability for the elected officials to respond to the residents if they wished.

Mr. Astorino – Please be accurate....

Mayor Coyne – I'm going to be accurate...

Mr. Astorino – You said always Mayor...

Mayor Coyne – As far as I know until you took over that was the case and let me tell you the form that it took. I would respond, since I came back, under my report. In the old days at the end of the meeting whenever audience participation was the elected official could respond to the question of the resident at the podium. If there were further issues that had to be addressed... There wasn't debate you're right about that, Mr. Chairman. There wasn't debate between the residents' and elected officials or appointed officials but they had the opportunity to respond at some point in time during that meeting. If there were additional questions after that clearly the residents' would meet with the officials to rectify the problem so that's the history as I recall it and that's my statement. Thank you.

Mr. Astorino – Council if there is no further business to come before the body a motion to adjourn.

Motion by Mr. Troyer, supported by Mrs. Powers, to adjourn.

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

NAYS: Scott. The motion carried.

Mr. Astorino declared this meeting adjourned.

There being no further business to come before this meeting Council President Astorino at 9:20 p.m.

RESPECTFULLY SUBMITTED



Michelle Blazak
Clerk of Council

APPROVED



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

