

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, APRIL 5, 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, McCORMICK, MENCINI

Also in attendance were Law Director Horvath, Finance Director Cingle, Safety Director Byrnes, Service Director Cayet, Mayor Coyne and Engineer Piatak.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

Mr. Astorino stated I'm going to take this opportunity to provide a friendly reminder when there is debate on the dais and make comments from the podium that we confine the debate to the questions under discussion. This is just a friendly reminder, I guess you can consider it a public service announcement, from your Council President.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairwoman, Powers

Mrs. Powers stated the airport is fast-tracking some repair work to be ready for the upcoming Republican convention.

Finance Committee - Chairwoman, McCormick

Mrs. McCormick stated the 2016 Appropriation Ordinance was passed on Tuesday, March 29th putting into place the city's budget for the year. The Board of Control met at 6:30 p.m. with 27 items on the agenda for approval. Under first reading on this agenda the Finance Committee has Ordinance No. 10008-2016 and am asking for a suspension of the rules regarding the three readings requirement. This is because the city will begin to hire part-time summer staff and would like to make sure that the \$10.00 per hour minimum wage would be in place prior to advertising of positions.

Legislative Committee - Chairman, Troyer

Mr. Troyer stated no report this evening.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini thanked Brandon Reynolds for the live-streaming of meetings and provided a report on how the live-streaming is going and so far the highest total is 469 views with people going back to watch previous meetings; when Brandon provided the original report the views were 451 on March 1st with the average being 40 to 45 maybe watching now. The total like views is from 300 to 320 which is good and maybe more people will

Reports from Standing Committees: cont.**Parks & Recreation Committee - Chairman, Mencini: cont.**

start viewing. Mr. Mencini continued with the Recreation Committee report by stating the Easter Egg Hunt held on Saturday, March 19th went very well with over 350 youth participants and over 1,000 people in attendance. A special thank you to all the families that donated non-perishable food items collected for Audrey's Outreach. Spring break was a huge success with 5,500 youths participating in all the events at the Recreation Center with snacks being given out from donations from local merchants. A thank you to the Brook Park Boosters, Naks Restaurant, Ted Hurst, Kevin Rosala, Gloria Sensel, Heather Paraguay from Kickers, Jennifer O'Neal and the Recreation staff of Andre Gonzales and Recreation Director Fields. The Impact youth mentoring group had an event on March 28th with some tough math, geography and other questions. The next event will be a Bingo night hosted by Samantha Rocco on April 14th from 5:30 p.m. to 7:30 p.m. Looking for volunteers that can interact with this group and be a positive role model if you can volunteer let Recreation Director Fields know. On Friday, April 1st was Midnight Madness at the Recreation Center which was a very success. Mr. Mencini continued that the gym floors are having some repair work done and re-waxed and the renovations are going very well. The Annual Senior Tea will be held on April 9th from 12:30 p.m. to 4:30 p.m. in the Community Room if interested contact Office on Aging coordinator, Joan Corrigan at the Recreation Center. Mr. Mencini gave a shout out to the Beautification and Pride Committee who had their Annual Spring luncheon on March 19th with Carol Henninger giving a beautiful presentation on the history of Brook Park. The recreation department is also looking for sponsors for baseball teams at \$300.00 per team that goes to help the city's youth have a good summer.

Planning Committee - Chairman, Troyer

Mr. Troyer stated the site plan for the Premier Auto Body has been delivered to the commission and Earl Auto Body is interested again in coming into the city; both of these issues will be brought up at the next Caucus meeting.

Safety Committee - Chairman, Salvatore

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

Service Committee - Chairman, Burgio

Mr. Burgio stated the Service Committee has two items on tonight's agenda under Second Reading.

Board of Zoning Appeals - Chairman, Scott

Mr. Scott stated Board of Zoning met on April 4th with three items on the agenda. First one being the nomination and election of Commissioner D'Amico serving as vice-chair person. The commission approved an above ground swimming pool for Don and Trish McGee and also a fence approval for Clinton and Debra Sturgill.

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

Mr. Salvatore stated the board met on March 30th with the finance committee making a capital request for expansion of the steam plant-phase one at a cost of over \$2 million dollars, that was approved. The construction of a new inpatient unit on the second floor of Building D is nearly completed and is expected to open sometime in

May and will be called 2DNO. Work has begun on the development of an outpatient pediatric rehab unit which will be located in LifeWorks as well as new physician office space on the third floor of Building C is in progress and plans are being finalized of a cosmetic renovation of patients rooms and inpatient rehabilitation unit with the project scheduled to be completed by the end of the year. Improvements to the main hospital corridor and basement of Building C continue and will be completed by the end of April.

The final planning is underway for the Steam Plant expansion project approved by the \$2-million-dollar funding. The outpatient volume of the hospital has been above target and the year to date financial performance is better than budgeted. The Surgery Center and financial performance was better than expected and continue to achieve patient excellence with high compliance measured by different ratings of different organizations.

Additional work is being done to identify how Southwest General's image and presence in the community with a few ideas coming forward. Mr. Salvatore continued that he serves on the nominating committee and two vacancies were filled to the Systems Board for both Middleburg Heights and Olmsted Falls.

Berea Board of Education Committee - Representatives Burgio & McCormick

Mr. Burgio stated the Berea Board had a meeting on March 28th that had a very small turnout. The superintendent recommended that the district move forward with the Comprehensive Facilities Plan to include the demolition and new construction of Berea-Midpark High School for 9th - 12th grade on the same grounds. The demolition of Ford Middle School followed by construction of a new Pre-Kindergarten to fourth grade on Ford Middle School grounds. The district would also consider renovation of the Ford Middle School Auditorium into a district performing arts center. Significant renovations to Middleburg Hts. Junior High School including Middlebrook Education Center for grades 5th through 8th. Renovations to Big Creek Elementary School and maintenance to Grindstone Elementary and the closure of Brookview and Brook Park Memorial elementary schools; the school board unanimously passed the comprehensive facilities plan. Before the board would place a bond issue on the November ballot district officials will meet and consult with architects to get more accurate numbers and the Ohio Facilities Construction Commission estimated that the plan would cost approximately \$112,000.00. The 4mil bond issue would cost the taxpayers according to the treasurer \$153.00 based on a \$100,000.00 valuation.

Reports from Special Committees: cont.**Berea Board of Education - Representative, Burgio: cont.**

The superintendent stated that before asking the board to place the tax issue on the ballot the district is going to have to work very hard between now and then to get the right numbers in place. Superintendent Sheppard has stated previously that regardless if the bond issue passes or not the two elementary schools Brookview and Brook Park Memorial would close within the next five years because of declining enrollment; saving the district \$1.3 million dollars per year. Board Member Cory Farris mentioned that she attended along with others a presentation at Berea City Council and mentioned that Five Guys Restaurant will be participating in a fundraiser on Tuesday, April 19th from 5:00 p.m. to 8:00 p.m. with 25% of each order going to Audrey's Outreach.

Mrs. McCormick stated the next board meeting is scheduled for April 18th with a report to follow at the next Council meeting.

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

Mayor Coyne asked for prayers for the passing of Dudi Caveney who worked at the Recreation Center and her and I had great debates on issues with the city. Dudi will be missed and hope her husband, Tom, comes back to coach the city's youths. Mayor Coyne continued the comment about the school board issue and stated I'm not surprised nor disappointed. Because it was clear when the school board came here as to what their intentions were and what they were going to do and probably makes sense. However, we continue and I know the Mayor of Berea was concerned about my comments that Brook Park seems to always get the short end of the stick; logistically and other fashions. My only suggestion was that we thought that while they were going to make improvements to the total operation and will not argue if the high school should be built in Middleburg Hts. or not, probably been easier. The partnership with the college rather than having a partnership with a community they clearly have all the facilities they would need to facilitate the athletic programs at the high schools. My understanding is their plan still calls into effect for that partnership with Baldwin-Wallace College. To make one sarcastic statement if the board wants to do that they should sell the existing high school to Baldwin-Wallace and move the high school operations to Middleburg Hts.; Midpark High School which has more

Reports and communications from the Mayor: cont.

than enough room. I will reserve my feelings about this when the elections come forward to see what they're final reports are but I can tell you it's in that spirit not trying to grab something from the board if this is to be an educational system I think all of the cities who participate in the operation should be taken into the operation; I think the partnership would be better spent with the city than Baldwin-Wallace College. I looked at the report given about what we give to the schools and there was a time, the last 30 years, that we were contributing more than anybody because of the small factories operating in the city. What I'm disappointed in more than just a community is a report that we should have been involved in that planning because we have a lot to offer. Some good news with reports for multiple listings of real estate and the city has made some efforts and can see that it's paying off for us. This is a report from the Northern Ohio Regional multiple listing services used by the real estate operations in Northeast Ohio. The price for a house in Brook Park in February, 2015 was \$88,500.00 and in February, 2016 the price was \$100,064.50; that represents an increase of 20.3%; it's not where we want to be but it shows that we're moving there. The year to date 2015 through the year to date 2016 showed a \$22,000.00 increase or 28.2%. The interesting thing is the days on the market and showed a little bit more fluctuation in February, 2015 they were 89 and February, 2016 they were 103 and the year to date from 2015 was 86; that's gone up to 97 and we will have to get some clarification as to why that is. The properties that went under contract in February, 2015 was 16 and in 2016 they were 15 and year to date 2016 is 36; so people are buying houses. The new properties for sale from 2015 to this time was 32 and in 2016 we're up to 41; so hopefully those are new people coming into the city for good reason. In 2015 the property inventories for a month's supply was 7.1 and are now up to 7.8 and hoping that the weather will bring better sales. In February, 2015 we closed on 14 houses and year to date in 2015 was 24 and the year to date in 2016 appears to be 36. This is important and shows that we're moving in the right direction and currently three houses have been demolished this year and think there are three more in the pipeline; these are houses that can't be fixed up and the city is getting kudos from people in the neighborhoods that thought the properties would never be remedied. That's not the ideal solution to the problem we have to come up with ways to redevelop those properties and getting people into the vacant lots. One final thing this evening is there is a piece of legislation sponsored by myself and other Members of Council dealing with the senior snow removal program and ask Council to have this introduced at tonight's meeting as an emergency. This mirrors the existing legislation we have on snow removal and deals with the

Reports and Communications from the Mayor: cont.

registration of the contractors as well as providing the program to the seniors so that we can get this out and get people signed up for the program.

Mr. Astorino stated to City Council before opening up for questions to the Mayor I would ask that refrain asking any questions about the lawsuit; the consent order. The law director will be addressing that in her report so any questions will be asked at that time.

Mr. Mencini thanked both Mayor Coyne and Law Director Horvath for the demolition of the two homes in his ward. One was on Eavenson and the other on Lockhaven, which was vacant for almost ten years and people living close to that home had to bear the odors so I really thank you. On that front there are a lot of streets that needs to get done. Is there anything on the economic front that Council can look forward to possibly drawing some revenue to help me get there?

Mayor Coyne responded we went to Dearborn, MI and had a frank discussion with Ford Motor Company about redevelopment of the property. For the first time in 22 months they were serious about it and hopefully in the future we will have some issues for redevelopment. Will that be in the next year or two I don't think so but will hopefully begin a partnership to reclaim some of that property that is sitting

over there.

Mr. Troyer asked Mayor Coyne how are we doing on the HMAP (Home Maintenance Assistance Program) how is the program going, how many people, is there a registration deadline set for that, has it expired or still taking applicants, how many do we have?

Mayor Coyne responded I do not have that but will get it from Economic Development Commissioner Dolan and think that there was one approved this evening on the Board of Control; I will get that information to you.

Mr. Troyer expressed approval of the houses being torn down especially the one on Eavenson and Burton that had big yards and think they are big enough that people might be interested in building big houses on those lots. I have concerns of tearing down houses where the lots might not be sellable but know that those two are plenty big.

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

Mr. Astorino stated we are going out of the regular order this evening; we're going to the law director first and as in the past I will recuse myself because she will be talking about the fire station issue and Councilman Mencini will be taking over the meeting as Pro-Tem.

Law Director Horvath

Mrs. Horvath stated as I think we're all aware the fire station has caused a great deal of controversy in our community and has been the source of a lot of division and I want to report on the status of two cases. The first case is the case that is in the Court of Appeals it's the City of Brook Park Vs the Committee to Secure our Safety. The second case is a taxpayer case where the Mayor and the City of Brook Park are defendants. In the taxpayer case the city and the Mayor have entered into a consent decree and what that means is this is an agreement amongst the parties and will briefly detail the terms of that decree. The most important term is that per court order the Mayor shall keep fire stations number one and two open and staffed with sufficient fire personnel through the exercise of his powers as necessary to protect lives and property of persons and businesses in Brook Park; that is the first and most important point. Secondly, I would note that the court is going to retain jurisdiction of this matter for the purpose of enforcement of the order. The case involving the City of Brook Park vs. Committee to Secure our Safety in this consent decree will be dismissed and believe that as of today it was dismissed. Lastly, the minimum manning provisions which were contained in the amended Ordinance No. 143.026 have been declared to be invalid. So the important thing to take from the second suit; the taxpayers suit, is that fire station number two will remain open by court order; this is the legal piece of the puzzle which is needed to resolve this matter. Council in its legislative wisdom will need to take care of the legislative piece of the puzzle by amending the ordinance and I hope that piece of the puzzle will be completed. So we can all move forward knowing the fire station will be open and the amendment has whatever Council has in its wisdom decides an amendment will be made to that particular ordinance. Briefly, that is the status of both of those cases and that would be my sole remarks for today with regards to any legal matters.

Mr. Salvatore stated to Law Director Horvath when you talk about the court's retaining jurisdiction could you elaborate on that?

Mrs. Horvath responded I certainly can and will read to you directly from the consent entrée that says the court shall retain jurisdiction of this matter for the purposes of construction, modification and enforcement of this order. So

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

Law Director Horvath: cont.

the court would have the ability to deal with all three of these issues; how to interpret the order, how to modify it and how to enforce it.

Mr. Salvatore continued how would that relate to the closing of the fire station; would that have any jurisdiction over that?

Mrs. Horvath responded at this point the fire station would continue to be open. In the event that there would be a closure I imagine that the parties would need to return to court for modification.

Mr. Salvatore stated you also mentioned part of a lawsuit that was deemed invalid, could you elaborate on the invalid portion.

Mrs. Horvath responded the invalid portion is strictly just the minimum manning portion. It's the portion that says that there will be five firefighters at the main station and two firefighters at station number two. So it would be strictly that language not any other part of the ordinance is amended.

Mr. Troyer stated to Law Director Horvath I have several questions some may seem like the same question but through this agreement there's a lot of repeats or sections that seem to be repeating. The first question is after reading the consent order and taking into consideration all the documents and discussions that have taken place with this case and the other case. Is it possible for the Mayor, safety director or fire chief to determine that a sufficient number of firefighters at Ruple Road, fire station number two, is zero?

Mrs. Horvath responded let me start by saying this one of the central problems that we've always had with these issues is who gets to decide how many firefighters are where? So my answer to you is as long as that station is open the order requires that there be sufficient fire personnel there and one of the definitions of sufficient is enough to serve the purpose. Is it possible I kind of doubt it because I don't think zero would ever serve the purpose of that station being open. In the future it may be that something may happen that the station is deemed necessary to be closed but nothing in life is absolutely certain but, to me, this is the best guarantee. The fact that the court as part of its order has indicated that the fire station shall stay open and be sufficiently manned. I can't envision of the situation where sufficient is deemed to be zero unless there is something dramatic that happens; perhaps there is a central fire station or something along that line but as long as that station exists it needs to be manned sufficiently.

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

Law Director Horvath: cont.

Mr. Troyer continued let's say it were to be closed you mentioned retention of jurisdiction. The court will retain jurisdiction of this matter for purposes of construction, modification and enforcement of this order. It seems to me that you just used the same section three out of the Charter and go back to the judge and the judge would just way you're allowed to because you're the Mayor. I mean can he do that?

Mrs. Horvath responded no, in other words, this is a situation where the Mayor has entered into this consent decree and he's saying that he will keep it open. So for the court to modify I think it certainly would be more than just whim; there would have to be some compelling reason to do so.

Mr. Troyer continued is there any way that page 4-3B-1 can be interpreted to not allow current contract language of seven firefighters to be enforced. It reads the defendant shall not enforce or permit to be enforced the minimum manning provisions of the amended ordinance section 143.026.

Mrs. Horvath stated I'm not sure what you're asking me; I would note that the collective bargaining agreement is still in place and will be in place for some time and that takes precedence over the ordinance. The collective bargaining agreement says that there are two firefighters at the Ruple Road station. So as I alluded this takes care of the legal piece but City Council, in its wisdom, has to take care of the legislative piece; so that's the part Council would play in resolving this matter.

Mr. Troyer stated this is where it sounds redundant but it's a different section. Is there any way that the Mayor can interpret page 4-3B-2 to mean that his powers allow him to determine the staffing of station number two can be zero firefighters?

Mrs. Horvath responded I can't imagine that he would do that nor do I think that would any sense to the court. Again, my definition of sufficient, I don't know what the court may do to be sufficient, but that would be enough people there for the purpose intended to do the job.

Mr. Troyer asked is there any scenario that can be imagined where the Mayor in keeping fire station number one and two can staff station two with zero personnel? Which you basically just said and am asking again.

Mrs. Horvath responded yes, exactly, I would refer to my prior answer to that.

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

Law Director Horvath: cont.

Mr. Troyer continued is it a fair statement to say this consent order guarantees that the Ruple Road Fire Station No. 2 will remain open at all time and staffed with firefighters?

Mrs. Horvath stated I would say yes by the plan reading of it.

Mr. Troyer continued let me read that section I was just alluding to earlier. Page 4-3B-2 the Mayor shall keep fire station numbers one and two open and staffed with sufficient fire personnel through the exercise of the powers granted by articles three and eight of the Brook Park City Charter. As necessary to protect lives and properties of all persons and businesses present within Brook Park at all times. Now what I want to do is cut that down and take things out because through the exercise of the powers granted by articles three and eight don't really need to be in there, that's redundant. So if you break that down you look at the Mayor shall keep fire station numbers one and two open and staffed with sufficient fire personnel as necessary to protect lives and property of all persons and businesses present within Brook Park at all times. Now that has staffing...that includes the staffing; now if you take the staffing levels out and read it like this. The Mayor shall keep fire station numbers one and two open as necessary to protect lives and property of all persons and businesses present within Brook Park at all times. Does that keep the fire station open?

Mrs. Horvath responded first let me state that this particular agreement is already electronically filed and waiting for the judge's signature; so I do not believe that any Member of Council would have the ability to change this agreement. However, Council does have before it an ordinance that, they in their legislative wisdom, can change however they seem fit to guarantee whatever language as far as sufficiency or the station remaining open. So that's the second piece of the puzzle that we need to get in place to have some resolution with regard to this issue.

Mr. Troyer continued my concern is basically there is a bit of trust issue with certain people and the fact of the matter is. The Mayor told me within the last couple of months that he wanted to close that fire station and tear it down and redevelop that property; I'm trying to make sure that doesn't happen.

Mayor Coyne - whoa, whoa, whoa, when did that occur?

Mr. Mencini - hold on.

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

Law Director Horvath: cont.

Mayor Coyne - Mr. Chairman, if I may for a point of clarification.

Mr. Troyer - I have the floor.

Mr. Mencini - I'm going to go with the Mayor for point of clarification that was a pretty strong accusation, go ahead Mayor.

Mayor Coyne - When did that occur?

Mr. Troyer - It was in a meeting about the Mazzella Wire and Rope...

Mayor Coyne - That discussion...that never...it's two different...I never made that statement to you, sir.

Mr. Mencini - Okay, let's get back to the topic.

Mr. Troyer - There was a witness there...I don't think he's here tonight.

Mr. Mencini - Let's get back to the questions to the law director

Mr. Troyer continued to Law Director Horvath I do have a problem with trust and I'm trying to alieve that tonight. I want to believe the Mayor that he's had a change of heart on that. Do you believe that this agreement will keep that fire station open and manned?

Mrs. Horvath responded I do there is nothing really certain in life except death and taxes and I'm sure we're all going to do the tax part very, very soon; little bit later this month. This is a court order that is subject to enforcement and it seems to me that this certainly very strict as far as keeping it open. No one likes to violate a court order and judges' hate to see their orders violated.

Mrs. McCormick stated to Law Director Horvath you said you couldn't envision in a situation where the station could be left open and it be determined that the staffing would be sufficient at zero. My question is under Section 3-B-2, which Councilman Troyer just spoke about, the Mayor shall keep fire stations number one and two open and staffed with sufficient fire personnel through the exercise of powers granted by articles three and four and so on. Could the station be kept technically open but used for purpose other fire operations and still be in compliance with the agreement? Could it be a storage facility or something and still be

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

Law Director Horvath: cont.
in compliance?

Mrs. Horvath responded I can't imagine under the circumstances that the court would consider that to be an open station sufficiently staffed. I could envision, perhaps, a major fire where all of the firefighters who are on duty from both stations go to the site. Therefore, there may be no one at the Ruple Road station but cannot imagine that it would be allowed to be a storage facility.

Mrs. McCormick asked Law Director Horvath under what authority was the consent order entered into? It is my understanding that a consent decree would need the approval of Council and was any legal research conducted to prove that City Council does not have to authorize the agreement? It is my belief that a resolution or an ordinance would have to be passed by City Council to authorize the settlement.

Mrs. Horvath responded my opinion would be that you do not need to authorize this settlement because it doesn't deal with real estate or anything that Council would need to pass an ordinance for. I think that certainly there is authority here to enter into this settlement and it was properly entered into.

Mrs. McCormick asked was there any research conducted to find out whether it requires Council approval, is there any case law supporting this?

Mrs. Horvath responded there certainly was research, I don't at this point, have anything but if you would like me to provide that for you later I certainly can do that. But I assure you that I believe that it's proper for the court to accept this and for the city and the Mayor to enter into this agreement.

Mrs. McCormick stated I would appreciate if you would provide me with that additional information proving that the Mayor can enter into an agreement without Council approval. One final question the first case that was filed, the one that is currently appealed or was just dropped, the city raised an issue that the ordinance was in conflict the minimum manning clause in the contract. In this consent order the city agrees that the language in the ordinance violates the City Charter. On page 4 there's language that says by entering into this order the city will not enforce or permit to be enforced

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

the minimum manning provisions of the ordinance. Does this mean that the city will still honor the manning clause in the fire contract?

Mrs. Horvath responded certainly they would need to honor whatever provisions are in the collective bargaining agreement that would take precedence over the ordinance and that's one of the reasons why we need the other legislative piece so that we can bring that into compliance with all of this being resolved.

Mrs. McCormick continued so the court consent order would not nullify and void the clause in the contract, correct?

Mrs. Horvath responded correct, the collective bargaining agreement would take precedence.

Mayor Coyne stated the issues at hand were a couple that the ordinance as amended by Initiative petition violated the Charter and I think that's clear. The issue also is the collective bargaining is the one where we also felt that was improper because again it went around the collective bargaining agreement; which remains in effect until it's duly negotiated. Otherwise, requires that if we have two stations they will have seven men on a shift which seems pretty clear and pretty simple and that will continue. So as long as we have two stations there's seven people on a shift. Who comes up with what constitutes seven people we've had arbitration issues that have been decided that the chief, assistant chief and fire inspector they count as staff and how do you interpret towards that. To clear this up for the general public here's what it does. The present ordinance as amended by Initiative petition does not guarantee the station would stay open. I believe tomorrow morning if it was necessary for good cause it could be closed. Not with this court order the only way that the station could be closed is we would have come as a city before the court and show just cause why that should be done. What could that be? In the event that there was a major shutdown at NASA or Ford Motor and we couldn't afford to keep the station open that might be good cause and I would think that Council and the Mayor would go together on that, if that was the situation. The other issue would be if Brook Park came up with, which ultimately I believe we won't see in my lifetime, is a real solution to our problem is centralized fire department in the City of Brook Park; or consolidation with others that will be coming as you see things happening. So, again, that would be a gag-elate order. The fact is that nothing changes the contract between the city and the firefighters which relates to the minimum manning of a shift but not necessarily at a

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

station. The other objection I have with the ordinance is I have to have five people here and two people there. What about if circumstances warrant that I want three at one and three at the other; or four and three. The reason we're suggesting the change in the ordinance is to give us the flexibility to keep our operations going whether in economic good times or bad times. So this particular case, I believe, that I was the one being sued by the citizen and if that citizen prevailed on the issues the fire station could have been closed by the court; if they found those matters to be correct in the taxpayer's argument and I happen to think he was. So to avoid closing the station, put this issue behind us so that we can make some long-range planning this seems to me that it upholds the Charter of the city and provides for the staffing of the station. Councilwoman McCormick's statement that I can use it for storage I think Section 2B - The Mayor shall keep fire station number one and two opened and staffed with sufficient fire personnel through the exercise of his...it says staffed with fire personnel; that's what it says. It doesn't say how many but says it's staffed and I think that's pretty clear in the order and I haven't seen a judge yet that would allow someone to violate the order unless people came forward with showing good cause. So I think this is a good resolution for us to address this right now. If we had sufficient revenues to address our needs, then there's other avenues available but I don't see that happening very soon. You can see if you watch around Northeast Ohio 15 firefighters just lost their jobs in Lorain, OH, just recently. So these are tough times and we have to address these safety needs in different ways and unless and until the community is ready to have that dialogue I believe this provides the relief that we need. The fact of the matter is for my 30 years of my career I believe that we should have one fire station in this city serving our people. I haven't changed that we don't have the ability to do that at this particular time. Mr. Troyer's statements I don't like to preside witness because I've never said that I was discussing a development with him at the rear end of the property and the fact of the matter is if that thing was built there it would give us a lot more revenue and would probably enhance the need for the staffing of the station, there more than ever, and that discussion is not done because there are other developments that we hope to talk to you about on the west end of the city. I would just ask Council to do their part, I believe I've done mine, and it takes all the citizens out of the lawsuit and takes me out of the lawsuit and gives us time to take a breath of fresh air to see where we're going in the future. So I'd ask you to pass the legislation this evening as we propose and let's move on and carry on with other issues of the city.

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

Law Director Horvath: cont.

Mr. Salvatore stated to Law Director Horvath have we ever staffed the west end fire station number two with less than two people?

Mr. Byrnes stated not that I'm aware of.

Mr. Salvatore continued would you ever do that? We could never provide the necessary protection with one person back there?

Mr. Byrnes responded no, that wouldn't be close to being sufficient, I have a problem with two let alone one so I don't believe one would be sufficient for anything.

Mr. Salvatore stated to Law Director Horvath in the event that Council takes no Council-manic action and ignores this issue all together. What would be the downside or the ramifications of ignoring this?

Mrs. Horvath stated for right now the collective bargaining agreement would still be in effect, everybody would leave here today, the fire station will remain open with two firefighters assigned there. I would worry for the future as far as what may happen, in the future, with the collective bargaining agreement and also I think that it's incumbent on Council to do something. To amend that ordinance so that it's in line with Council and the Mayor's wishes and also the citizens of the City of Brook Park's wishes to keep that fire station open.

Mr. Salvatore stated last question and probably the most important one of all; do you think this legislation provides everything you just said?

Mrs. Horvath responded just so I'm clear we're talking about legislation on the schedule tonight?

Mr. Salvatore concurred.

Mrs. Horvath continued and not the consent agreement.

Mr. Salvatore stated the cases have all been settled, correct?

Mrs. Horvath concurred.

Mr. Salvatore stated the one we will be voting on tonight.

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

Law Director Horvath: cont.

Mrs. Horvath responded I think that particular ordinance says that the station will be sufficiently staffed with full and part time firefighters. To me personally the key is the word sufficient which I would take meaning a number that would be able to achieve the purpose wanted which is to keep the station open and able to protect the public. That is a long way of answering your question and I would say yes.

Mrs. McCormick stated in regards to the ordinance that is on third reading tonight is it your opinion that amendments need to be made to that before approved or voted down?

Mrs. Horvath stated my understanding although I have not seen it electronically is that the court of appeals case has already been dismissed. It's also my understanding that the consent agreement was filed electronically so those items are already taken care of. The only issue is what is before Council and I think under the circumstances it's incumbent on Council to amend that particular ordinance; so that eliminates any questions or issues and I believe will have everything resolved. That's Council's pleasure and certainly hope that it will be amended in a fashion that would allow us to go forward but the lawsuit portion has been completed and it's for Council to move forward with the other piece.

Mr. Troyer stated to Law Director Horvath could this remaining piece of legislation, not the settled agreement, but the piece of legislation placed on tonight under third reading. Ordinance No. 10003-2016, could that be improved with some amendments to help convince people that the fire station will remain open, improve the trust of some people that it will stay open in the belief that it will stay open. Could a few amendments help in that case in your opinion?

Mrs. Horvath responded I imagine amendments could improve or diminish the effect of this city ordinance; it probably depends on the amendment. Seeing no further questions Law Director Horvath commented that is the key to this is that fire station number two will remain open.

Mr. Astorino thanked Councilman Mencini for handling that part of the meeting and stated I am so glad to hear that this seems to be wrapping up and coming to an end. The potential conflict of interest does give me a chance to stretch my legs but I'd rather sit up here and chair the meeting and would like to personally express congratulations to Susan Anderson,

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

Greg Wellman, Johnny DiMassa, Russ and Virginia Fadenholz, Ron and Kathy McCutcheon and many, many others along with Ward Councilmembers Powers and Troyer for this great victory on getting that station. They got involved in a civic action it's great to see any citizens get involved in anything like that and make a difference in this community. It's good to see community involvement and success and it's good to see things come out where the neighborhood is provided proper protection.

Engineer Piatak

Mr. Piatak reported the last day to get the monies in for the Phase II- Sidewalk Repair Program is April 15th, after that date you will be turned down. So if you received a letter from the city regarding your sidewalk and want to participate please get down to the service department; which has already collected \$87,000.00 from Phase II residents' so the project is turning out to be fairly robust and there is room for more. The design phase of the last section of the Smith Road Sewer Project is winding down and submittals will be made to the Ohio EPA (Environmental Protection Association) within the next week or so and right now it looks like construction will start in June or July of that project. Last week I met with the City of Berea Engineer regarding the Quiet Zone on Sheldon Road between Eastland and Route 237. It was a productive meeting we met onsite and discussed some of the safety measures that are options at that location as well as some of the physical constraints of that location. Right now we're back in my office and evaluating those options and constraints and will be making a recommendation to both cities as to what we see as the most prudent devices to be installed at that location to make it a quiet zone.

Mr. Troyer stated to Engineer Piatak as far as the Phase III of the 2016 Sidewalk Program. Do we have any information how many, have they been marked yet, how many there are, do we have an idea, it's not out to bid yet, but do we have any idea how many blocks and how many we need?

Mr. Piatak responded the ordinance authorizing us to do the specifications and put out to bid in on third reading and the ordinance to hire the inspector is on second reading tonight. So we have not done any inspections on Phase III and will not do any until the inspection ordinance has been passed, so the answer to your question is no.

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

Mr. Troyer continued didn't we do that on Phase II of the 2015 project they were all marked ahead of time and had an idea how many there were and everything. Wasn't how that was done on that one?

Mr. Piatak responded we did an inspection in late 2014 and 2015 and the project got a late start getting in so we had prior authorization to do that inspection for the 2015 project; didn't do that necessarily ahead of time.

Mr. Troyer continued we didn't know how many blocks or what repairs were needed before legislation was passed to send out to bid?

Mr. Piatak responded it's possible I'm not sure what the timing was on that last one the inspection ordinance should come first and for whatever reason both pieces didn't make it to the Council Clerk at the same time. So right now the inspection ordinance is lagging the going out to bid ordinance but the intent would be to complete the inspection before being put out to bid.

Mr. Troyer commented this could probably be put back in committee because it's a little premature.

Mr. Mencini asked Engineer Piatak the lifespan of a street and I will be doing the main street first such Smith Road, Brookpark Road, Route 237 and Snow Road. What is the average life span and know that fluctuates because of resurfacing or tearing out the whole street? What is the lifespan of a main street like Smith Road?

Mr. Piatak responded what kind of repair are you looking to do?

Mr. Mencini continued let's go with overall repair of street that is pretty well shot.

Mr. Piatak responded I would think that you would get 50 years out a street with repairs depending on if it was installed full-depth concrete with an adequate sub-base and drainage. With maintenance there is no reason why you can't get 50 years out of a street. When the streets of Brook Park were put in back in the 1950's and 1960's were all those standards and criteria met I don't know. When a street is being dug out now we're finding that the concrete is there but the sub-base is not there and the drainage isn't there. The streets being put in now have good base material and drainage and hope to get 50 years out of a street.

The streets being put in now have good base material and drainage and hope to get 50 years out of a street.

Mr. Mencini continued I would say with the secondary streets such as Engle, Holland, Sylvia, Delores, Fry and probably even the side street; the sewer systems most of them are original, correct?

Mr. Piatak concurred.

Mr. Mencini stated I would think at this point some updating needs to be done?

Mr. Piatak responded when we do a reconstruction we request that the service department televise both the storm and sanitary to evaluate the condition of those systems. The City of Cleveland has lots of sewers that are over 100 years' old that are still in pristine condition so we do evaluate the sewer system when doing a reconstruct.

Mr. Mencini stated being down at the service garage and I know Mr. Cayet can testify there are lot of manholes and catch-basins that are undermined and collapsing. Why is that if you say that a sewer system in Cleveland can last 100 years but yet a sewer system can collapse probably not more than 20 or 25 years.

Mr. Piatak responded I'm confused you were talking about sewer systems and now you're talking about catch-basins.

Mr. Mencini interjected back to the catch-basins.

Mr. Piatak continued a lot of the original catch-basins are brick and looking at them the brick ones are subject to freeze-thaw cycles and some sub-surface moisture that deteriorates that section of brick. That's where you see a lot of failures in the catch-basins is in that top ten or fifteen courses of brick. Again, when we redo a road we pull out the catch-basins and put in pre-cast concrete, reinforced cast concrete catch-basins and expect better longevity out of top section of the catch-basin.

Mrs. McCormick stated to Engineer Piatak you stated that April 15th is the last day to get monies in for the Phase II Sidewalk Program. Once Phase III is approved and implemented will those who declined to participate in Phase II will be given an opportunity to participate again in Phase III?

Mr. Piatak responded no, long ago the city was divided into three phases; Phase I is everything west of Engle Road, Phase II is Engle to Smith and

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

Engineer Piatak: cont.

Phase III is Smith to West 130th Street. So the phases are basically geographical locations so when we picked up with the 2015 program we picked up in Phase II because the last one done was Phase I; so logically we would go from Phase II to Phase III. Anyone who decided not to participate in Phase II this time. Theoretically, they wouldn't be able to participate again for another three phases; with the third phase they would be able to pick it up.

Mayor Coyne commented logistically the program is set up on assistance and so, therefore, at some point in time as we go through these phases and complete phase. The residents' who didn't participate they may get an opportunity based on the money that was appropriated. However, at some point when people deny assistance to participate in the program under the law they have to correct the problem and will pay the full price, that's why we want to encourage them to participate. At some point in time those people that had passed through the phases will be given a final opportunity to participate with assistance and how that works out logistically is based on volume and appropriation. At some point the residents' will have to correct the problem themselves and absorb the costs themselves by assessment.

Mrs. McCormick stated to Mayor Coyne at a previous meeting you said that residents would be given two opportunities to participate in the program.

Mayor Coyne responded that's correct.

Mrs. McCormick continued so Phase III people will get priority and once that closes Phase II...

Mayor Coyne interjected what I said was this we would go into the third phase from the geographic phase and this will give people an opportunity number one to realize what it's going to cost and hopefully put the money aside. At some point when that third phase is done then we will go back if it's going to be a fourth phase and try to include those people that have not participated the first two times around. Again, that's based on volume of response and what the appropriation is; so they will be given a third strike before they strike out.

Service Director Cayet

Mr. Cayet reported this Monday will be bulk pickup and we encourage everybody that has bulk pickup to call the service department's rubbish hotline before Friday, at 12:00 noon of this week; please don't call on

Reports and Communications from departments, commissions, and other public officials: cont.**Service Director Cayet: cont.**

Sunday at 11:59 p.m. because no one is there to answer the phones or take message. Also, with the bulk pickup if mattresses are put out, once again, please put them in protective mattress disposal bags due to the volume of bedbugs that have persisted this part of the country. With the yard waste the dumpsters are at the service garage with one and half dumpsters filled so far. Residents' can bring their yard waste to the garage with next week being the official start for this program. Dumpsters are being provided due to the mild weather during the month of March and residents' working in their yard. If residents don't want to bring their grass to the service garage grass can be placed in plastic bags in the black rubbish can. Residents are allowed two cans and there are cans for sale for \$45.00 at City Hall with payment by check or cash. Street patching will continue and we are not as bad as last year due to the mild winter and right now nobody is making the hot-patch so the potholes are being filled with cold-patching that is being heated up and is sticking much better and many cities are complaining that no one is making the hot-patch to date.

Mr. Astorino asked Service Director Cayet with the dropping off of the yard waste do you have hours that it will be opened next week?

Mr. Cayet responded it will be manned like last year 7:30 a.m. to 7:00 p.m., Monday through Friday and on Saturdays 7:30 a.m. to 12:00 noon.

Mr. Salvatore stated to Service Director Cayet we had a conversation a couple of weeks back about the barrels being placed over the sewer grates. Is there any idea when the crews will be doing some catch-basin work?

Mr. Cayet responded the department started already and have done about three of them this year and crews have been working on other things. Two are completed and one was broken out today we're getting on them right now and the weather kind of holds the crews up if it's raining or something because brick can't be laid in the rain. The department is aware of it and have compiled a list of the ones that need to be worked on from worse to not so worse, most of them are worse, but we are trying to get as many done as we can.

Mr. Salvatore continued with baseball season around the corner have you checked the condition of our fields?

Mr. Cayet responded as a matter of fact the Mayor and I were out walking

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

Service Director Cayet: cont.

around Kennedy, Hufsey and Ford today, I have had a service guy cleaning up the leaves and dragging the fields to try and get them in shape. The Berea-Midpark High School girls are using the fields for softball.

Mr. Salvatore continued when you get some free time between now and Friday I'd like to get together with you to look at a few streets to see if any in-house patchwork can be done.

Mr. Cayet stated sure, just give me a call.

Mr. Burgio stated to Service Director Cayet I noticed that about a week ago I saw the street cleaner doing a few streets and saw it on Smith Road. Do they come out weather permitting or do they go out every day? Can you tell me how we're doing with the street cleaner?

Mr. Cayet responded we started cleaning the streets once the weather broke and the operator has gone around the whole city cleaning all the mains, Route 237, Smith and Snow Roads and West 130th Street and so on; he is in the neighborhoods now and believe he's a little more than half of the city. So once he gets through the whole city then will continue on the mains and all he will continue to do that and there has been a lot of debris picked up already but not as much as last year. Last year we picked up more debris because the streets weren't really cleaned in quite a while and we didn't have a machine.

Mr. Burgio stated on the water breaks and know on Smith Road there were two or three that have been taken care of? How many water breaks have we had this year and are there other ones on side streets that we're unaware of? How do we stack up with this winter being a mild one?

Mr. Cayet responded we had roughly about ten water breaks and last year we had about a dozen water breaks during the wintertime. With a milder winter I was surprised we had that many but with the mild weather I was able to bring more guys on day shift then being on second or third and the guys jumped on them and completed ten water breaks by March 24th of this year. Last year we didn't even get on them until April 10th so about a month ahead of the game; that's why we're able to get on the catch-basins at this time.

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

Service Director Cayet: cont.

Mr. Burgio stated following up on that we are going to be resurfacing almost three miles of Snow Road do we know how those water mains are before resurfacing the road?

Mr. Piatak responded typically on a resurfacing project that's considered more of a maintenance type project. I can tell you to replace that waterline on Snow Road if it was bad and did warrant would be astronomical at this point. It would dwarf the resurfacing project so the answer to your question is I have not made a request to the water department to do a water break analysis on Snow Road but that is something that I can request and report back with my findings.

Mr. Mencini complimented the rubbish crew where he came from with the big spill on Sheldon Road that two service guys cleaned up. Mr. Mencini continued on Brookpark Road last week I noticed the Vector there all day and didn't know if there was a problem because passed by a day or two later and the Vector was still parked in the same spot.

Mr. Cayet responded the Pro-Karting business coming into the city is tying into the sewer line on Brookpark Road to relieve the storm water from their property. Where they're tie-in wasn't taking the water so crews tried jetting and couldn't get through and put the camera down there and found unbelievable amount of mineral deposits in the line. In speaking with Engineer Piatak we tried to think of some instances on how to rectify the problem and by using monies that the Regional Sewer District through granting out to excavate because that's how bad it was. When talking to Engineer Piatak I said that's going to be a lot of money to do that and those monies could be used for something else. Possible we could get a private contractor who is set up to clean sewers that way and Engineer Piatak contacted United Survey who are going to come out and take a look. A couple of weeks ago I went to the Service Directors' Association luncheon and they have different speakers about municipality maintenance. The one guy who spoke was a sewer representative that we bought some machinery from such as the camera truck. I told him our problem and he said he would contact his guy that has the truck with all kinds of nozzles and cutters and such so they came out to demo the cutter and help us out and it ended up costing us about \$1,200.00 to clean 130 some feet and took two days; probably pumped 20,000 gallons of water to clean and in some places to go through one foot took about an hour. The sled that they sell to do this is

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

Service Director Cayet: cont.

about \$14,000.00 or \$15,000,00 and between our guys and the demo guys from DeHaney saved us a bundle of money and the line is clean.

Mr. Mencini continued good to hear, with concerns to the sewer problems and raising sidewalks from the trees. How is the tree program going this year I have seen the guys out?

Mr. Cayet responded with the sidewalk program a lot of residents are concerned with the trees picking up the sidewalks. So what I did was have one of my foreman go out and analyze the tree to see if they are worth keeping of if they are going to re-aggravate the problem with the sidewalks. There are times when the roots get into the sewer lines and there a couple of streets that maple trees were planted on the tree lawn and that like putting dynamite down a sewer; it's ridiculous what those maple trees can do to those sewer lines. So far this season we've taken down about 40 trees and we're waiting for grass seed to plant fresh grass seed.

Mr. Mencini stated will new trees be placed on those spots or is by resident request?

Mr. Cayet responded 99% of the people don't want any more trees.

Mr. Troyer stated to Service Director Cayet you discussed the hot-patch do we have any idea or they just slow getting it out this year?

Mr. Cayet responded the hot-patch plants won't make four-ton a day for us. When they go into full production they're looking for companies who come in and do parking lots and streets resurfacing, we're just a drop in the bucket to them. Once the contracts start coming in is when the hot-patch will start being made.

Mr. Troyer asked weeks or months?

Mr. Cayet responded it all depends on the weather.

Mr. Troyer commented I'd rather have a good hot-patch. Earlier a few people talked about catch-basins and I know of one that has been an issue for a while, that I mentioned was patched a year and a half ago. We're going to actually go and rebuild the one on Calvin this year, right? Do you have any idea as to what kind of repair will be done on that?

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

Safety Director Byrnes

Mr. Byrnes stated no report this evening.

Mr. Cayet clarified is that the one on Calvin and Claudia on the corner?

Mr. Troyer concurred.

Mr. Cayet continued we're aware of that.

Mr. Troyer stated is that going to be a full repair this time.

Mr. Cayet responded yes.

Mr. Troyer continued what about the one on Hio do you have a timeframe on that one?

Mr. Cayet clarified down on the cul-de-sac?

Mr. Troyer concurred.

Mr. Cayet responded that will be a full repair; they are all full repairs like that.

Mr. Troyer asked if they will be done at the same time because they're close to each other?

Mr. Cayet responded yes, we would try to do that it would be common sense.

Mr. Troyer stated I just want to state it would be nice to do the road so we're not replacing that cul-de-sac because Calvin does need to be done and we have the money for it; should just replace the road and not have to do it and then replace it in the next year or so.

Reports and Communications from departments, commissions, and other public officials: cont.**Safety Director Byrnes: cont.**

Mr. Mencini stated I do see the police writing tickets on the side streets and am very impressed and do see them out during the day and evenings. Through the grapevine I've been told that in five days we had 3 overdoses? My question is are we doing anything on this, is there anything proactive or what do we have here?

Mr. Byrnes responded yes we've had several overdoses in the community over the last few weeks; it seems they have increased. Other than us responding the fire department has done a very good job at resuscitating a couple of people. The fact is it's an epidemic in the community and there's been quite a few and seems to have a high cycle right now. Other than reacting to it there's not any preventive program that we're doing. Our police respond to it and we've closed down one hotel and are monitoring activities at the rest of them; unfortunately, some of these have occurred in private homes, not only on Brookpark Road. It is an epidemic in Brook Park there's no doubt about it.

Mr. Mencini commented the fire department did do a good job in resuscitating. I'm asking you as the safety director is there anything like safety directors within Cuyahoga County or anything like that.

Mr. Byrnes responded there's been activity from everyone from the Attorney General from the State of Ohio and there has been publicly talks about problems that have now reached Washington's level. Senator Portman introduced a bill that provides funds for that and it's in the media daily so there's been a lot of activity. From a law enforcement perspective there hasn't been any direct statement from any safety director's association other than to support the efforts of the attorney general, governor and local mayors that have mentioned this. It seems like it's the hottest topic in the newspapers as it relates to crime these days.

Finance Director Cingle

Mr. Cingle stated April 18th is Income Tax filing deadline day and the tax department will be open extended hours as follows: Tuesday, April 12th the tax department will be open until 7:00 p.m.; and Saturday April 9th and 16th the tax department will be open from 9:00 a.m. to 12:00 p.m. March monthly reports will be distributed in the next few days.

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

Finance Director Cingle: cont.

Mr. Troyer stated to Mr. Cingle with the Smith Road Sanitary Sewer Project came up a few times tonight, can you tell me how we're funding our portion?

Mr. Cingle responded that will be funded through a sale of bonds.

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

Other Communications:

1. CORRESPONDENCE RECEIVED FROM RESIDENT.

The clerk read the correspondence received that is attached to these minutes.

New Legislation:

1. A Resolution honoring head coaches and assistant coaches for volunteering in coaching Brook Park sports programs for the City of Brook Park and declaring an emergency. Introduced by Councilman Mencini. **Placed in Legislative Committee**
2. An Ordinance repealing Chapter 741 entitled snow removal and landscaping lawn maintenance contractors and declaring an emergency. Introduced by Mayor Coyne, Council Members Salvatore, Burgio, Scott and Mencini. **Placed in Service Committee**

Motion by Mr. Salvatore, supported by Mr. Mencini, to place on tonight's agenda under an emergency.

Mr. Salvatore stated this is the grass cutting ordinance that we need to pass in order to get the program off the ground and we all know grass cutting season is going to start in the next couple of weeks.

Mr. Astorino stated this is the first time I'm seeing it here so let me... You want to introduce it as emergency legislation.

Mr. Salvatore responded yes, all four of them we have to repeal two and add two.

Mr. Astorino clarified all four items as emergency legislation.

Other communications and petitions and verbal approval:**Introduction of New Legislation: cont.**

Mr. Salvatore stated in order to enact we have to repeal so yes I would say that.

Mr. Astorino stated I understand that I'm trying to understand what makes this all an emergency. What was your reason for this being an emergency?

Mr. Salvatore responded I'm calling it an emergency because grass cutting season is right around the corner and we should be starting to cut grass probably within in a week. If we don't have this legislation in place, we won't have a grass cutting program.

Mr. Astorino commented okay a motion has been made to place this under first reading on the agenda as an emergency.

Mrs. Powers stated I don't see the reason for this being an emergency; especially not the snow removal. Of course we could get more snow before this is over but it's just a matter of thinking things through. You know when snow season is coming and you know when grass season is coming so don't wait until the last minute and bring something up and say we have to rush it through tonight, I object to that.

Mrs. McCormick stated I also object to it being placed on tonight we were given four ordinances and I would prefer to have time to actually read these, myself, before it's put on first reading.

Mr. Salvatore stated I truly respect both of the comments made and find them kind of, for a lack of a better word, ridiculous when people have introduced items that I never even saw and people were asked to vote on stuff; this is something that truly needs to be done. We just passed the budget so we couldn't very well have the grass cutting program without the budget. The project is funded, we're ready to go and people are waiting and grass should be started to be cut within the next week or so, I know people that have already cut their grass once already. If you don't want to pass it then don't pass it but I'm sure, out of the respect, to all of the residents' who are waiting to get on this program the least I'd like to do is get it on first reading. We all know what happens to legislation when it doesn't get on an agenda it will sit in a committee for months. That's happen to me before and I'm not going to let that happen again especially to the residents. This is very good program that a lot of people are waiting to see if they're going to be eligible to get it and I would respectfully request to at least give it first reading tonight.

Other communications and petitions and verbal approval:**Introduction of New Legislation: cont.**

Mr. Troyer stated what committee would you put these in?

Mr. Astorino responded these are in service.

Mr. Troyer stated who chairs that committee?

Mr. Astorino responded that's Councilman Burgio.

Mr. Troyer stated to Mr. Burgio would you be inclined to take these out of committee right away?

Mr. Burgio responded I would but I'd also like to see it placed on tonight's agenda to get it going faster because the weather is pretty mild and the grass is growing, I cut my grass already.

Mr. Salvatore - Mr. Chairman, Point of Order there's a motion on the floor and I'd like to call the roll.

Mrs. Powers - discussion hasn't ended.

Mr. Astorino - is there a second for that or if not...

Mr. Salvatore - seconded by Mr. Mencini....

Mrs. Astorino - no I'm talking about calling for the roll because you're making a motion to end the debate...

Mr. Salvatore - I'm calling the question.

Mr. Astorino - right which is ending the debate, that has to be voted on that's not just an automatic.

Mr. Salvatore - to call the question is an automatic.

Mr. Astorino - No, Robert's Rules of Order if you call for the question it goes to a vote of the members on whether or not they want to end the debate. It has to be 2/3's of the members to vote to end the debate; That's Robert's Rules of Order to call for the question. I understand that in the past it hasn't been done that way but those chair people in the past have done it improperly. While calling for the question is not a debatable issue so we're going to call the question on the debate. It's been moved properly seconded clerk please call the roll.

Other communications and petitions and verbal approval:**Introduction of New Legislation: cont.**

Mr. Salvatore - There was no motion made or seconded.

Mr. Astorino - You made a motion to call the question.

Mr. Salvatore - That's exactly what I did but until the question gets called the roll on the motion that is on the floor.

Mr. Astorino - Yes.

Mr. Salvatore - There isn't a second motion on the floor.

Mr. Mencini - I seconded the motion on the legislation.

Mr. Salvatore - To put this on the agenda for tonight.

Mr. Mencini - Yes.

Mayor Coyne - Mr. Chairman, can I speak to the motion.

Mr. Astorino - Not on calling for the question it's not a debatable motion.

Mayor Coyne - I'm not debating.

Mr. Astorino - Not debatable means there's no comment on it. The motion is made and we call the roll and need 2/3's to end the debate. If we end the debate, then we call the roll on the main motion. So we will call the roll on whether or not to end debate, clerk please call the roll.

ROLL CALL: AYES: Salvatore, Mencini, Burgio, Scott
NAYS: McCormick, Powers, Troyer. The motion failed.

Mr. Astorino - Needed 2/3's to pass end of debate so we will continue debate on the main motion.

Mayor Coyne - For Council's information this is what these ordinances do. In order for me to seek proposals and the contractors to respond to the needs of the seniors on the grass cutting. They have to be licensed according to our chapter to include landscaping and lawn maintenance contract. It is very important that our citizens have those protections because, again, even the people who aren't qualified will have the ability to take advantage of these prices. Which makes good business sense and I want to thank the law department for coming up with the landscaping contractors. The other

Other communications and petitions and verbal approval:**Introduction of New Legislation: cont.**

ordinance provides and repeals the existing and puts in the chapter that incorporates both the snow removal and the grass cutting; for the criteria to be set. So we would ask Council to facilitate this legislation so that we can go out and generate the interest amongst the seniors who qualify and get the contractors licensed so that we can get the best price and get on with the snow removal program. The only reason is again we just passed the budget and the money is in the program and we can move forward and that is the only reason we're asking from the administrative standpoint to facilitate this as soon as we possibly can. It's not different from the snow removal program we had for the seniors over the wintertime it's just grass cutting qualifications and insurance of contractors; so we ask your indulgence Mr. Chairman.

Mr. Astorino - is there any more discussion on the motion to place this on first reading.

Mrs. Powers stated both Mr. Salvatore and the Mayor said that we just got the budget passed and we couldn't do anything until the budget was passed. The reason we just got the budget passed is because we didn't get the budget in time...we had to have all those extra meetings in order to discuss the budget, get it worked out and to pass it. So had we been given the budget a better schedule then this wouldn't have happened so number one get the budget in on time and number two get the grass cutting in before grass cutting season starts. As long as we have to keep doing this we will keep doing this.

Mr. Mencini stated this the shortest I'll ever be the grass is growing.

Mr. Troyer stated to Law Director Horvath you signed all these as to legal form can you tell me when you signed them.

Mrs. Horvath responded I'm sorry I have no recollection to this point as to when they were signed I would imagine it would have been some time maybe between Tuesday and now; I couldn't tell you the exact date I believe they were brought over to Council today.

Mr. Troyer stated the only thing that's odd to me is the clerk read the names and seemed to have added one to what I have listed.

The clerk responded I was told by the sponsor to add one name, yes.

Mr. Troyer asked Mayor Coyne if he would take other co-sponsors.

Other communications and petitions and verbal approval:

Introduction of New Legislation: cont.

Mayor Coyne responded of course.

Mr. Troyer would like to be added as a co-sponsor.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Mencini, to place on tonight's agenda.

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

NAYS: McCormick, Powers, Troyer. The motion carried 4-3.

Mr. Astorino stated this will be on tonight's agenda under M-3 as Ordinance No. 10009-2016.

- 2. An Ordinance enacting Chapter 741 of the Brook Park Codified Ordinances entitled 'Snow Removal and Landscaping Lawn Maintenance Contractors' and declaring an emergency. Introduced by Mayor Coyne and Council Members Salvatore, Burgio, Scott and Mencini.

Motion by Mr. Salvatore, supported by Mr. Mencini, to place on tonight's Council agenda.

Mr. Troyer asked if co-sponsors are being accepted on this?

Mayor Coyne responded yes, absolutely.

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

NAYS: McCormick, Powers, Troyer. The motion carried with a vote of 4-3.

Mr. Astorino stated this will be placed under M-4 as Ordinance No. 10010-2016.

- 3. An Ordinance repealing Chapter 938 entitled 'Grass Cutting Service' and declaring an emergency. Introduced by Mayor Coyne and Council Members Salvatore, Burgio, Scott and Mencini.

Motion by Councilman Salvatore, supported by Mr. Burgio, to place on tonight's agenda.

Mr. Troyer asked Mayor Coyne are you accepting co-sponsors in this?

Other communications and petitions and verbal approval:**Introduction of New Legislation: cont.**

Mayor Coyne responded yes, I'll accept your co-sponsorship.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Burgio to place on tonight's agenda.

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

NAYS: McCormick, Powers, Troyer. The motion carried with a vote of 4-3.

Mr. Astorino stated this will appear under M-5 as Ordinance No. 10011-2016.

4. AN ORDINANCE AMENDING CHAPTER 937 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SENIOR CITIZENS AND PHYSICALLY DISABLED SERVICE' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne and Council Members Salvatore, Burgio, Scott and Mencini

Motion by Mr. Salvatore, supported by Mr. Scott, to place on tonight's Council agenda.

Mr. Troyer asked Mayor Coyne if co-sponsors are accepted on this.

Mayor Coyne concurred.

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

NAYS: Troyer, Powers, McCormick. The motion carried with a vote of 4-3.

Mr. Astorino stated this will appear under M-6 as Ordinance No. 10012-2016.

5. 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 **Placed in Finance Committee**
-

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:
-----**REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR RESOLUTIONS THAT PERTAIN TO ITEMS ON THE AGENDA:**

Ray Peterlin

5811 Wengler Drive

Mr. Peterlin stated with the part-timers at \$7.70 an hour going to \$10.00 an hour I understand that may be a little low but on the other hand that's a 30% increase. Because of the 30% increase if you're looking to give people part-time work that means instead of having four people you'll only be able to hire three. Has anyone considered that and 30% in one bite is a bunch maybe that should be broken up to 10%, 10% and 10% over three years.

Matt Lynch

1040 Sugarhouse Lane

Medina, OH

Mr. Lynch stated I serve as the Secretary/Treasurer of Local 1141 and have been a lieutenant of the fire department for the past nine years and serving this community for the last 22 years. I thank you for the opportunity to speak tonight and would like to talk about the post fire department staffing of the ordinance on third reading tonight; especially as it relates to the topic of part-timers. As I just stated I do not live in this city, I used to live here but my wife and I made a decision years ago to move closer to family. Some people and especially commenters on social media would use that fact as proof that I am not invested in the future or the well-being of this city, I can assure you that nothing is further from the truth. Seventeen years ago I was involved in the care of a male that had fallen off his bike and sustained a head injury, this patient was also probably intoxicated, and verbally and physically aggressive against us along with making threatening comments against the responders that were present; I think his exact words were I'll get you. The next day after getting off shift and going for a walk pulling my two-year old son in a wagon when I saw that very same man riding a bike, that same bike, towards us. Now I had a very tenuous situation to consider. Did he recognize me from the previous day, did he still consider me a threat, will he try to harm me now that I'm out in public and most worrisome of all will my son be caught up in a violent altercation simply because he was too close to me at that moment. I can't imagine how the situations police officers deal with every day in our town and have to encounter similar situations. I can say there is a benefit to providing a separation between work and family life especially with the criminal climate of antagonism against the members of the safety forces; mostly the fire department. With my family safe I can dedicate myself to providing the care that the residents need. Fast forward now to two weeks ago Councilman Mencini had

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

mentioned a little bit about this but think most of you are aware that we do have a heroin epidemic that is going on in this town. There were over 100 overdoses of heroin and other prescription medications in this town last year; let me repeat that 100 of our, mostly residents, that overdosed on drugs in our town last year. To put that into perspective my first 15 years as a paramedic I gave the antidote called Narcan a total of five times; there was time earlier this year I gave Narcan five times in one week. There was two weeks ago Councilman Mencini also brought this up we had overdose fatalities, all young men 30 years of age and under in five days. The one case I would like to talk about tonight I was the initial medic arriving on scene with a mother waving her arms out the window frantically. Two other responding units were going to be arriving shortly hereafter as I initiated advanced cardiac procedures. This patient was worked on aggressively for almost 45 minutes prior to arrival in the emergency room and this call weighs on me heavy because I've not stopped thinking about this call one day over the last two to three weeks. Why you might say, well this was a 20-year-old son I told you before and I have a 19-year-old son; this kid looked just like my son and I think about this daily. We were able to regain a pulse with this patient he was transported to the hospital and the patient although, ultimately, did not survive lived long enough to become an organ donor and provide another for life through six other critically ill patients. I just want to read something that was sent to us by Southwest hospital and to give us some feedback on this patient. Lifebanc was able to recover the heart, liver, lungs and kidneys for transplantation; the heart went to a 57-year-old man who was listed as a status 1-A, the sickest patients on the waiting list, who are generally in critical care unit receiving advanced life support therapies. The lungs went to a 59-year-old man, the liver went to a 19 year-old, the right kidney went to a 51-year-old woman and the left kidney went to a 76-year-old woman; the transplant center did not share any additional details about the recipients. This was only made possible by the dedicated, coordinated and skill provided by our paramedics. So you're saying to yourself, right now, how does this relate to the ordinance that's brought before you this evening? Part-timers, I added up the years of experience that was on the scene trying to save that young man's life and the answer to that question is 87 years of experience was on that scene from five members of the fire department, 86 years of experience. Please tell me who you would rather have showing up at your house a well-trained, orchestrated team with 86 years of experience or some full-times with a couple of part-timers that may have worked together once or twice in a year's time. We have a balanced budget but yet once more the attack brought on by this ordinance that will be a stepping stone for the administration to dismantle our fire department; please do the right thing for

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

the citizens, please suspend this issue and come talk to us, we are here every day waiting and serving.

**Matthew Wright
13885 Brookdale Avenue**

Mr. Wright stated I come to you again to try and offer a different more informative perspective about some of the issues with Mayor Coyne's current proposal which is on third reading. I would ask you to follow the Mayor's advice and take a breath make sure the wording for this ordinance is correct. For example, the Mayor states the problem with the wording of the current ordinance was that it circumvents collective bargaining law by setting minimum manning levels. Isn't it also circumventing the collective bargaining law to insert part-time employee language when it hasn't even been negotiated? I think you know that answer is yes. There's other wording under the Whereas' that are also very questionable when it states that it's up to the fire chief and the safety director. The law director has already stated to all of you that the Whereas' aren't legally binding. So what has been the Mayor's intentions, because he likes to speak of his intentions, that he has no intention to close station no. 2. Now we seem to have a ruling that we can't close but his intentions have been since he came into office. If you recall in 2014 right after the Mayor took office, he also almost immediately went after two huge tax increases; which he bought to Council for a vote of the day before it was due to the election office. Council took no action because they didn't have time to review the wording and the information. Mayor Coyne lambasted and blamed all the Council members in the newspaper. So then Council took action and decided to put it on the ballot and again the Mayor lambasted the Council members in the newspaper because a special election was going to cost more money; there were even more games played after that as you can all recall. At the same time the Mayor came to all the unions and told us all that we had to make contractual concessions to avoid members being laid off; all of the unions did as requested only to have members laid off on January 1, 2015, anyway. The Mayor did not stop there with the fire department he threatened to bring in private for profit EMS during which time he launched a public smear campaign against your fire department riddled with lies and half-truths against us. He closed fire station no. 2 and immediately dropped the minimum manning down to five. Councilman Mencini happened to witness this first hand because he was participating in a ride along that very day. Every time you turn around it seems the Mayor is attacking and trying to destroy your fire department; he has also gone after retirees' vested benefits and here we are again under the guise of the eliminating lawsuits; lawsuits which he created. He claims they will go away if you agree to let

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

him staff the fire department with part-time employees. As usual with Mayor Coyne though there is no plan. There's no plan of implementation, there's no plan on day-to-day operations, there's no plan on contractual wording nor any documentation as to the possible cost-savings if there are even any to having part-timers in the first place. As a matter of fact, none of this was even discussed with the fire chief. With this little history lesson here be aware if you find yourself stuck between a rock and a hard place. If this ordinance doesn't pass in some manner Mayor Coyne is going to put the blame square on Council. He will say I tried to get rid of the lawsuits but Council refused to do what I told them to do; it's all their fault; we have seen the Mayor play this game time and time again. In closing I'm going to ask you do you think Mayor Coyne's intentions are sincere or are they just a means to an end of what he wants to force upon the firefighters. Please be careful in accepting anything that has wording that can be detrimental later.

**Brian McClain
5901 Lorain**

Mr. McClain stated I am the vice-president of local 1141 and also a lieutenant on your fire department and am the EMS (Emergency Medical Services) officer for the fire department. I want to speak to you tonight about the Mayor's proposed ordinance for related to part-time firefighters as well. The first thing I want to say to everyone here and I'm sincere in saying this I truly believe that everybody in this room cares about the city. Even those of us that don't live in the city, as Matt explained, we live here at least one out of every three days but I believe everybody cares deeply about this city including the Mayor. I have to tell what I see on social media and Facebook is absolutely out of control. The misinformation, the innuendos, the brutal attacks on people is out of control and tearing this town apart. The changes that I've seen in this town for the last 17 years are mind blowing to me. I want to talk to you in a little different perspective on things tonight and I want to give you a factual basis of why I believe this legislation is bad and why the part time staffing ordinance needs to be defeated or, at least, severely amended. First of all, I'm a big believer you have to have a plan the line of work that we're in if we don't have a plan people die, whether it's an EMS run or a fire run. It's become clear to me that as far as this part-time issue goes there is not plan. There's been no discussions with the fire chief, you haven't had the fire chief appearing in front of you to find out what's his take on it. I haven't heard any discussions with the safety director who's sitting here tonight as far as his opinions on bringing part-timers into the department. There's a series of questions that should be asked, Matt touched on some of them earlier. What's the plan going to cost, what's the plan going to save, how many part-timers are we

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

face masks, boots, all the equipment that is bare minimum to firefighting you're looking at \$3,000.00 to \$4,000.00 per guy. Now I look at it a firefighter right now when you hire a full-time firefighter you get a 48-hour week. Out of him how many part-time employees are you going to have to hire to equal one full-time firefighter for 48-hours a week? Two to four would be my guess people working anywhere from 12 to 24 hours a week. You're going to have to outfit two to four firefighters per full-time firefighter with gear at a cost of \$3,000.00 to \$4,000.00 a guy; a considerable cost increase there. Training the books that are sitting in front of me here right now these are the books that a full-time firefighter is responsible for knowing all the contents of. I see a lot of folks on social media lately on Facebook that's had discussions about the training and I can't tell you how bad the information is. People are talking about a paramedic being a paramedic and any paramedic can come in here and do the job and don't need any additional training. That's not true and I've seen people talk about Southwest Hospital is part of University and University shares the same protocol; again it's not's true. Southwest Hospital is affiliated with University Hospital it is not owned by University Hospital and does not use the University Hospital protocol. It has its own separate protocol which is the large book that I'm holding here. This book is all decided on and laid out by our medical director who is currently Susan Talog (not sure of spelling) at the hospital. She decides what medications we can give in what order repeating dosage and what other procedures we can do. Any firefighter coming in that is already certified as a paramedic we don't have to train them how to start IV's, we don't have to train them how to breathe for a patient but they do have to know every one of these protocols and what medications they're allowed to give and how often they're allowed to repeat it. We have department SOP's (Standard Operating Procedures) as far as firefighting goes, which is the next book you see here. It is critical for anybody on the fire ground on our department to understand those protocols thoroughly, it truly is a matter of life and death. Matt touched on it before right now you have a group of guys that are used to working with each other that have worked together for years they know the way each other think and the way each other react. We know that we can count on the person behind us coming in on a fire. How can I do that with a part-time employee that I might work with once, twice a month maybe once, twice a year depending on how their schedule fits. Inside this book you see here this is the training manual, itself, for all full-time employees. All full-time employees in the City of Brook Park go through six to eight weeks of training before they are allowed to count. So that means that they do not count towards that seven-man minimum in our collective bargaining agreement until they've completed this entire manual. There's over 20 pages of check-off sheets in

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

going to need, how many are we going to hire? What's the hiring process, what are the requirements going to be for part-timers, are part-timers allowed with collective bargaining agreement? I would ask does anybody even know that we have a collective bargaining agreement right now where the Brook Park Firefighters Association are the sole provider of firefighter services; so again, we're looking to go around the collective bargaining agreement. Why don't any of our comparable communities use part-time employees I hope the Council members are aware of that. None of our comparable communities use part-time employees there is no part-time employee, no part-time firefighters in Middleburg Hts., Berea, Strongsville, Parma, Parma Hts., North Olmsted, the communities that surround us they don't use them. Some of those departments are bigger than ours, some of those departments are smaller than ours. Why don't they use them? Have we looked into that? The devils in the details, folks, we shouldn't be passing any legislation tonight without understanding the ramifications and again, I believe, it's clear to me you don't understand the ramifications. You have not had that information presented to you and you have not had the opportunity to ask these questions and maybe some of you are not aware of some of these things. There's many disadvantages to part-timers I believe the Mayor actually said it best, himself a couple of weeks ago. You guys were having discussions about the budget and came to the issue of the safety building where I believe they were looking to increase the budget and believe Councilman Troyer asked the Mayor why there was an increase in the budget and he said they'd be hiring full time jailers. Councilman Troyer asked for clarification he said full time not part time and as I said, the Mayor said it best, part-timers don't stay, his exact words. It's no different with the fire department part-timers don't stay, they come and go. The history of part-timers in fire service goes back to the fact that most departments started off as volunteer departments. They transitioned over time to part-time departments then full-time supplemented with part-time and eventually all the way to full time. What we're proposing to do here in this ordinance is taking a step back, we're going back in a time when the fire department is at a historical high for our service. We had over 3,000 emergency calls this year for the fire department the most calls on record. We should be talking about increasing full-time manpower not decreasing it and bringing in part-time employees. Part-timers are expensive I know a lot of people want to think that part-timers are a cost-savings and it's going to be cheap; in fire service it's not the case. You're looking at every single firefighter that we hire has to be outfitted with custom \$3,000.00 to \$4,000.00 turn-out gear. This is gear that can't be shared between members because the effectiveness of that gear is completely reliant on that gear fitting you the way it should. So to outfit a firefighter with turn-out gear; helmet, SVAC

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

this manual with over 200 items that they need to be checked off on. They can't just walk into this department even if they're a firefighter on another full-time department and be ready to go. We've hired several, several full-time firefighters over the years that have come from other departments including our union president who just spoke to you. He's a veteran of Sandusky for about eight years before he came here. You still have to go through six to eight weeks of training until you count. As an officer tell me how am I supposed to train an employee that's here 12-hours a week to the same level that it took me six to eight weeks to train a full-time firefighter that is here 48-hours a week; it's going to take forever and can't be done. Every department is unique in the way they respond I saw a comment recently where somebody else said on social media it actually was the Mayor's brother said well, these guys don't have to know how to do the squad. We can have the full-time guys do the EMS stuff and the part-timers can be put on a fire engine or something to that effect. We don't have that luxury folks, we have been cut down to this department to such a low point that everybody on this department has to be able to do any job on the fire department at any moment. We run two ambulances out of that main station yesterday we probably had three times where we had multiple runs going on at the same exact time that those ambulances had to leave. That means that everybody is out of that station responding, I mean, that's a daily occurrence for us. It's a daily occurrence for us where there may be one guy on a chase car who's left behind in town, there may be two guys. If that's part-timers you're now telling me that when we have a major commercial fire, like we did a month or so ago at National Office, that you want a part-time employee to respond up there and be the officer in charge because that's what is going to happen. They're going to be the officer in charge of a major commercial fire in this town because we don't have the luxury of hiding people anyplace anymore, we've been cut too deep. The fact is that the disadvantages of part-time outweighs any advantages that you're going to be told about. I'll be honest with you the only advantage you're going to be able to listen to or be told about is that it's a cost-savings and you're going to be told that you can eliminate overtime. The fact is you have approved a budget that allows you to do that right now; you have the money in the budget that you just passed to rehire three full-time firefighters and I say rehire because we're at a historic low. We're down to 30 firefighters including the chief, assistant chief and fire prevention officer; we've never been this low. We're a 51-man department, 51 full-time employees, that are now down to 30 but you have the money in the budget to rehire three guys, bring them back. You rehire three full-time firefighters you will virtually eliminate all of the overtime in the fire department. It will be down to such a low manageable level that we will never be talking about

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

again. In closing, I do want to mention one other thing and Matt touched on it was to think that this ends litigation is not correct; it's going to open the city up to additional legislation. If you do this, you are going around the collective bargaining laws of the State of Ohio. We've been through this before many years ago with the unfair labor practice and you're setting it up again for the same thing to happen. The solution seems simple to me vote the ordinance down or do amendments to it to make it more palpable and eliminate the language of part-timers. Appropriately staff both fire stations as the Mayor, and I've taken him at his word, that he says he's going to keep that fire station open. Keep the fire station open appropriately staff both fire stations with full-time firefighters, follow the collective bargaining agreement that's it that's all we ask for. These guys work hard for you they're great guys and do a great job and will continue to do it; just give us the resources we need and correct this flawed ordinance tonight.

Judy Lipcsey
6386 Sandfield

Mrs. Lipcsey stated I do want to say first we do have the best city I've lived here 49 years; this is a terrific city. I've seen so many Mayors' and we really haven't had ones we've had good ones; we've had great improvement in our city. So everybody is having a tough time now, okay, it's everywhere.

Mr. Astorino interjected this is the time to speak on items on the agenda.

Mrs. Lipcsey continued I'm getting to that and I also want to tell the guys that were talking I appreciate the services that we have because I'm the one that fell off a ladder and got hurt. We have terrific ambulance service, the hospital is great; we're close to everything and appreciate all the people that live here. Mrs. Powers you're the one that went ahead a few years ago when Mrs. Corrigan was wondering about the Recreation Center and where people would be having their senior meetings. You took it upon yourself to go and look around because millions of people received phone calls to go Lutheran Redeemer Church.

Mr. Astorino - This is about items on the agenda, I'm not sure what you're leading to.

Mrs. Lipcsey - This will lead to the grass cutting for the seniors back then she was sticking up for the seniors and now she is the one who voted no, is what I'm saying and now she's not feeling sorry for the seniors. That's my point and I've listened long enough to all the stuff that's been happening and

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

just wanted to say that. You have fine people here but some of them don't pay attention.

Virginia Fadenholz
5756 Edgepark

Mrs. Fadenholz stated I'm up here because I'm glad to hear the fire station is going to be open; hopefully forever and forever, as long as the west-end residents' are there. My problem with this is it is a done deal so I'm happy it's going to be open. When this came about Mayor Coyne blamed the union and think his words were they gave up west-end; when I came to that first meeting. My question if the union can't come to an agreement that would keep that fire station open, meaning part-time or whatever. If the union was to give up that west-end fire station and Mayor Coyne could then go to the judge and say look the union contract proceeds anything that we have done to keep that fire station open. Could it possibly be closed? I don't know if I'm articulating that carefully enough but know that the first Council meeting I attended Mayor Coyne said the union gave up that fire station and didn't care if it was closed. So I'm afraid that down the road that the unions are going to look "greedy" if he goes to them and says I'm going to put all part-timers or half part-timers but if you close that fire station I'll agree to keep all of you full-time. Is that a possibility that he could go to the judge and say look the unions...because no one can live on part-time. I'm afraid that would be an excuse to close that fire station down the road that it's some sort of agreement because union contracts proceed over all of it. So if he's using the union, in any way, to close that fire station down the road to say that it's their fault because he does like to blame others.

Susan Anderson
5700 Grayland

Mrs. Anderson stated through Council President Astorino to Mayor Coyne I hope if I pre-decease you, Mayor, that you will have as nice things to say about me as you did about Mrs. Caveney. Most of the people here know that I fought long and hard for almost two years on this fire station issue. I'm happy about the court descent decree but also have some misgivings. My misgivings are with the full-time, part-time issue. The men here are firefighters/paramedics and are wonderful people. I had an opportunity recently to have to use them many years ago when my husband was suffering heart conditions. I was amazed at their ability, I was amazed by their calmness because my world is falling apart and these people really and truly do know what they're doing and do it all so well. They work together as a unit and it's as though four or five of them are really one person working very, very hard to save somebody's life. If you've never had a

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

reason to have to call upon them I can assure you, first of all you don't want to have to call upon them, but if you do you will be very glad that they are full-time employees and not dealing with part-time employees who doesn't have the experience. I don't want to say that they don't have the caring because they probably do but they don't have the experience of working with our full-time guys. These fellows really said it best and I really appreciate what Brian McClain, Matt Lynch and Matt Wright had to say; these guys are really terrific. Please remember when some of you came to a Meet & Greet prior to the November election and I specifically asked those of you who were there would you continue to fight for the firefighters' station and continue to support us? Each and every one of you there in front of many west-end residents' said yes and I believe part of that yes answer is to keep our firefighters/paramedics as full-time employees for the City of Brook Park. If there is any other way possible now that the budget is finished for you to, down the road, rehire some of our firefighter/paramedics please do so. We have a lot of things that we need done in this city and it saddens me that we're going to lose two schools. I want encourage Council and the Mayor to do everything you can to stop that. We want our housing stock to increase, we want young families moving into Brook Park and if we cut back on firefighter/paramedics and reduce them to part-time and our schools will be gone. Young families who look for things like this are going to say not in Brook Park because they will have no reason to be here. They want safety, they want to know their families and children will be safe, they want to know they will have nearby schools that their children can walk to. In short, I just want to hold you to your promise you gave your promise and I'd like to hold you to that, if at all possible.

Dave McCarthy
6023 Westbrook

Mr. McCarthy stated I'll try to be brief then my brothers were here. I also would like to address the ordinance regarding the fire department staffing from a couple of maybe different perspectives and hopefully put to rest this notion of bringing in part-time firefighters would be a benefit to the City of Brook Park. I work part-time for Olmsted Falls fire department they gave me my start in this profession as a 19-year old man with no experience and is part of the reason I have this job here; I'm grateful for that opportunity to this day. It's important to understand that our position is not that part-time firefighters have no place in the fire service in general. Olmsted Falls is a bedroom community very low industry, low-run volumes and very few significant fires. As many small departments do they progressed from volunteer to part-time to the current configuration which is a combination of both. The hope is that they will become a career-department as the

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

community grows and the demand increases; these circumstances are entirely different than those here in the City of Brook Park. The key here is they're progressing not regressing. Brook Park Fire Department became a career department dedicated years ago based on the needs of our community. Currently, we have an aging population, a significant and increasing drug problem, heavy industry and thanks to the forward thinking of Mayor Coyne NASA Glenn Research Center. What this translates into is a heavier workload, record high-run volumes and environments where mistakes and inexperience have significant loss of lives and properties. Because of my time in Olmsted Falls I've seen the job done both ways. I have run serious fires and EMS calls on both jobs over the years giving me first-hand knowledge of the value of experience and continuity. In Brook Park I work with my brothers every third day and often for years at a time. I know their strengths and weaknesses and they know mine because we've lived together for 24-hours at a time. This pays dividends on emergency scenes because each team knows its responsibilities and can act without being told what to do. This kind of cooperation and operational understanding takes years to develop and is essentially impossible with part-time personnel given their limited hours and high turnover rates. Full-time firefighters are invested in the community, we're familiar with our buildings, our high hazard areas as well as the medical history and needs of many residents' who require frequent EMS responses. In my experience in over 15 years in both jobs there's no substitute for a career fire department in a city such as ours. Finally, when I came on the job Brook Park was a standard barrier in this area as it pertains to fire service and in other areas as well; we had adequate staffing and first-rate equipment. Since that time our problems have been continually diminished and we've gone from 40 members to 30, three fire houses down to two, nine members on duty to seven, and a 21% share of the city budget down to 16%. We understand the need of shared sacrifice, with the economic downturn, and we quite literally changed our entire response procedures to be able to respond to as many emergencies as possible with our diminished staffing; even if that means one man in a SUV (Sport Utility Vehicle). What we don't understand is why we seem to be targeted for reductions so consistently given we've already lost. First through privatization and now the proposal of part-time firefighters further reducing our ability to do our job. We simply want to be given the resources necessary to do our job the right way and are currently providing an incredible service to this city. One that quite literally saves lives on a regular basis and we're doing it for less money than before. Further, the portion of the city budget allocated for fire and EMS is no means excessive or out of touch with the norm. Many people in politics and increasingly behind their keyboards attempt to sell theories of addition by

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

subtraction and getting an improved response for far less money; when, in truth, this is simply not possible. Cuts to public safety have negative results every time and without exception. I live here, my parents live, my grandfather lives here, my wife lives here, my two little girls live here and my 11-day-old son lives here. I hope it's never needed but I want to know should the need arise their emergency will be handled by an adequate number of well-trained firefighters/paramedics. Who have dedicated their professional lives to provide firefighting and EMS to the City of Brook Park.

Jeff Duke

15914 Remora Blvd.

Mr. Duke stated I have a couple of comments on two items on tonight's agenda. The first is regarding the fire ordinance under third reading. I think with the great firefighters that we have in the Brook Park there are many items that need to be considered and listened to and would encourage Council to possibly table the ordinance tonight. Send it back to committee to have proper discussion, challenge the Mayor to bring forth the plan that may be needed to meet both the firefighters needs, residents' needs and the ordinance needs and all legal needs. Part-time I don't think is the right solution so I would encourage Council to possibly maybe vote together to table that ordinance versus having one side vote against the other there. The second item I would have would be I'm glad that the grass-cutting ordinance passed to have the first reading tonight. It seems that some Council Members don't realize that in the 2016-2017 Council era every ordinance passed to get something done takes three readings around here, which is typically six weeks on the Council calendar. So I'm glad that Mr. Salvatore and the Mayor and the others including Mr. Troyer, who jumped on board, is trying to let the Mayor get his process moving forward. Three readings from now puts us in the middle of May and how many grass cutting opportunities are going to get lost. There are a few Council Members, mine included in Ward 3, that campaigned hard on restoring senior services and then to vote no to try and move those senior services forward as soon as possible. It's a shame and I'm very disappointed and finally if my Councilperson would like to learn a little bit more on how budgetary processes work in government I'd be happy to show you my experiences; typical around the country and other agencies how budgets work. Mrs. Powers I'd be happy to talk to you and will be sitting here right after the meeting.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 10008-2016, 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, Council Members Powers, Mencini, Troyer Council President Astorino

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

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

NAYS: Scott, Burgio, Salvatore. **Motion** failed with a vote of 4-3.

Mr. Astorino stated Ord. No. 10008-2016 has had its First Reading.

2. RESOLUTION NO. 3-2016, URGING THE MAYOR OF THE CITY OF BROOK PARK TO KEEP FIRE STATION NO. 2 OPEN AND DECLARING AN EMERGENCY. Introduced by Council Members Troyer, Mencini, Powers and Burgio, McCormick, Salvatore and Scott.

Mr. Astorino recused himself for a potential conflict of interest; Councilman Mencini will be taking over the meeting.

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

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

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

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

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

NAYS: Scott. Res. No. 3-2016 passed with a vote of 6-1.

Adopted.

3. ORDINANCE NO. 10009-2016, REPEALING CHAPTER 741 ENTITLED 'SNOW REMOVAL AND LANDSCAPING LAWN MAINTENANCE CONTRACTORS AND DELARING AN EMERGENCY. Introduced by Mayor Coyne, Council Members Salvatore, Burgio, Scott, Mencini and Troyer

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

Mr. Astorino interjected the clerk's reading of the legislation and stated if a motion is not going to be made for suspension, and it appears to me it wouldn't pass anyway, we can just read the title for first reading; there are two more ordinances like this.

Mr. Salvatore concurred.

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

Mr. Astorino stated Ordinance No. 10009-2016 has had its First reading.

4. ORDINANCE NO. 10010-2016, ENACTING CHAPTER 741 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SNOW REMOVAL AND LANDSCAPING/LAWN MAINTENANCE AND DECLARING AN EMERGENCY Introduced by Mayor Coyne, Council Members Salvatore, Burgio, Scott, Mencini, Troyer

Mr. Astorino stated Ordinance No. 10010-2016 has had its First Reading.

5. ORDINANCE NO. 10011-2016 REPEALING CHAPTER 938 ENTITLED GRASS CUTTING SERVICE AND DECLARING AN EMERGENCY Introduced by Mayor Coyne, Council Members Salvatore, Burgio, Scott, Mencini, Troyer

Mr. Astorino stated Ordinance No. 10011-2016, has had its First Reading.

6. ORDINANCE NO. 10012-2016 AMENDING CHAPTER 937 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SENIOR CITIZENS AND PHYSICALLY DISABLED SERVICE AND DECLARING AN EMERGENCY Introduced by Mayor Coyne, Council Members Salvatore, Burgio, Scott, Mencini, Troyer

Mr. Astorino stated Ordinance No. 10012-2016, has had its First Reading.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. 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

Motion by Mr. Troyer, supported by Mrs. McCormick, to amend page three, Section 2 to read 'the demolition grant is subject to the following conditions:

- a). The city hereby requires plans for the new building to be drawn up and approved prior to the demolition grant.
- b). All permits must be submitted prior to the \$25,000 grant to Luni & Wurz. Current section 2 would now become Section 3, current Section 3 would now become Section 4 and current Section 4 would become Section 5.

Second Reading of Ordinances and Resolutions: cont.

Mr. Salvatore recommended a motion to amend the legislation to provide the words 'Luni & Wurz repay the demolition grant if construction of the new facility on the site by Luni & Wurz has not commenced by one year of the date of passage of the legislation'.

Mr. Salvatore stated to Mr. Troyer on your amendment you don't have ways to recoup the funds if they don't build it. Luni & Wurz could get a permit and submit plans but if they don't build it.

Mr. Troyer responded we're not giving them the funds until they pull the permits, submit the plans, get them approved; we don't give them the money until they do that. So they won't have to repay we keep the money.

Mr. Troyer asked Mr. Salvatore if his amendment was approved by the law director?

Mr. Salvatore responded it's an amendment not legislation. Very rarely through the history of all the Council meetings I've attended amendments have not been approved by the law director.

Mrs. McCormick stated with Councilman Troyer's amendments I will be willing to suspend and pass this tonight. The amendments would help to ensure that the company stays with their plans to bring in new business and remove that building from city property.

Mrs. Powers stated I would second Mrs. McCormick's amendment but wanted to say that in the legislation it is written that construction is supposed to start in June of this year. I would like to know not only the \$25,000 that we are going to give them because, I really don't believe in corporate welfare, but I want to know how much the tax abatement is and for how long.

Mr. Astorino interjected the discussion is on the motion to amend, if the amendment passes then you can make your statements when we go back to the main motion.

Mayor Coyne stated I don't have any problems with the amendments, I think all three of them should be made, and would like to suggest to the sponsor of the amendment: 'The city hereby requires preliminary plans for the new building to be drawn up and approved prior to the demolition grant'. The reason for this suggestion is we have the preliminary plans and once they do the excavation and demolition they might have to alter them. I would suggest that Mr. Salvatore's amendment be added as Section C that further provides that if they don't construct new facilities they would have to pay

Second Reading of Ordinances and Resolutions: cont.

the grant back; I think all three of them warrant amendments in that order. The reason I'm suggesting it, again, because of the nature of the properties up there. Councilman Troyer they could run into something that they might have to alter their plans. Adjustments to plans can be \$10,000 to \$20,000 so I think that if you accept my recommendation on the preliminary plans and Councilman Salvatore's amendment it gives the city protection.

Mr. Astorino stated to Councilman Troyer would you accept the suggestion to letter a that requires preliminary plans and section c would be added that addresses Councilman Salvatore's amendment that provides that Luni & Wurz repay the demolition grant if construction of the new facilities on the site have not commenced from one year of the date of the passage of the ordinance.

Mr. Troyer concurred.

Mr. Astorino stated so the current motion to amend the legislation would have items a, b and c included, that was just discussed.

Mr. Mencini stated on the second reading I think \$25,000.00 is really big to let companies that Brook Park has a funny way of accepting business, let's get this done a little sooner.

Mr. Salvatore stated along with sheet distributed I'm also recommend to suspend the rules on Second Reading with the amendment for passage this evening.

The clerk called the roll on the amendment by Mr. Troyer, supported by Mrs. McCormick.

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

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

ROLL CALL: AYES: Salvatore, Burgio, Scott, Mencini, McCormick, Troyer
NAYS: Powers. The motion carried with a vote of 6-1.

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

Mrs. Powers as I said I don't believe in corporate welfare this is \$25,000.00 and we have senior programs that are lacking, children's programs that are lacking, the recreation center, Audrey's Pantry, all city buildings, streets need to be repaired and yet we're giving money away when we're not taking care of our own business.

Second Reading of Ordinances and Resolutions: cont.

So if we are going to give money away we should be giving it to people who are more in need. I think we should be giving it to Audrey's Pantry and think we should be restoring the senior grass cutting and snow plowing as it was in 2013; which means it would go back to being a senior would be anyone over 60 or anyone who is disabled. That would be for \$10.00 or even agree to have them pay \$20.00 a season, rather than the \$10.00 they were paying in 2013; the way we have our grass cutting and snow plowing now is costing the seniors a whole lot more money than that and the senior has to be 70 years-old. How much of a tax abatement are they getting and for how long and if this company owns the property and is planning on putting a \$2.5 million dollar building on that property the \$25,000.00 is like a drop in the bucket. Why would we give a company that is going to put up a \$2.5 million dollar building on property they already own, why would we think of giving them \$25,000.00? As I said with the Cuyahoga Machine where does this end who else is going to come and ask and how many are we going to do before we fix our streets, sidewalks. Before we give the people a lesser fee for the sidewalks to the people who can't afford the sidewalks. Speaking of the sidewalks I've heard from my constituents that some are being charged \$50.00, some \$70.00, some \$80.00 and some \$100.00 per block; so apparently there is no consistency in this, anyway I do not approve of giving them anything.

Mr. Mencini stated to Mrs. Powers you're right, the recreation center, sidewalks, Audrey's, all of them you're absolutely right on that and this isn't going to be a shot. I know you don't like hearing but we do have to be business friendly not only we get them here maybe we get 40 more behind them that want to come here when they see the incentives we are giving. I don't like giving anything away but my point on this is in your working years you have a lot of needs for your family but still have to put away for retirement. Getting businesses here and having a business here and being business friendly is our retirement for the future.

Mayor Coyne stated here is the real issue Mrs. Powers, of course we need money for all those kinds of things including firemen. Long history of our city we increased the number of people paying income tax in our city so our people didn't have to pay; we've been on a reverse slid for a long, long time. Every business that builds a new building in this town gets 15 years of tax abatement for 100% on the improvements. The reason for the demolition, the public should know this, most of the areas on Brookpark Road have buildings that should be demolished, they are antiquated. Your citizens have to be partners with you in investment and we haven't done that yet but the reality is that this city better be partners with their existing businesses or they will lose them, or they won't expand and won't grow. So the reality is the revenues that we're talking about has to happen and we seem to have this discussion every single time. No one can afford anything and everyone would like everything for free. We've been partners with our citizens for sidewalks for a very long time and you continue to underestimate how much it

Second Reading of Ordinances and Resolutions: cont.

really costs to provide those seniors programs like they used to be. You're always talking about the people who have the greatest need these programs do that and we're funding that. You keep saying the same things over and over again just like the budget. If you would have received the budget sooner we would have more comprehensive budget hearings to help educate Council, the news members and those with limited experience on how things work around here.

Mr. Astorino - Mr. Mayor...

Mayor Coyne - I'm not out of line...

Mr. Astorino - Mr. Mayor, there's rules here...

Mayor Coyne - Please, Mr. Chairman, you allow her and rules don't apply to her. I'm responding to statements that she made so all I'm saying...

Audience grumbling - let him speak.

Mr. Astorino - Mr. Mayor...

Mrs. Powers - Point of order...

Mr. Astorino - The point of order is the chair is calling a point of order and please audience...

Audience grumbling - I say let him finish we pay to hear him like we pay to hear you.

Mr. Astorino - You're out of order...

Mayor Coyne - Thank you, Mr. Chairman, I don't have anything else to say.

Audience grumbling - Why won't you let him talk?

Mr. Astorino - I'm telling you I will let him finish after I point out to him that one of our rules is the members will confine their debate to the question under discussion...

Audience grumbling - He's talking about the question let him finish. Let him finish he's has a right to finish.

Mr. Astorino - I will let him finish.

Second Reading of Ordinances and Resolutions: cont.

Mayor Coyne - I'm done.

Audience grumbling - It's call freedom of speech let him speak.

Mr. Troyer thanked Council as a whole for these amendments and all I looked for ways to protect the city's money. It's okay to give out and help some of these businesses and we're getting a lot back for this but I want to make sure we're protecting our money and getting something for it and not giving it out and these amendments did that.

The clerk was asked to call the roll on the motion by Mr. Salvatore, supported by Mr. Burgio to adopt.

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

2. 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

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

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

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

Mrs. Powers stated a sidewalk inspector was hired last year and want to know is this just re-hiring the same inspector or someone different or an additional person from the one hired last year?

Mayor Coyne responded it all depends on when we let the project. If we let the project later in the year and can't do it could there be someone else the answer is yes, there could be somebody.

Mr. Troyer stated to Mayor Coyne to expand on that this phase hasn't been inspected yet? What areas need done because the engineer said...

Mayor Coyne responded they have to go out and mark the sidewalks and make sure everything is correct.

Mr. Troyer interjected that's what this does?

Mayor Coyne responded that's correct and it could be the same person for a period of time if the other contract isn't let or it could be somebody else.

Second Reading of Ordinances and Resolutions: cont.

Mrs. Powers stated to Engineer Piatak the legislation says that the inspector should be paid between \$18.00 and \$23.00 per hour. How many hours they will work and does the inspector have to be out there when the contractors are pouring sidewalks? How does the inspector work in relation to how the contractors work?

Mr. Piatak responded for the 2016 program my intent would be to have the gentleman that we had last year mark the blocks for the 2016 program and this ordinance would enable him to be employed to do that work. I would like to get him started as soon as we can, however, with the 2015 program starting up I would like him because he was part of that marking and part of that inspection process; I would like him to oversee that construction as well. I can see there being some potential overlap and there may be a need. The 2016 ordinance before us is to initiate the inspection process to get an idea of how many blocks are needed and send out the letters to the phase III residents'. We would hopefully use the same gentleman again for the 2016 construction phase of this project as well. Mr. Piatak continued you asked about the hours during the construction the inspector works as long as the contractor works so if the contractor works eight (8) nine (9) or ten (10) hour a day the inspector works with him. So as far as a budget number of how many hours he's going to be working for this program it's a little difficult to assess that because I don't know how many blocks or how big the program is going to be right now.

The clerk called the roll on the motion by Mr. Troyer, supported by Mr. Scott, to adopt.

ROLL CALL: AYES: Troyer, Scott, Burgio, Salvatore, Powers, McCormick, Mencini
NAYS: None. Ordinance No. 10006-2016 has passed under
Suspension of the Rules. Adopted.

THIRD READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 1002-2016, AUTHORIZING THE CONSULTING ENGINEER TO PREPARE PLANS AND SPECIFICATIONS AND THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE 2016 SIDEWALK REPAIR PROGRAM. Introduced by Mayor Coyne

Motion by Mr. Troyer, supported by Mrs. Powers, to place back in committee.

Mr. Troyer stated based on the discussion here this evening we're obviously not ready to send this out to bid because we don't know what blocks or any idea what we're sending out to bid. So I would like to put this back in committee and when we know how many blocks and what we're doing we can bring this forward for passage.

Mayor Coyne stated it's about logistics and it's simultaneous. The inspectors do the assessment, plans can be prepared and advertised and Council has already

Third Reading of Ordinances and Resolutions: cont.

appropriated the money for the program; so again it's about logistics. You are aware of the geographical area of the city and it's really driven by how many people choose to participate in this first go-around; so there's no good reason to place back in committee it should move forward.

The clerk called the roll on the motion by Mr. Troyer, supported by Mrs. Powers, to place back in committee.

ROLL CALL: AYES: Troyer, Powers

NAYS: McCormick, Mencini, Scott, Burgio, Salvatore. The motion failed with a vote of 2-5.

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

Mr. Troyer stated again, I think this is a little premature on passing this I do support the sidewalk program so I will vote for it.

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

NAYS: None. Ordinance No. 10002-2016 is adopted.

2. 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 chairing the meeting for a potential conflict of interest and will ask Mr. Mencini to chair this part of the meeting.

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

Mayor Coyne stated I hope you'll allow me some leeway because we had some great testimony regarding this ordinance, most of which is false. At the beginning the issue of the safety of the people of the City of Brook Park by their vote was to have a fire station remain open. A very clear issue in that campaign that I objected to was the minimum manning and most of the testimony heard this evening what this is about now with the opposition was about then; is the minimum manning issue. This ordinance doesn't take away any collective bargaining right from anyone, as a matter of fact, it may be argued that it's not even in their jurisdiction of representation. There's no plan to hire any part-time people they even object to even having the capabilities of doing that. Before any of the operations of the city can be changed to supplement, no one is replacing part-time people with full-time people, there are officers in this department that do it right now in other cities. Officers have testified up here that live in cities that have part-time firefighters totally, there are officers who testified up here, as a matter of fact, live in the City of Lorain that outsources

Third Reading of Ordinances and Resolutions: cont.

their EMS services. So things work what they're objecting to is the ability of this city to manage itself, they want to manage the minimum manning of this fire department. Every single person that is hired we may never utilize it, ever, we may choose by budget there's nothing to say that we couldn't add three more firefighters, if we can afford it. There's nothing to say that we may never use them, that we may use them as a supplement. Who knows what that's going to be but this Council and members of this future cannot allow the fire department union to manage affairs of this city, that is not their right it is our right. I've heard some personal conversations made about me here I don't subscribe to any of the conversations on social media. I will agree with Lt. McClain they don't know what they're talking about but the fact of the matter is the management of this city is employed to me now and the Council budget. So what I'm saying to you is this ordinance should be passed. If there are things to be negotiated they shall be negotiated; if not, they won't. To suggest we would hire anybody without giving them proper, again, that would be by ordinance of Council through an appropriation. The training is all great and most of the training is provided after they are here by this department and by the citizens of this community. So, again, to get up here and suggest that the issues here are all the responsibility of Mayor Coyne I can show the documents that were submitted during negotiations that talk about brownouts, that talk about closing the fire station; I don't want to go there again and neither do you. These same conversations are happening in City Hall and Council Chambers throughout this state. Because of the cost of providing protection is the most challenging thing and unless or until the leadership of the unions begin to seriously how we can be partners in solving those problems we're not going to get anywhere. As always we have a demonstration I'm surprised the bagpipes aren't here tonight and clearly there were some supplicate statements made and I want to say for the record you have never heard me say that our paramedics and EMT's (Emergency Medical Technicians) and our firefighters are not dedicated. You've never heard me say that they are not well paid what you have heard me say is you don't have the right to manage the operations of any safety department in this city or any union in any other department. Fifteen firefighters in the City of Lorain lost their jobs, every single union, we talk about these recessions. Once again this year who are we going to arbitration with and fact-finding? The firefighters. You've heard mention this evening about this excess benefit for retirees which is a strangle-hold on this city and has really not allowed people to get fair compensation. We won't talk about that tonight but let me say this once again they're trying to paint this Council in a position with all the parade of all these wonderful issues that I'm not really in debate with but don't you see the underlying factor. Members of Council, the people of this city its they want to control the day-to-day operations. Part-time firefighters are no good except they have to have the same training as everybody else. Outside sourcing of fire departments has to have the same training and certification to work in this state. You heard the talk about the protocol at the hospital if there's much change there isn't any between University that isn't even an issue here. We have to

Third Reading of Ordinances and Resolutions: cont.

get this situation resolved and you heard about 50 firefighters; you did when I was Mayor of the city and had four firehouses. Then we went to three and then we went to two and I'm the one that gave you nine-man minimum. You don't trust me I provided that because...you can shake your head look at history Mr. President. The fact of the matter is this is we gave you nine men because we could afford to give you nine men. Because you're insecure and thought someone was trying to decimate your department. The reality is we can only have safety of what we can afford and if this continues you're not going to be able to afford to do anything else. Because, in reality, what did you hear about this evening controlling the staffing of the fire department of this city and that's what this has been all about. Finally, I will say this the issue I give the fire department in the City of Parma Heights all the courage in the world because they didn't hide behind citizens, they didn't try to scare anybody, they went out there and put it forward.

Mrs. McCormick - Point of order...

Mr. Mencini - That's off topic, Mayor...

Mayor Coyne - My point of order is this...

Mrs. McCormick - There's not even a proper motion on the floor.

Mayor Coyne - I don't care he's the chairman...

Mr. Mencini - It's under discussion he's winding down now, he's wrapping it up...

Mayor Coyne - I'm asking Council to enact this legislation and give us the authority and ability. If there are issues it affects what we do if we ever do that. I'm speaking to the legislation you may not like it but that's what I'm doing. The fact of the matter is I'm asking you to enact the legislation this evening and any plans to be implemented would have to be approved by Council, any funding would have to be approved by Council. If there are effects that affect their bargaining unit, it would have to be negotiated; they're trying to stifle that negotiations. If anyone needs evidence of what I'm talking about with the manning issue that started this, I would be more than happy to provide it to them.

Mrs. McCormick stated there is not a proper motion on the floor the motion was to amend not adopt.

The clerk stated according to Robert's Rules of Order a motion to adopt is needed before the legislation can be amended.

Third Reading of Ordinances and Resolutions: cont.

Mrs. McCormick – I would like to make a motion to place this ordinance back in committee to further discuss the amendments and to also wait for information that I requested of the law director. I think we've heard not just from the union but also from residents' who would like to see us fully investigate this and work out some possible amendments.

Motion by Mrs. McCormick, supported by Mr. Troyer, to put legislation back in committee for further information.

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

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

Mr. Astorino continued with the meeting.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Ray Peterlin

5811 Wengler Drive

Mr. Peterlin distributed a manifest of his discussion points to all elected officials and directors which is on file in the Council office for public review.

Amber Stautihar

6288 Saylor Drive

Ms. Stautihar stated Mr. Council President I along with a large contingent of residents' have sat back watching and listening to the Caucus and Council meetings for about three months now. I have witnessed what amounts to no more than a disjointed three-ring circus with you being the master of ceremonies. Council rules have been broken and/or skirted by you on a consistent basis. The rules you put in place seem to only be in force when your agenda is opposed. You refer to with regularity to Roberts' Rules and the Sunshine Laws and I wonder if you truly know and understand what you continually refer to. On numerous occasions residents have come to the podium asking questions of Members of Council and of you. I've yet to hear a response to any of them. Can you tell me and the rest of the residents why this is? It was stated that people normally hang around after the meetings and this is the time they should be speaking to their representatives addressing their concerns. Should the concerns of the residents and answers of the members not be recorded as part of the meeting? This seems to be an attempt on your part and others to silence your critics or to avoid the tough questions. We have witnessed legislation proposed by a Council-at-Large member that informs naturalized citizens that they have the ability and backing of the Council to exercise their rights in the democratic process afforded to all of us in the 1st, 15th and 26th amendments of the United States Constitution. What makes this right of the United States citizen a state of emergency when it is nothing more than an exercise in futility. Why is it

Remarks from the audience on any subject matter: cont.

that the proposing member of this legislation when confronted with criticism of their actions abruptly leaves their seat and the Council floor ignoring the resident who is speaking to them, without reprimand from you. Is it not your job to enforce the rules that you presented and the body voted on? Why are rules different to each member? You have spoken about deserving respect yet you have shown disrespect to members and the Mayor, respect is earned and not given, heeding your own advice should be paramount. We have a Member of Council that appears not to have the best interest of the city and its residents at heart. The blatant statement from this elected official is that if a business wants to relocate here that the monies be set aside and should not ask the city to provide any incentives. This is wrong on all accounts as our city is suffering from revenue losses due to business closures and/or staff reductions. A business wanting to relocate to Brook Park should be welcomed with open arms and embraced instead of having a member of our local government speaking negatively on record. This type of action can spread throughout business groups shedding a negative light on this city and its residents'. A known fact has been reiterated by our finance director that our bond rating is low due to a lack of diversity in the business portfolio. Having this negativity spewed and spread around is something that you, as Council President, approve of? It seems that maybe if you have not interjected a different opinion as you have with so many other items brought up by people that opposing views to you. In closing, I would like to remind you that and other Members of Council, one thing, you work for us. Like us, love us or hate us your job is to best represent the best interest of the city and its residents', not your own hidden agenda.

Liz Sayers

23065 Cedar Point Road

Ms. Sayers stated to Council President Astorino is your wife allowed to record us if we don't want to be recorded?

Mr. Astorino stated this is being recorded on livestream.

Ms. Sayers continued I know but is she allowed personally to record me as I'm standing here, other people want to know that also.

Mr. Astorino stated according to the Sunshine Laws they're allowed to record....

Ms. Sayers stated they're allowed even if we ask them not to record us; I know we're on livestream but personally be recorded up here.

Mr. Astorino stated you're asking legal questions and I can defer to the law director if she has an answer for us.

Remarks from the audience on any subject matter. cont.

Mrs. Horvath stated my understanding that the public is allowed to record Council meetings.

Mrs. Sayers stated okay that answers my question of no or yes. My other question is the newsletter that comes to residents' homes. Has all kinds of different stories about articles by Ed Orcutt that you interrupt people when they try to talk up here and say their opinions. I just want to know if the articles were true or not? There is freedom of speech and recording us and everything else and our fire station will always be a sore subject. I have people in my neighborhood on Cedar Point Road that don't want to call the fire department, don't ask me why, but they don't want to because of all the harassment and problems. I just wanted to know why our neighborhood is falling apart and why you won't listen to us, don't want to do anything about it and only certain ordinances are good for some people and not others. Why do I have to live on Cedar Point Road and everybody can do whatever they want except for a couple of people that get the police called on them. To make a long story short I would like to know when, everybody is talking about tearing down houses and everything else, when is the city going to come into our neighborhood and straighten it out. I'm the bad person of the neighborhood because I complain so much because I don't want to live next door to a house that is half falling apart. People that are breaking the ordinance by not getting permits so they're not taxed on what they're doing to their property or their homes. I laid a fence against my car and was threatened about the ordinances of what I can or cannot do on the property; when no one else cares about the ordinances. There is a city worker that lives near me and he can break every ordinance there is but I lay a big fence, six-foot wooden fence, against my car, near my property line, and was chewed out like crazy because it's not what the ordinance says. I told that person where he can put the fence and you know what I do on that property the city needs to stay away from me. Say what you want about me but what I do on that property from here on out I'm going to do it. Any Council member or Building Commissioner Hurst comes to my door I'll tell them where they can take the fence because it doesn't seem that anyone cares about that neighborhood. Because if you did the fire department would have never been brought up, we would have never heard a thing about the fire department and that's what I can't comprehend. You're worried about the fire station but what about the rest of the neighborhood, we want the fire station there. What about the rest of that neighborhood nobody is concerned about over there, the only thing that you're concerned about is the fire station and don't care about the rest of us; so be it. I've been taking care of an elderly person over there that is terminally ill and I'll tell you if that fire station isn't there to call I'll personally go down there and start the truck myself to rescue her. Mr. Coyne you live in my same neighborhood and I still can't comprehend and never will that you don't have any, any compassion towards anybody in that neighborhood but yet if you had a massive heart attack someone would call that ambulance and have you picked up right then and there, within four minutes if they're not on another call. It seems that

Remarks from the audience on any subject matter. cont.

you don't have that compassion for anybody else and that's what bothers me. You listen to all of this said about the fire station but yet nobody has any compassion for anybody except themselves. You all argue up there like a bunch of old hens you guys don't get along with these guys, these guys don't get along with them, you're all arguing about stupid, stupid things that can be resolved without all of us complaining. I think everybody is getting sick of you guys arguing between all of you, stabbing each other in the back like a bunch of old hens and it's getting kind old. You guys don't work things out together you just pacify each other so it's looks good to the residents'. You can say anything you want about me because I don't care but the truth hurts and every one of you needs to look in the mirror and straighten out this city and start getting along with each other, instead of laughing at this one or tearing down Mr. Coyne. We all know Mr. Coyne you don't have to tell us anything new about Mr. Coyne. Mr. Astorino is new up here and everybody makes rotten remarks about him, I don't know the guy personally, just don't cross my path and I won't cross yours. You guys either need to work together or get a whole new crew up here because everybody is saying the same thing behind all of your backs; you guys are not on the right track. You are all going in different directions and just don't seem to work together.

Mr. Astorino stated to Mrs. Sayers you're becoming repetitive so I would ask just to get to your point.

Mrs. Sayers continued my point is you guys need to start working together and get along to straighten out the city because you're not doing a good job and everybody behind me will back me up. So quit arguing with each other and do something to straighten it out. Mr. Astorino I will leave the podium but I do have a right to speak and so does everyone else.

Mr. Astorino stated seeing no one else coming to the podium we will come back up to the dais and since there is no other items on the agenda.

Mr. Salvatore - Mr. Chairman.

Mr. Astorino - Councilman Salvatore

Mr. Salvatore - I would like the opportunity to answer the question asked by Mr. Peterlin who mentioned my name in his manifest.

Mr. Astorino stated I understand that, Mr. Salvatore, but the method hasn't changed.

Mr. Salvatore - it has changed.

Remarks from the audience on any subject matter. cont.

Mr. Astorino - they are here in the audience and they've made their comments. They can stay after the meeting and you can address them that way.

Audience - Excuse me we want it on the record.

Mr. Astorino - no other business coming before this meeting the meeting is adjourned at 10:50 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *September 6, 2016*

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

To Be Read @ Council Meeting

~~March 17, 2016~~
April 5th

Dear Brook Park Council and Fellow Residents,

I would like to use this opportunity to thank the Brook Park Fire Department for their recent effort to save my dear friend, Don Kiser, on Sunday, February 28th. They worked very hard to save, but unfortunately he still passed away unexpectedly. For those who don't know Don, he was active with many in the Brook Park community with his ties to Ford Motor and the UAW.

Don was a strong believer that you had to fairly compensate workers to get the best, and our Brook Park safety forces are second to none. He was a supporter in the re-opening of the Ruple Road Fire Station, and would be saddened to hear that the Mayor is making an effort to replace our full-time firefighters with part-timers. Although these part-timers are most likely to have similar training and certifications as our full-timers, they will also most likely be less experienced firefighters that are using this position as a stepping stone to a full-time position elsewhere or someone that is full-time elsewhere and is using this position to supplement income. Either way they will not be as involved and invested in the City of Brook Park and our community.

I am asking council and my fellow residents to oppose this legislation as the mayor presented. It will lead to a significant drop in the quality of service that the City provides the residents.

Thank you,
Barb Reynolds
6160 Engle Road

Barbara Reynolds



