

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MAY 3, 2016**

The meeting was called to order by Council President Astorino at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, SALVATORE, TROYER, POWERS, McCORMICK, MENCINI

Also in attendance were Mayor Coyne, Service Director Cayet, Finance Director Cingle, Building Commissioner Hurst.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Special Caucus meeting held on February 27, 2016.

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

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

NAYS: None. The motion carried.

2. Special Caucus meeting held on March 5, 2016.

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

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

NAYS: None. The motion carried.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairwoman, Powers

Mrs. Powers stated in speaking with a few people about working towards establishing a program to protect the Monarch Butterfly and other beneficial insects.

Finance Committee - Chairwoman, McCormick

Mrs. McCormick stated Board of Control met this evening at 6:30 p.m. with 27 items on the agenda for approval. The Finance Committee does not have anything on this evening's regular agenda but on the special meeting following will have union contracts and salaries for non-union commissions.

Legislative Committee - Chairman, Troyer

Mr. Troyer stated the Legislative Committee has a few items in committee today and the committee has no legislation on tonight's agenda.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini stated the Brook Park Memorial Health Fair will be held at the Recreation Center this coming Saturday, May 7th from 10:00 a.m. to 2:00 p.m.; the Life Flight helicopter and all sorts of activities with a possible turnout of 400 to 500 people in attendance. The Recreation center is hiring summer seasonal lifeguards, parks supervisors and seasonal summer workers, must be at least 14 years of age; interested lifeguards must have a valid certification. The center is also hiring umpires, scorekeepers and T-Ball instructors for the upcoming season. Permanent part-time workers are needed

Reports from Standing Committees: cont.

at the desk and also building supervisors must be at least 18 years of age, have good communication skills, knowledgeable in a variety of sporting activities and be able to work Monday through Friday 4:00 p.m. to 9:00 p.m. and Saturdays 9:00 a.m. to 5:00 p.m. Interested applicants please call Recreation Director, Maryann Fields, at the center or stop in for an application. Miss Brook Park, Miss Junior Brook Park and Little Princesses applications are available. The next Youth Dance will be held on May 13th from 7:00 p.m. to 9:00 p.m. There is a new recreation schedule that is available on the website of daily upcoming activities.

Planning Committee - Chairman, Troyer

Mr. Troyer stated there was no Planning Committee meeting this month due to lack of applicants.

Safety Committee - Chairman, Salvatore

Mr. Salvatore stated the Safety Committee does not have legislation on tonight's agenda.

Service Committee - Chairman, Burgio

Mr. Burgio stated the Service Committee has four items pertaining to contracts for the 2016 Roads Program, hiring of inspectors for the roads program, Snow Road Resurfacing and Smith Road Sewer Project. Mr. Burgio updated Council on current House Bill 60 - Dick Goddard's Law - animal cruelty legislation making this a felony. I testified for House Bill 60 before the Senate and in front of State Senator Skindell whose bill this committee is in. As this bill stands now there is to be one more hearing with some opposition that this bill may be passed even before summer recess unless additional amendments are added. Currently, there's a difference of opinion by some attorneys that a special prosecutor should hear these cases as well; some believe that county prosecutors should hold these hearings. Mr. Burgio thanked all Councilmembers for supporting this legislation.

Board of Zoning Appeals - Chairman, Scott

Mr. Scott stated the board met last night and approved three variances for the construction of a 952 square-foot lot on a vacant lot located at 15615 Southway Drive.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center - Trustee, Salvatore

Mr. Salvatore stated he attended two meetings last week, the first one being the Annual Delegates meeting on April 25th. This meeting brings together all the different organizations from Brook Park for voting purposes; these organizations play a very important part for the hospital. I was really disappointed with the turnout because there are quite few members part of this organizational group. Delegates in attendance were American Legion Auxiliary Post 610, American Legion Post 610, Redeemer Lutheran Church,

Reports from Standing Committees: cont.

Brook Park Beautification and Pride; Brook City Council, Jim Astorino delegate, Brook Park Office of the Aging and Brook Park Memorial PTA (Parent-Teacher Association). What needs to be done is try to identify these organizations for proof that they exist and make sure that more organization delegates attend the very important annual event. The second meeting was held on April 27th - System Board meeting with the first item was recognizing Alex Wheaton who is celebrating 50 years of serving on the systems board. I was appointed to serve another year on the nominating committee and accepted the nomination. Mr. Salvatore made a presentation to Mayor Coyne on behalf of Southwest General Health Center and stated the hospital has been working on this for quite some time and most credit goes to Recreation Director Fields for all of her efforts and not giving up. Mr. Salvatore presented to Mayor Coyne a check in the amount of \$20,000 to be used towards recreation purposes.

Berea Board of Education - Representatives Burgio, McCormick

Mr. Burgio stated the school board met yesterday, May 2nd, and ESS (Every Student Succeeds) was discussed in depth. The board called upon the Ohio Legislature and Department of Education to "slow down" the process and seek input for local district control as rules are developed and legislation pertaining to the reauthorization of the proposed legislation. Often legislatures enact and provide laws in the state without providing resources implementing them and these unfunded mandates are sometimes an additional burden to school districts. The board approved a business associate agreement with Ohio Guidestone concerning provisions of behavioral services to the students. Parents will be relieved to know that online forms are available for signups. The board voted to proceed with the 4.2 mil bond issue to the electors in November, 2016 and the superintendent continues to meet with architects for proposed future projects. Polaris Vocational School is having a barbecue fundraiser on Friday, May 13th in the commons from 6:30 to 8:30 p.m.; tickets are \$35.00 with food being prepared by the culinary students. Proceeds will benefit Citizens for Quality Career Education Levy for Polaris.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne stated with the donation from Southwest Health Center it was the persistence of the city's recreation director and Mr. Salvatore's position on the hospital board; how important it was to have a presence in Brook Park. Mr. Salvatore's appeal to the organizational groups to stay active in the hospital.

Reports and Communications from the Mayor: cont.

Brook Park is partners with UH (University Hospital) and the ownership of Southwest, the assets are owned by the people of the communities and it is very important that Brook Park stays active and shows our partners that we want to truly protect those assets. Coming down the line it may seem like it's trivial but it's very important, case in point, when the city took up the fight to preserve the assets of the hospital I served on the board with Councilmember Salvatore and we fought the management of the hospital to get the partnership that we have today with UH; so it paid off and Brook Park led the way in putting together that partnership. So the city should stay visual whether it's UH or a new partner in there that the assets of the hospital are protected. There are various things that will be done with that contribution there will be banners in the recreation center gym, at the baseball fields, the hospital's logo will be on some of the T-ball t-shirts and things like that. The most important thing is that it will bring our city information in the digital age with most of that money being used for a new digital sign at the corner of Engle and Holland Roads, where the city monument is located and the flags. This sign will be showing all community events, amber alerts, special notifications from police and/or fire. We thank University Hospital and Southwest Health Center, in particular, for investing in our community and hope this will continue on with the sponsorship of sport activities and public information. Mayor Coyne continued this week city officials met with the Southwest Council of Governments with communications for the Republican National Convention to discuss concerns with the city's communication system be overtaxed and reassured them that everything will be fine and safety personnel has their training and the communication will be fine. Also, today there was a meeting with the Mayors of the Council of Governments regarding the Regional Sewer Authority and information will be forthcoming about the increase in rates and how assistance is available based on income and the Homestead situation. Over a period of time the rates will even out between the City of Cleveland subscribers and suburban subscribers. So while it is in increase the very important thing is what that they want to do with the sewers and water; so that we don't endure what is occurring in Michigan. This is a worthwhile program and there will be monthly water and sewer bills. The most important thing is that they are trying to earmark proposals to the board that will provide some local assistance to the communities out of the big pot of increased rates. The city is hopeful with that and has about 25 projects that can be submitted once they look at that and are encouraging the sewer board to take the recommendations of the staff and if they put out the information given to the Mayors' today to the public I don't think there will be as much outrage; when it is put into dollars as opposed to percentages it doesn't look difficult to the people.

Reports and Communications from the Mayor: cont.

Mr. Burgio stated to Mayor Coyne that there is a new director at NASA has any one spoken with him.

Mayor Coyne responded yes, she had the Mayors' out there last week and we are very pleased about her commitment; there will also be an open house coming up and information will be forthcoming. So far Congress is on board for funding of what is needed right now and will hopefully continue.

Mr. Burgio continued is there any information on the Aero zone Alliance? This is to attract businesses around the airport.

Mayor Coyne responded that is in the infancy stages and is done through the Ohio Aerospace Institute. This is a group that is starting and the city will work with them and there is principal that is interested in doing some things at Ford and went through the plant last week. The city will work with them what we can and it was always the thought that there is an opportunity in the city with the air-freight operations that will enhance airport operations and revenue for the city.

Mr. Mencini stated to Mayor Coyne long overdue on the digital board, should have been done a long time ago, maybe at Snow and Smith Roads but it is fantastic. As I stated in my recreation report the Health Fair Safety Fair going to be at the recreation center this Saturday and Mrs. Whitaker is expecting a very good turnout. I would like to see at the recreation center possibly working with Southwest once a month.

Mayor Coyne responded that is somewhat being done now usually on Tuesdays for the seniors and think this is the beginning of the recognition that they need to be more involved in wellness in the community; so anything they can do here the city is appreciative.

Mrs. Powers stated to Mayor Coyne that some of the churches have expressed concerns about the parade route. Can you tell us what the parade route will be this year so the churches can coordinate their church services?

Mayor Coyne responded the final line-up is at 11:00 a.m. and the parade will go out at 11:30 a.m. going down Smith Road; the churches will be notified so it shouldn't interfere with services.

Mr. Troyer stated to Mayor Coyne has there been any thought to people's suggestions to having the Home Days Parade on Friday to kick off home days.

Reports and Communications from the Mayor: cont.

Mayor Coyne responded no, it's tradition Sunday works, Friday would create all kinds of traffic hazards in that area. Middleburg Hts. does that but our city's home days' parade has been on Sunday. I think Friday would be more problematic and haven't heard anyone asking me to change it. The churches have the times and I'm not going back to 1:00 p.m. because it is too hot so that is the reason for moving the parade up.

Mr. Troyer asked for an update on the centralized dispatch center and when it may be coming to fruition.

Mayor Coyne responded the target right now is July 1st and the city would rather be careful than sorry; they're methodically going through it. My understanding is that all the fire dispatch issues have been addressed and now the police issues are being addressed; so hopefully July 1st because I am getting a little frustrated myself but that's what we're being told.

Mr. Troyer stated on the proposed water agreements I'm still waiting for the proposed agreements from 2011, not the presentation, but the actual agreements. Also, the current agreement that the city has with the City of Cleveland Water Department.

Mayor Coyne responded in the memo given this evening the water department cannot find their proposal from 2011. I believe that the city has been under the basic agreement for the last 20 years and will double-check but think it's the same except for rates. My understanding that the only issues in changing the service agreement is for the cities to take advantage of the ability to provide funding for water lines, as long as it is agreed to not steal businesses.

Mr. Troyer commented it's a little bit more complicated than that but I will put a call in to find out this information. Mr. Troyer asked for clarification as to where the digital sign will be placed.

Mayor Coyne responded at the monument wall at the corner of Engle and Holland Roads.

Mr. Troyer stated that the Beautification and Pride Committee has been talking about adding some landscaping to that area with some possible monies and labor for the last year and a half; possibly we can partner up on that to get some monies for the landscaping.

Mayor Coyne responded I'm sure we can work that out.

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

Engineer Piatak

Mr. Piatak reported that the 2015 Sidewalk Repair Program - Phase II, currently under construction, work started last week on the southern end between Sheldon and Holland Roads. As of today there are approximately 100 blocks that have been poured with another 40 or 50 that are waiting for concrete; so that project is moving along. There had to be some provisions to the types of repairs being completed after reviewing a number of the blocks that were slated to be slab-jacked. It became evident that additional slabs or adjacent slabs would need to be jacked along with those. So in lieu of increasing the number of slab-jacks the contractor was able to keep it down to one slab to remove and replace at no additional cost to the resident; so modifications had to be made to some of the work being done. The Northeast Ohio Regional Sewer District was out last week with field crews doing culvert inspections that runs along the rear yards of North Gallatin, Gallatin and Middlebrook and an update can be provided of the field crews findings when available. That investigation was in result of a flooding complaint that come from someone on Westbrook and Middlebrook areas. With the old Wengler playground - I-71 area I've been in contact with the Ohio Department of Transportation (ODOT) and last week crews were sent out to do some field investigations of the ODOT property along the easterly side of I-71 between Snow and Hummel Roads. Those inspections yielded some areas where evidence of standing water was found, weed growth and catch-basin issues in general areas that need to be addressed. The information that I've received from ODOT is that they will be moving forward with making some of those repairs with their own crews or need be with an outside contractor. If the ODOT crews do those repairs it will get done quicker, if they have to put it out as part of another project it may take a little longer; updates will be provided as they become available. The county's West 130th Street project from Brookpark Road to Lorain Road notification went out to bid and awarded with an anticipation starting date of June 1st. The water service agreement the package given to Councilman Troyer today I believe there was a copy of the old asset transfer legislation that was part of that 2011 information sent out regarding the joint economic development agreement and water service agreement.

Mr. Mencini stated to Engineer Piatak with all the rain the past three weeks has there been any reports of standing water or flooding problems?

Mr. Piatak responded not that I've been made aware of.

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

Engineer Piatak: cont.

Mr. Mencini continued with the standing water issue and ODOT there is standing water on Robert along I-71 and between the cul-de-sacs on Fry Road between Sylvia and Holland. Possibly could ODOT take a look at those two areas especially with the one behind Robert Drive.

Mr. Piatak responded I can make that request.

Mr. Mencini commented that would be Sylvia to Snow mostly Robert and the east ramp going to I-71 North.

Mr. Burgio stated it was mentioned that the Snow Road Resurfacing Project will begin at West 130th Street and work west, is that correct?

Mr. Piatak responded the phasing is broken up into two phases from Smith to West 130th and Smith to State Route 237. The timing of those two phases will be dictated by the contract being let by ODOT and the conflict with the RNC, so my thoughts is the easterly side will be constructed first. The contractors plan is to take out the middle lane and work in the center so it's not a matter of starting at one street or another.

Mr. Burgio asked if there is a starting date.

Mr. Piatak responded not at this point.

Mrs. Powers stated to Mr. Piatak with the Snow Road Project with West 130th Street west does that mean that section of Snow Road to West 130th Street to the first traffic light by the overpass which is practically new construction. Is that going to be replaced or repaired or what is the plan?

Mr. Piatak responded the concrete section completed in 2007 or 2008 with the overpass project there is no work that is going to be completed over there. Anything that is identified in the field would be a catch-basin that needs to be repaired or a crack that needs to be sealed or something of that nature; there are no wholesale repairs in that concrete section.

Service Director Cayet

Mr. Cayet reported this coming Monday is Bulk Monday and residents are asked to call the Friday before for proper scheduling of bulk pickup. Any mattresses or box springs put out must be covered with plastic or a disposable mattress pad. The tonnage report from the city's street sweeper is this year

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

there has been well over 250 tons of material between the street sweeper and Vactor from the catch-basins that were cleaned. The department has been ordering the balance of salt from last year; had to take 95% of the 100% of the order and it looks like next year there won't have to be so much salt in the budget.

Mr. Burgio thanked service department crews for the quick response of cutting the grass at the vacant foreclosed house.

Mr. Mencini stated to Service Director Cayet have any calls been received regarding standing water or flooding with the recent rains?

Mr. Cayet responded nothing out of the ordinary there wasn't any basement flooding that I'm aware of but there was standing water in the streets, which happens with every rain and the same with the sidewalks. Driving down Holland Road this past Monday there were many sidewalks that had standing water and with the saturation of the grass the water isn't draining as well as it should.

Mr. Mencini continued many residents have called me about the times that rubbish at the garage, is there anyone helping the older residents?

Mr. Cayet responded there is a tenant from 7:30 a.m. to 7:00 p.m., Monday through Friday and also on Saturday from 8:00 a.m. to 12:00 noon.

Mr. Mencini complimented the service crews for the great job being done with the grass cutting especially with all the recent rains.

Mr. Troyer thanked Service Director Cayet for getting the catch-basin done at the corner of Calvin and Claudia, my memo on that was quite a while ago. Is it safe to assume that catch-basin was cleaned out when that work was done?

Mr. Cayet responded yes, both corners were both done.

Mr. Troyer asked if the blocked catch-basin was done on Merece?

Mr. Cayet responded I ask you to send me that address of the one that is blocked, I drove down and didn't see any that were blocked.

Mr. Troyer commented it is the southeast corner of Merece and Claudia, I will send the address.

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

Mr. Troyer thanked service crews for getting Liberty Bell done and it looks like the crews ran out of asphalt at the cul-de-sac.

Mr. Cayet responded I ordered a piece of equipment called a 'Thum' (not sure of spelling) that connects to a machine to clean out the old joints instead of crews using picks and shovels. So I'm waiting for delivery of that to go in and scrape out those joints and replace properly.

Mr. Astorino stated in the past there's been legislation for the summer purchase of salt for a reduced rate, is that for this year; last time this legislation was passed was May or June.

Mr. Cayet responded currently ODOT and Cargill through their contract still have 200,000 ton sitting at the salt mines and have to be delivered to the cities that have contracts, due to the lack of salt usage. At this time the cities are seeing what they'll have in the balance before going into contracts for 2017.

Law Director Horvath

Mrs. Horvath reported at the last meeting Mr. Troyer asked me a question concerning a widening of Fry Road; it is my understanding that widening will be put on each side of the road. After taking a look at Charter Section 11.03c it refers to widening and it concerns mandatory referral to the Planning Commission; so it appears that issue needs to be submitted to the Planning Commission.

Mr. Troyer asked can the legislation (Ordinance No. 10013-2016) be passed tonight or do we have to wait.

Mrs. Horvath responded perhaps it would be better since it is a mandatory referral to wait with regard to that but get it through as soon as possible. The legislation is on First Reading and it would be best to get it through the Planning Commission for a foot on each side of the road. I drove down Fry Road today and really don't think that there will be anything in the right-of-way that would be disturbed, it's only a foot. They're not removing the sidewalk and very few telephone poles, if any would be moved, no hydrants or signs that would be moved; it does say widen and it's all up to the definition because it's only a foot both ways.

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

Mr. Mencini asked Law Director Horvath Fry Road is in Ward 2 and a majority of the residents are good with that one foot. My issue is this going to be a holdup of this project?

Mrs. Horvath responded a special meeting of the Planning Commission could be called and personally I would not like to see this project held up because a foot either way is not significant.

Mrs. McCormick asked Law Director Horvath if there would be any negative consequences if this legislation was passed this evening?

Mrs. Horvath responded not that can be anticipated and most residents would probably be very happy having this legislation passed.

Mr. Troyer stated to Law Director Horvath it's okay for Council to pass this legislation tonight and then go back and have a Planning Commission which would be out of order.

Mrs. Horvath responded that would be out of order but having the meeting afterwards and perhaps writing of a short opinion from me that a foot isn't the equivalent of widening.

Mr. Troyer commented in the future these should be sent through the Planning Commission.

Mrs. Horvath concurred.

Mayor Coyne stated I don't believe this has to go through the Planning Commission a curb is being put on the roadway, in the public right-of-way. My belief is a widening is an expansion of lanes, not inches. If I measure the pavement of Leslie Drive, I'm sure it's at least the width of the curb wider then before because the city changed from old suburban curbs to the buttress curbs. A special Planning Commission will be called, but I can't disagree more with this interpretation because literally every street the city has done has been widened to some degree.

Mr. Piatak stated the city's committed to the reconstruction of Fry Road whether it be the 26-foot wide currently or the additional foot on either side. We would like to see this project moving as soon as possible and there is no problem with this going to the Planning Commission but the widening would or would not go forward based on the outcome of the Planning Commission

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

meeting; the reconstruction project will move forward with the widening or not.

Finance Director Cingle

Mr. Cingle stated April month-end reports will be distributed within the next few days. The department is currently working on the 2017 Tax Budget and will be brought to Council within the next few weeks and needs to be passed by the middle of July.

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

New Legislation:

1. An Ordinance authorizing the Mayor to enter into a storm water management program service agreement with the Northeast Ohio Regional Sewer District for implementation of its regional Stormwater management program and declaring an emergency. Introduced by Mayor Coyne **Placed in Service Committee**

2. An Ordinance authorizing the Mayor to enter into a contract with the Brook Park Policemen, Ohio Patrolmen's' Benevolent Associations (Sergeants and Lieutenants) and declaring an emergency. Introduced by Mayor Coyne **Placed in Finance Committee**

3. An Ordinance authorizing the Mayor to enter into a contract with the Fraternal Order of Police Lodge 15 (Patrol Officers) and declaring an emergency Introduced by Mayor Coyne **Placed in Finance committee**

Mayor Coyne - Mr. Chairman, this legislation appears on the Special Council agenda and doesn't have to be assigned a committee.

Mr. Astorino - Our process for legislation to be placed in committee has to be under item J and realize that it's on a special council agenda and it will go to that meeting but in order to get into a committee it needs to go through item J.

Mayor Coyne - I proposed the ordinances in accordance with the Charter that provides my ability to do that and have those ordinances considered without being assigned to committee.

Mr. Astorino - I disagree with that and we're going to go forward and introduce them.

Mayor Coyne - I think you're in violation of your own rules.

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

The clerk continued with item number three to be introduced.

4. An Ordinance authorizing the Mayor to enter into a contract with Municipal Foremen's' and Laborers', Union local 1099, and declaring an emergency Introduced by Mayor Coyne Placed **in Finance committee 5/3/16**
5. An Ordinance authorizing the Mayor to enter into a contract with the Teamsters Union Local 436 and declaring an emergency Introduced by Mayor Coyne. **Placed in Finance committee 5/3/16**
6. 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 Mayor Coyne Placed **in Finance committee 5/3/16**
7. A Resolution declaring Brook Park a Purple Hearts City Introduced by Councilwoman McCormick and Council President Astorino **Placed in Legislative committee**
8. A Resolution declaring August 7th Purple Heart Day in the City of Brook Park Introduced by Councilwoman McCormick and Council President Astorino Placed **in Legislative Committee**

Mr. Salvatore stated legislation placed in committee is on the agenda for the Special Council meeting immediately following, how are we going to address that? The same legislation is on the special Council meeting.

Mr. Astorino responded it is on the special Council meeting under First Reading.

Mr. Salvatore stated it's in a committee and on First Reading at the same time.

Mr. Astorino responded it was just assigned to a committee, that's what is being done.

Mayor Coyne stated I have a memorandum from the law director dated today that addresses this issue, and think you have.

Mr. Astorino stated the memorandum speaks to the Special Council meeting there is nothing stated that the introduction of new legislation under the Regular Council meeting cannot be done; there is nothing prohibiting that.

Mayor Coyne responded it's redundant and the meetings were called providing for three readings in accordance with the Charter.

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

Mrs. Horvath stated it's appropriate to have the three readings and have the legislation introduced my question is this placed in a committee for discussion purposes at a Caucus meeting. Or is the intent that the legislation will have its First Reading tonight and then special meetings hereafter?

Mr. Astorino responded it was assigned to a committee so that this can be discussed at a Caucus meeting with a chairperson for that, it's a financial matter and will be discussed under the Finance committee. If it's not assigned to a committee there is no chairperson and had to be through the President of Council. This way when the legislation goes to a Caucus meeting it will be chaired under that committee chairperson.

Mrs. Horvath clarified the legislation would be there for purposes of Caucus and would have its readings at the success of the special meetings?

Mr. Astorino responded if that's what Council decides then yes.

Mayor Coyne stated what you're doing is precisely what is not called for, I called the meetings in accordance with the Charter of the city under my authority this doesn't need to be placed in committee; it can be discussed there. If its placed in committee, therefore, subject to how long the legislation will be held up. The fact of the matter is I have the authority under the Charter to do so and that's the way to proceed; you're interfering with my legislation capability to put matters before this Council in accordance with the Charter of the City of Brook Park. Mayor Coyne asked if all Members of Council received the memorandum.

Mr. Astorino commented yes, it was provided to Council.

Mayor Coyne continued so there's no need to assign to a committee an Executive Session has been called and as everyone knows there's a 30-day window to give Council the ability to discuss this in Executive Session, have the Special Council meeting for further discussion and move forward; as introduced there's no reason for this to be assigned to committee.

Mr. Astorino asked Law Director Horvath for an explanation of the Mayor's last statement was this would be discussed in Executive Session, is this an appropriate matter for Executive Session?

Mayor Coyne commented contracts certainly are.

Mrs. Horvath responded, yes I believe it would be.

Mr. Astorino clarified this is not contracts this is legislation to accept the contracts, negotiations are completed.

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

Mrs. Horvath responded I believe it would be an appropriate topic for Executive Session. I would agree that the Mayor has the right to introduce legislation and call special meetings, obviously, if you're indicating that this is being placed in committee for discussion purposes at Caucuses I understand that but my ruling and opinion was that the Mayor is able to introduced this legislation and is able to call special meetings. Hopefully, this is in committee for discussion purposes and is an appropriate topic for Executive Session.

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 Snow Road Resurfacing project I asked a question about Snow Road and Fry Road intersection there is one traffic signal that is difficult for pedestrians to see. Is there a possibility of moving the sidewalk or putting an adapter plate on the traffic signal so the light can be rotated, and have not heard an answer?

Jeff Duke

15914 Remora Blvd.

Mr. Duke stated I am speaking on behalf of my professional background which is a certified engineer in the State of Ohio, with over 23 years of design, construction and planning experience on public works projects. Regarding authorizing the consulting engineer to prepare plans and specifications and the Mayor to advertise for bids for the Roads Program and the comments made earlier if this has to go before the Planning Commission. I think, Council can address both issues with a simple amendment to the legislation saying 'pending successful approval by the Planning Commission. By adding that simple amendment Council can pass the legislation tonight, a special Planning meeting can be called and the Mayor and city engineer can move forward. Related to that I would also like to offer my services, as professional engineer in the State of Ohio. I've reviewed some of the statements made in the Charter because I think they're antiquated and think they could be updated to avoid situations like this in the future regarding the intent of what should go to the Planning Commission versus the wording that's in there. The intent as the Mayor stated before widening of a lane, not adding curb-age or changing the width of a lane by six inches or a foot. So I think modernization of the Charter in relation to road projects and public works projects have to go to the

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

Planning Commission or the Board of Zoning Appeals would help bring the city into the 21st Century.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 10013-2016, AUTHORIZING THE CONSULTING ENGINEER TO PREPARE PLANS AND SPECIFICATIONS AND THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE 2016 ROADS PROGRAM AND DECLARING AN EMERGENCY
Introduced by Mayor Coyne

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

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

NAYS: None. The motion carried.

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

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

NAYS: None. Ord. No. 10013-2016, has passed under Suspension of the rules. Adopted.

2. ORDINANCE NO. 10014-2016, AUTHORIZING THE MAYOR TO HIRE INSPECTOR(S) FOR THE 2016 ROADS PROGRAM AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

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

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

NAYS: None. The motion carried.

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

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

NAYS: None. Ord. No. 10014-2016, has passed under Suspension of the Rules. Adopted.

3. ORDINANCE NO. 10015-2016, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH THE SNOW ROAD RESURFACING PROJECT (PID 100238) AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

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

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

NAYS: None. The motion carried.

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

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

NAYS: None. Ord. No. 10015-2016, has passed under Suspension of the rules. Adopted.

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

4. ORDINANCE NO. 10016-2016, AUTHORIZING THE MAYOR TO CONTRACT FOR THE NECESSARY CONSTRUCTION ADMINISTRATION SERVICES, CONSTRUCTION INSPECTION SERVICES AND CONSTRUCTION TESTING SERVICES FOR THE SMITH ROAD SANITARY RELIEF SEWER PROJECT – PHASE 4 AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

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

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

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

ROLL CALL: AYES: Troyer, McCormick, Powers, Mencini, Scott, Burgio, Salvatore
NAYS: None. Ord. No. 10016-2016, has passed under Suspension of the Rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Charlie Troutman
16146 Rademaker

Mr. Troutman stated with the Homestead Exemption there is a new law on the books that if veterans are 100% disabled they can get up to 40% exemption; information from the (VA) Veterans Administration, the DVA (Disabled Veterans of America) and the tax office.

Ray Peterlin
5811 Wengler Drive

Mr. Peterlin stated years ago an investor brought land in Brook Park and then sold part of it for Wengler Drive. This left the holding of land with an easement for a large sewer pipe under the field that has been donated to the city for recreational use; that worked out fine for many years. On or about 2004 something happened and would like the law director tell residents fully and entirely how the purpose of this land changed. I am sure something was initiated by the city that changed the scope of the use of this land that would have had to go to court and be heard by a judge; people are waiting to hear the whole truth and would like to see all written documents. It would appear that Mayor Coyne may have been the Mayor during this time and for 40-plus years there have been concerns about mosquitoes at that field. Cutting the grass weekly helps but drainage needs to be corrected to stop the swamp land that city grass cutting equipment gets stuck. No one wants an

Remarks from the audience on any subject matter: cont.

increase in taxes, no matter how small, to own land that can't be built on and even fences are out of the question because anytime heavy equipment may be needed to be brought in to access the four-foot sewer that runs through the property. In addition, a riding mower would be needed if residents bought the land with the easement and a shed to store the lawnmower. There would be no more help from the county for mosquito control because the land would be privately owned and residents would be responsible for the drainage. One dollar is only a down-payment of taxes, mosquitoes, riding lawn mower, cutting the lawn weekly, storage shed; so that one-dollar buys a lot of headaches.

Jennifer Roberts
5836 West 151st

Mrs. Roberts announced from the Brook Park Neighborhood Watch Group that May 4th (tomorrow) is Fire Appreciation Day and to thank the city's firefighters for their service to the community the Brook Park Neighborhood Watch Group will be sponsoring a luncheon from NAKS that will be served to the firefighters tomorrow; the Watch Group will be providing a cake for dessert. The group would like to thank the following for their monetary donations to make this luncheon a reality: Rick Salvatore, Carl Burgio, Rich Scott, Jimmy Mencini and Mayor Coyne, your generosity is greatly appreciated. Mrs. Roberts updated Council on the ice-bucket challenge brought up at the last meeting, it is in the works for Home Days and the finishing touches are being put on this fundraising event and will be able to have to everyone within a couple of days via email; to all Members of Council and Mayor Coyne, if a printed copy is preferred please let Mrs. Roberts know.

Lavaine Cates
15499 Remora
Lavaine Cates
15499 Remora Drive

Mrs. Cates – First I'd like to say when I come to the podium I come to have my voice heard. It has been told to me that I come because someone has told me to and that is a wrong statement. I come because I believe residents, as residents, we have the responsibility to hold all elected officials accountable and do our part to make Brook Park safe and neighborhood friendly; not only for my granddaughter but for all the children and adults in the community. Next I'd like to thank you, Mr. President, yes, thank you for all the new friends I have made in the past few months; unfortunately, this is due to bullying on Facebook by your wife, Mrs. Patti Astorino. This has been going on for months and yes I will admit I have partaken in some debating and some back and forth childish behavior but a week and a half ago the bullying crossed the line. I am not going to reveal the victim's names as they nor do their children need further exploitation. To make a long story short, as short as possible and as clear as possible a young mother expressed her concerns regarding Mrs. Astorino and the school levy. As many of you know Mrs. Astorino is a teacher's aide for the Berea City School District. This mother as well as many other residents' felt the attacks made by Mrs. Astorino were subject to review before any levy

Remarks from the audience on any subject matter: cont.

could be approved. In response Mrs. Astorino made a post stating just as an FYI that victim can throw the first stone I can toss the same stone back. She and the Scott boys are always after the Astorino's then she posted the victims post to the school board and ends it with if you dish it out. This is when matters get ugly Mrs. Astorino and who I am told are family members perceive to make fun of the victims and I quote - KC does Obama care come to mind she has no voice to me whatsoever. Lives off the system while we bust our ass getting out there to pay our bills and pay for their free health care, food, WIC, you name it I'm sick of these kind of people. PA – Now the way forward group starts complaining about my neighbors' cousins' friends too they can talk and meet up and down all day; yet if I say exactly what they say it then becomes mean and wrong. You can say hypocrite they talk about censoring yet they want me to be censored, pitiful people. KC – no respect for anyone who works for the system at all try to give someone more hours oh no it affects my food stamps, it affects my free health care coverage, free glasses, free teeth, cuts in utilities; even been told they called Care Source to take them to work unbelievable. The way TWF group needs a better spokesperson. How do these quotes make you feel? I'm not new to political attacks but this is not a political attack. This is a blatant personal attack that could have potential consequences for the children involved. What is even more troubling is Mrs. Astorino continued with her attack on the victim, once again, three days ago it was removed but not before it was seen. The most troubling is there has been no apology from either you or your wife. Let me remind you there is a time honored standard expected of our elected officials and our families; quite frankly you are failing in that aspect on a good point you're not alone. The past couple of meetings we were all asked to look in the mirror I have and I admit my flaws and mistakes. The think is I'm only a resident all of you on the dais need to ask yourselves what mistakes have you made. If your answer is kin to the Astorino's and I quote, I can sleep at night knowing I've done no wrong shame on you. Remember as elected officials you and your families are held to a higher standard; your entire family will be in the spotlight and this will reflect on you. I can speak on this due to my experience my father being a political figure my mother would never criticize those that pay her bills and that's us, residents; we as children also knew better. My brother sat on that very Council his wife never criticized any of the residents because they too paid their bills. Why you may ask are the reasons because they were respected their loved ones and respected the residents. These attacks must stop keep in mind we are the taxpayers; we also have the right to voice our concerns regarding these issues. I hope you heath my words as the continuing attacks on social media can only hamper the real discussions that should be taking place and that is how we can all move Brook Park forward together. Thank you.

Liz Sayers

23069 Cedar Point Road

Ms. Sayers stated I'm here to say at the last meeting I never received an apology from (Councilwoman) McCormick and thought that she should apologize to all of us about how rude she was getting up and talking to you in the middle of someone speaking at the podium. You're rude too because you don't look at the people talking and know that you didn't listen to a word one said up here but I agree with her, everyone is acting childish on social media. I just want to know what is you

Remarks from the audience on any subject matter: cont.

guys' problems with the residents? Why are you so rude to us and can't listen to us like we're nobody? Mr. Astorino you need to talk to your wife really bad about her mouth because slander is a bad thing and if I ever hear anything about me I will go full blown to an attorney about slander, because the slander is getting really bad and I'm not going to play the elementary games. I was told by her that I am blocked from her social thing but I hate to tell you I know how go get around that. I have seen how she is ditching everybody and hope that she doesn't say anything about me. Thank you for staring at me instead of playing with your fingers or staring at your pen like last time and you do still own that gentleman an apology.

Mr. Astorino - Liz, comments to me.

Ms. Sayers - I can make comments to anyone I want.

Mr. Astorino - Comments to me

Ms. Sayers - Why do I have to make comments to you?

Mr. Astorino - That's the rules

Ms. Sayers - You show me the rules.

Mr. Astorino - that's the procedure, if you listened at the beginning I said name and address and address comments to me.

Ms. Sayers - All the years I've been coming up here I've talked to all of them and if I have a comment to say to anyone I will say it right to their face, don't have to go through you to tell Mr. Salvatore that he's a nice guy and look at Mr. Troyer, he needs to talk to the residents in Ward 1 because we need to talk to him about certain things; I don't have to say it to you to repeat it to him I'll talk to anyone I want. I don't have to look at you when I want to talk to someone else up there because you have no respect for me I have no respect for you either.

Jennifer Kunkle
5810 Wengler

Ms. Kunkle stated I will be one of the residents by the one-dollar land buying the land behind us. The issues to be addressed are the mosquitoes, the standing water every time it rains and affects all my neighbors' backyards. Looking directly behind my house is where the city's cutting mower got stuck attempting to cut the grass.

Council/Administration responses:

Mayor Coyne asked can we respond to the residents.

Mr. Astorino replied you can respond to the questions they asked.

Mayor Coyne stated to Mr. Troutman if you would come tomorrow and make the receptionist aware of the Homestead Disabled Veterans information to be posted on the city's website. To Mr. Peterlin the engineer has a detailed report for you on the traffic signal that you're concerned about at Snow and Fry Roads, hopefully that will address your issues. To Mr. Duke thank you for your professional common sense and will take your suggestions because I think they're good one. To Mrs. Roberts we're waiting for the rules on the bucket challenge so that we can take care of that. Lastly, to Ms. Kunkle on the Wengler Drive I will address some of the things that Mr. Peterlin addressed. I was not Mayor in 2004 I tried for most of the time to get that property conveyed to the residents because once the city did Wedo Park and made the investment there, there was no use for the Wengler playground. As I stated at the last meeting before the city would convey that property to the residents on Wengler the ODOT (Ohio Department of Transportation) issues would have to be addressed, the city's drainage issues would have to be addressed and any right-of-way would be within the deed restrictions that would be conveyed to the residents. The city is doing surveys and all those kinds of things and to me it's in their best interest and the city's best interest to convey that property; this has been done all over the city when there is property that cannot be used. The fact of the matter this property was owned for many years by a trust owned by the State of Israel for many, many years. I found out that we do have title to the property and can give you the sales conveyance and all that and we've done substantial research. The property condition when there are any problems with mosquitoes the county will respond to a problem issue and most of the problem on that property has to do with the right-of-way of the state. All along with the exception of the Fry Road playground is located they haven't paid attention to drainage issues. Having said that if and when the property is conveyed to the residents on Wengler Drive they can't be filling the area with their grass clippings so that the drains do not function; so before anything is done all of these issues will be discussed with the residents and hopefully this can be resolved to everyone's benefit without a lot of cost to anyone.

Mr. Mencini thanked Mr. Troutman and Peterlin for coming to the meetings and microphones. I have an issue behind my home it's always wet and also on Robert and the cul-de-sacs it's terrible. The city does call ODOT a lot and they have their hands full and as the Mayor stated it's being worked on with the engineer. Looking forward to the bucket challenge it's going to be a great Home Days weekend. One subject that I want to touch on, as Mrs. Cates spoke about, is Facebook. When I first ran in 2013 I had a person tell me stay off of it but for the

Council/Administration responses:

last month I have been in contact with many of my residents by text, visit or email and a lot of them are not on Facebook and don't like what they're hearing and don't like specific names being mentioned. My point is that we have to be more constructive and it starts with us up here then it goes to the residents; you have that freedom to be on Facebook but as a city we don't need people laughing at the City of Brook Park or on Facebook. We have to start moving forward and be more constructive and we're not going to agree all the time. There are a lot of people laughing and there are a lot of people not liking what they're hearing and you can speak your opinion but it's time to get better and start moving ahead.

Mr. Scott commented if you have comments about me say them to me do not involve my family; nobody attacks my family. You can talk to me, want to talk about me do so but do not attack my family.

Mr. Troyer stated if you don't want people to attack your family they shouldn't attack other people. The mention about bullying and one person that came up here attacked me and I do, from time to time, post a few things on Facebook trying to get some facts out and enlighten some people on what the real numbers are; have ceased to do that because it doesn't work. I've been attacked and that's fine and I agree with Councilman Scott about you can attack me it's relatively fine but in some way its' wrong, but I can take it. As far as not talking to the people in my ward, Ms. Sayers, you have my number, I've called you before and I've sat in your driveway and talked to you for at least an hour at a time and your significant other; I gave you my card again to make sure you have my number, so it's not true that I don't talk to my residents you call me - I'll call you back. I am always available to my residents and you can ask me questions on the Council website, call me, call the Council office so there are a lot of ways to get in contact with me.

There being no further business to come before this meeting, Council President declared this meeting adjourned at 8:35 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *November 15, 2016*

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