

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JUNE 28, 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, Service Director Cayet, Building Commissioner Hurst, Mayor Coyne, Economic Development Commissioner Dolan.

Council President Astorino excused Councilwoman Powers from tonight's meeting.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

DISCUSSION:

1. BROOK PARK FINANCIAL ASSISTANCE PROGRAM

Mr. Astorino stated there is one piece of legislation that is in committee dealing with possible donations and also one piece of legislation that is being drafted by the law department. About a month ago Council had discussion of a similar situation like this and through those discussions there was talk if Council wants to do this maybe a bigger plan of doing this and how to do this; possibly for the year 2017, that the law department is looking into. Rather than doing one piece at a time and taking a look at it there would be an idea for a program. That legislation is in the process of being drafted and for Council's information if there are individual ones it's okay to put them in but we're kind of looking not necessarily dealing with one at a time but trying to get an overall plan first, as recommended about a month ago.

Ms. McCormick stated the first draft, is not complete that was placed in your mailboxes, was kind of a general idea and born out of Council discussions relating to the food pantry and making charitable donations to organizations. This would be a program that would have an application process for review. That is the initial idea that is still being worked on and hopefully something will be finalized soon.

DISCUSSION: CONT.

Mrs. Horvath stated I wanted to indicate obviously the best time for this type of resolution would be towards looking through budgetary concerns and so forth. It is certainly something that could be drafted and should be drafted but really think since the appropriations have been made that probably would be the best time to look at finalizing this.

Ms. McCormick stated the idea was to have this ready to include in the budget for next year and have an application period at the end of this year so the awards can be made as soon as possible next year; so, I don't agree that we need to wait until at all.

Mr. Troyer stated if Council is going to do something like this fall will be here before we know it so might as well get it done so Council knows what they're looking at; I'd like to look at the budget in the fall rather than March.

Motion by Mr. Salvatore, supported by Mr. Mencini, that item number one was discussed.

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

2. 2016 BUDGET UPDATE

Mr. Astorino stated I didn't have time to get some of the information together so it's incomplete and inappropriate to do a partial look at this right now. Mr. Astorino entertained a motion that item number two be removed from the agenda.

Motion by Mr. Salvatore, supported by Mr. Mencini, that item number two be removed from tonight's agenda.

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

FINANCE COMMITTEE – CHAIRWOMAN, McCORMICK:

Ms. McCormick stated in the Finance committee there are several older items that are included with the intention to get rid of these older items that have been in committee for several years.

1. AN ORDINANCE AMENDING CHAPTER 133.01 (d) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SALARY'. Introduced by Councilwoman Powers **Placed in Committee 11/5/14**

Ms. McCormick stated this legislation deals with the reduction of the law director's salary.

FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: CONT.

Motion by Mr. Troyer, supported by Ms. McCormick, that item number one was discussed.

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

2. A RESOLUTION REPEALING RESOLUTION NO. 11-2000, ENTITLED
 'HOME IMPROVEMENT MONTHS; WAIVER OF BUILDING PERMIT FEES'
 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne
Placed in Committee 2/4/15

Ms. McCormick stated this legislation deals with repealing the free building permits during the summer months.

Motion by Mr. Troyer, supported by Ms. McCormick, that item number two was discussed.

 Mayor Coyne stated we would like to do the repeal effective January 1st of next year. As previously discussed at a meeting as originally proposed it has cost the city this year over \$30,000 for these fee permits. What we're finding is homeowners are not taking out the permits the contractors are. Therefore, the city is going to need another inspector in the department and keep revenues in there and Council should be aware because of the PERS (Public Employees Retirement System) ramifications the city has lost employees and the private concern is paying more money than the city does for part-time inspectors. So the administration, Building Commissioner Hurst, can speak to this as necessary. The city did this for so many years and think people took advantage of it when things were good. This is \$30,000 that the city can use for the operation of the city's building department, therefore, we would like to see this repealed.

Ms. McCormick stated that information was requested earlier this year and you are correct the cost is about \$30,000 per year; personally I think it's a good program to have having reviewed this. We want to encourage residents to update their property and this is one way to help them along.

Mr. Troyer stated this should be disposed of last year fees were substantially raised for residential permits and at that time I said that I could go for one but not the other. Also, mentioned that when the residential fees were increased I would have rather eliminated this piece of legislation and not raised the fees overall. Since the fees were raised last year I'm not giving the residents double-jeopardy by raising fees and taking away free permits. So I'm against eliminating this perk for the residents and we all know if the contractors are pulling permits the residents are smart enough to know and make sure that contractor gives it back to them in the cost of the project. Any fee that is there the contractors will recoup in the cost of doing the project.

FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: CONT.

Mr. Salvatore stated as one of the main co-sponsors of this legislation back in the year 2000 I don't like to see it go but understand the economic impact that it is having on the city and obviously June is gone so we can't take June away and July is around the corner so this should probably be continued at least through July. I would then consider having this end on August 1st in order to encourage residents that want to use this one more time to get it done in July for any home improvements this year. We could repeal this for the month of August so the city can recoup some of that money.

Mayor Coyne stated the city is offering people assistance in home improvement programs and the more money taken in through the revenue sources of the normal fees that's more money in the General Fund or Economic Development Fund to fund the other assistance programs; so doing that is much more beneficial and believe Mr. Dolan will be giving a report soon on the exhaustion of the existing funding this year for that program. So, again, I don't think it's a double-jeopardy because they're not pulling the permits and don't think the residents will be affected by this one way or the other. This was a revenue source for all these years the city has had this and think it was a fair thing but the situation has changed. So I think this is fair that people pay the fee for the services delivered and continue to enhance the other programs for the neighborhood improvements. We're not anticipating anything this year so whether this ends in August or January 1st it doesn't really matter but think going forward this a program that has ran its' course.

Mr. Mencini stated residents do call me, not many, about the free June, July and August permits if sometime down the road the city gets to the point where residents substantially are looking to do the work this may be something that we could look at again down the road. There may be some cases the contractor passes this onto the resident and maybe in some cases they do.

Mr. Troyer stated first of all I am a contractor and know how these things work you pass those costs on if labor goes up that cost is passed on. Revenue was nice a couple of times that we need this revenue; revenue says to me tax. This should be fees not taxes and these fees should reflect the cost of pulling that permit and having it inspected. If that's what you mean that's fine but I want to make it clear that we should not be getting revenue it should be a fee that is based on the cost of running that particular part of the building department and should reflect that of what the cost of filling out that permit is. Especially when there is not an inspection done and a lot of permits don't have inspections done and this is one of my problems with raising the fees last year. I'm not going to raise the fees of last year and then get rid of free permits this year I think this is a good program and think it should stay.

FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: CONT.

Mayor Coyne stated part of the problem with this program is contractors come, most Councilmembers have problems, because permits are not taken out; that's part of the problem. Residents are told that you don't need a permit so the reality is this is a fee and fees are revenues to the city; whether they are parking fees or licenses they're all revenue and that's how the city gets it no matter how it's looked at. So again to me, I would rather us fund on the side of giving assistance for improvements than having this program, particularly in the building department. The fees have to be competitive for the city to operate that department and what we're seeing now with private concerns coming in that they're taking a lot of the building officials away because of what they're paying. Therefore, going into the future we're going to need the revenue sources to operate the building department and those are fees that are paid to the city for inspections and I'm not certain this \$30,000 that the city may or may not take in from the residents depending on what the situation is; I don't know what it covers but it doesn't cover very much. If you go to the Mayor's Court or Berea Court the people who come in, ask how can my assessments for all these various fees be more than the citation. Response is the state passed this law and that law and you have to share with this fund and have to do that. It's a reality of doing business so if you'll recall Councilman Troyer I believe that are ours still were one of the lowest for building department in our district. So we're not trying to gouge citizens or gouge contractors coming in we wanted to make sure that our fees were fair and competitive so it wouldn't preclude residents from wanting to not only make improvements to their properties but also for commercial contractors who want to build and rehab buildings in the city.

Mr. Burgio stated to Mayor Coyne do we know what percentage of contractors that take out the fees.

Mr. Hurst stated taking a guess because I don't know the numbers I would say that 75% of the permits taken out during the free permit months are contractors. Last week a contractor came in and pulled nine driveway permits and proceeded to tell us how great it was that we're the only city that gives free permits away. I asked one contractor did you deduct the \$50.00 from the price of the job and he looked at me like I had three heads and said explicit no, I didn't, they're not doing it. Concrete costs \$5.25 a square foot to pour concrete rip out and replace, that's what everybody is getting. They're not replacing those fees and giving them back to people and the few residents who have pulled their own homeowners' permits the majority of them are only pulling them to hide the contractor from the city. Because the contractor doesn't want to be registered in the city and pay for the bonds and insurance; so the homeowner pulls it and the contractor does the job and six months later or year later the department gets a call from a Councilperson saying that the job is bad. No permits, no registration and the homeowners'

FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: CONT.

name is on the permit if there is one. So the homeowners are not reaping the benefits of this.

Mr. Burgio thanked Mr. Hurst for all the information and stated that I co-sponsored this legislation because it was a good program to try and get people to take care of their properties; this gave a little bit more incentive but since it isn't being passed on to them it's probably not doing what it was intended to for this long of a period. Also, I didn't know it was that high as far as contractors taking out permits.

Ms. McCormick stated to Mr. Hurst a few months ago I had you put together a report with the numbers for the past two years.

Mr. Hurst concurred and stated I can pull that report again.

Mr. Scott to Mr. Hurst these permits that are pulled is there a time-limit on them?

Mr. Hurst responded work has to be done by January 1st per the Ordinance; by law building permits never really expire as long as work is progressing, the key is how much is it progressing. The city's ordinance says it's good for six months and free permits have to be done by January 1st.

Mr. Troyer clarified that one contractor came up and made a statement, it's funny not that I recommend this or endorse this in anyway, but there obviously are some people out there who understand and know that if you're getting free permits that it's a savings to them. I will need to see the report before voting on this legislation and my biggest concern is that if I was willing to do one or the other and last year Council decided to raise the fees. So I'm not willing to do both raise the fees and take away the free permits.

Mr. Mencini stated a lot of times when we're in the budget process and itemizing and talking about police vehicles, recreation center and things of need. The word came up that we really don't need this and can save these funds and do other things and put it in other departments or units within the city. Some of them were under this \$30,000 being talked about now so I can say the same thing right now we could use this money for possibly a new microphone system and also use it to do numerous things. There are many things that can be done with \$30,000 so it doesn't seem like a substantial amount of money in the city's municipality fund but it is; it's a good dollar amount. I wholeheartedly respect my colleague, Mr. Troyer, so many times but on the analogy that we're considering this a tax I really don't think so and that wasn't my meaning of it in my statement.

FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: CONT.

Mr. Scott stated I'm in total agreement with Mr. Salvatore that we leave June and July alone and repeal August and come back at the end of the year and maybe put June as one month free or something like that, where people still have the availability to use it. The months of June, July and August the city is losing \$30,000-plus and the city needs a new inspector and needs to find ways to do it. So at the end of the year draft a resolution to have the month of June free and 30 days after the month of June use the permit and if not used it is lost.

Ms. McCormick stated I agree with one month being free but don't agree to get rid of all the months and this legislation is from 2015; why not get rid of it and rewrite a new one. This legislation gets rid of the free permits and eliminates it from the books. I'm saying to get rid of this piece of legislation that would eliminate those and if you want come forth with another idea, why not redraft something that is a compromise. Saves the city some money and still gives the homeowners to get a permit.

Mr. Burgio stated that sounds like an idea also maybe the law director can tell me on this. Is there a way to draft this so that it would only benefit homeowners if they pull the permit and do the work?

Mr. Hurst responded no.

Mrs. Horvath concurred with Mr. Hurst and stated how would that be enforced and the better idea may be to go with the one month and let all the homeowners that are interested in doing their own work pull the permits.

Mr. Hurst stated by state law and the city's ordinance homeowners cannot pull electrical, plumbing or HVAC (Heating, Ventilation and Air Conditioning) permits they are not allowed to; it has to be licensed contractor. We have even worked within those rules to help residents pull some of those permits because they are an electrician but not a licensed contractor; they're a journeyman electrician for local 38 and the ordinance says they can't pull a permit to do wiring in their own house. We work within that and help that situation and are able to do that. When you start telling homeowners the permit is only free and they take it every 75-year old person out here will be pulling concrete and roofing permits because the contractors are going to say if you pull it I can save you some money; I'll save you the \$50.00 or \$80.00 dollars. Knowing that they're going to save the contractor doesn't have to pay registration as a registered contractor, don't have to pay a bond, don't have to pay for their insurance, that's a whole other nightmare that the department deals with now. Because contractors are bamboozling residents saying go ahead and pull the permit and then don't have to do anything. Then the roof leaks and the resident calls and says my roof is leaking I pulled the permit and the person that signed the permit and is stated on

FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: CONT.

the waiver saying that they were doing the work. What can I do? It doesn't matter if it's Sears, Home Depot or any company out there I have no recourse. Permits and codes are in place for the protection of the residents from contractors as well as residents from residents; that's the purpose of them. When you start handing them out to anybody then any one can be an electrician or a contractor.

Mr. Mencini stated August is something that we need to take a good look at. Wouldn't that open a can of worms with a contractor doing work on a garage and Inspector Corrigan comes down the street.

Mr. Hurst stated I would suggest that we follow what the Mayor said and start this January 1st, every resident and contractor out there already knows that Brook Park has free permits for the months of June, July and August and they're preparing for that and now you're going to throw this at them July 1st. I'm good with stopping this in August because the city can use those funds and/or fees in the department and in the city. I think the Mayor has the right idea if we bit the bullet already let's continue to bite it and start next year so people know this is not the policy anymore.

Mayor Coyne commented the problems in our city are not folks that have the money to hire contractors to make improvements. Our problems in our city is people who cannot afford to pay for their improvements. So, again, if we're taking \$30,000 out of these fees to help operate the building department that takes less of a burden on the General fund to operate the Building department. Therefore, this year let's say the city has this money the city could have six more people that can be helped this year with the \$5,000 home assistance program. Those are the types of things that I'm talking about and those are the problems that we're seeing with folks not having the money, I can't get a loan or nobody will help me can you help me to fix my property. That's our problem it's not permits and again, I don't have a problem doing something the end of this year so next year there's a change. This won't adversely affect good residents that are hiring contractors that take out permits and maybe this will discourage residents from a contractor telling them don't worry about getting a permit. Those residents will know now with this publicity and being able to explain it to them here's why this is being done and makes more sense in attacking the city's problems as opposed to just giving those contractors free access to come in and do work in the city; not totally free access but avoiding a check-and-balance in their performance and that's why we're proposing this.

Mr. Burgio commented I guess I was just focusing on that 25% if we could get to the people who really are pulling the permit and doing the work and think that would be hard to do. I think we all want to encourage people to take care of their properties and just focus on the 25%, that's probably unrealistic.

FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: CONT.

Mr. Troyer stated to Building Commissioner Hurst last year with the fees being up with residential are there any numbers on what the difference is that the city took in last year.

Mr. Hurst responded I can get you the difference just to clarify you're talking previous to raising the fees and what the city took in afterwards. Mr. Hurst guessed maybe 15% and that's probably on the high-end.

The clerk called the motion by Mr. Troyer, supported by Ms. McCormick, that item number two was discussed.

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

NAYS: Scott, Salvatore. The motion carried with a vote of 4-2.

3. AN ORDINANCE AMENDING SECTIONS 709.07 OF THE BROOK PARK CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Placed in Committee 12/16/14**

Ms. McCormick stated this was a change from the revenues of changing the parking license fee.

Mayor Coyne stated when this was proposed we were looking at additional revenue sources that would enable those monies to be left in the Economic Development Fund and we're not able to do that at this time.

Mr. Troyer asked Finance Director Cingle how much money is being talked about here roughly?

Mr. Cingle responded a little short of \$1 million dollars.

Mr. Troyer asked Finance Director Cingle how much did we in the budget transfer to this account this year?

Mr. Cingle responded \$500,000.

Mr. Troyer clarified so from the general fund to this fund \$500,000 has been transferred in this year's budget.

Motion by Mr. Troyer, supported by Ms. McCormick, that item number three (3) was read in committee.

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

NAYS: None. The motion carried.

FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: CONT.

4. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OLD DOMINION BRUSH COMPANY, FOR THE PURCHASE OF ONE 2016 LEAF COLLECTOR MODEL SCL 800TM25 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Placed in Committee 5/17/16**

Ms. McCormick this item was already included in the budget.

Mr. Astorino stated the comment I'm making for item number four would also apply for item number five. My concerns about this legislation aren't necessarily concerns based on the purchase of this equipment. I have some concerns about the process and how Council is getting this legislation through. I've had some really good conversations with the law director to express my concerns and she's not in agreement with me. What I'd like to do tonight is offer an alternative solution so there is no concern about any dispute about how this legislation passed. I guess the best way to describe it would be a little bit of an analogy or story where you would have a group of people that wanted to go down road number one but the other group of people they don't want to go down road number one. They don't think it's the right road to go down they'd rather go down road number two. The group of people that want to go down road number one they don't think going down road number two is the right way to go. So there are two groups of people and they're disputing that but then there's a road number three that's available to them and both groups say I don't have a problem going down that road. So what I'm looking to do is offer a suggestion that we don't get into any concerns about how this legislation is processed for this one. Because the important thing for the legislation is to get it passed. The service department needs this equipment, the service director has talked to me about this in recent times and several Council people would like to have it passed. So to cut it short the solution I'm offering as a way to get down road number three is Council always has the ability to suspend the rules and process legislation the way they'd like to or in any matter that they choose. Because it's a process the Charter allows and state laws allow. So what I'd like to do is rather than get involved the debate or discussion about the facts of this case I think a solution could be that somebody on Council makes a motion to suspend the rules and place items four and five on the special council meeting immediately following under first reading. Because at that meeting under first reading Council can suspend the rules on three readings and adopt but it's a solution in any challenges that are portrayed or any differences that are done and it get the legislation passed in a more timely manner.

Mr. Troyer stated I'd be interested in making that motion and will go ahead. I see this as a way to get all these three items that we need to get done tonight. It's a way to get them done with no particular hassle.

FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: CONT.

Motion by Mr. Troyer, supported by Ms. McCormick, to place this legislation on the Special Council agenda immediately following under M-1.

Mr. Salvatore stated it doesn't really matter if this goes to a first reading or a second reading as long as Council is in agreement that they are going to suspend the rules. So that this legislation can move freely through the system and obtain passage so that these departments can get the equipment they so desperately need in order to function properly. I had a chance to read the ruling from the law director and the law director disagrees with the process but I do believe, either way, whatever road you're going to take; either road will accomplish what we're trying to do here provided all members of Council are in agreement to suspend. If there's no suspension it doesn't matter which way, we go the ruling by the law director to see what is right or wrong but passing under suspension of the rules it doesn't really matter. I'm all for moving legislation forward.

Ms. McCormick stated that is the intention and my intention as well if put on first reading and then suspend the rules.

Mr. Mencini concurred with Councilman Salvatore wholeheartedly, these are ready to go and people are waiting for them.

Mrs. Horvath stated I would have no objection if that is Council's pleasure my ruling speaks for itself. This is the second time this issue has come up in six months and I would strongly urge Council to take a look at your rules and consider changing some rules; so that items flow better and make more sense and we don't have this issue again.

Mr. Burgio concurred with his colleagues and agree that this should get passed and we go down that road to all be in agreement. This needs to get done and I'm all for it.

Mr. Scott concurred with Mr. Salvatore and Mrs. Horvath and stated a few months when this first issue came up. I asked around and got the same type of response that Mrs. Horvath gave today. I'm all for taking whatever road we have to take; we have to get this done. If suspension isn't happening today then there's going to be some issues coming down the road, let's get this done. I'm one of the person that asked to have this pulled out of committee to get moving. It's a time sensitive item and we have to move on this.

Mayor Coyne stated the law director correctly stated this is the second time that we've had to do this. There's nothing improper with the process that Council is taking and this road suggestion is. Who wants to control what road you go down and that's really what's at issue here and those are the facts. I think the law

FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: CONT.

department did a very thorough analysis just like they did the last time that the Mayor has legislative authority, the Council President has legislative authority and three members of Council have legislative authority, it's all in this. So, therefore, that's what we ought to stop doing is honoring the rights of everybody and, again like I said, you want to talk about housekeeping issues that's exactly what this is. We need to pick up leaves, we need to do the work, we need equipment in the rec center it's not complicated. So the fact of the matter about selecting roads to go down, go down the third road. The fact of the matter is you follow the law and you respect the authority of the various legislative authority granted by the Charter of the city and that's what we do. If we had these dialogues, had these discussions none of this would be necessary to begin with. So to suggest there is no legal challenge the way we're proceeding now or the other way; so to continue to suggest that like something is going to be challenged and be determined moot and not effective is just not true.

Ms. McCormick stated to suggest there's no legal challenge available, there is anybody can challenge it at any time.

Mr. Astorino stated that gets to what my original suggestion was like I said I had some really good discussions with the law director about this. Even though we disagreed I think we both understood our positions and agreed upon them. There's sometimes that you don't necessarily draw the line and say you're right I'm wrong we're going to do it this way, that's why I'm offering this choice of the third road to go down. So that we don't have to get into anything of somebody saying you're wrong about that, you can't do this, you can't do that. I'm just asking Council to take that path for this because I also see it as a path for this legislation moving as fast as possible.

The clerk called the roll on the motion by Mr. Troyer, supported by Ms. McCormick to suspend the rules and place item number four under M-1, First Reading, on the Special Council meeting immediately following.

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

NAYS: None. The motion carried.

5. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HENDERSON TRUCK EQUIPMENT FOR THE PURCHASE OF THREE (3) NEW HENDERSON SALT SPREADERS INSERTS AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Placed in Committee 5/17/16**

Motion by Mr. Troyer, supported by Mr. Mencini, to suspend and place on the Special Council agenda under M, first reading.

FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: CONT.

Mayor Coyne stated the special meeting notice calls for second reading of the ordinance and resolution, it already had its first reading. I think the motions should be adjusted on all of these to place on second reading, to go down the third road.

Ms. McCormick stated we had agreed to compromise this is something that we all agreed on apparently, at least on the first one. At this time Mr. Troyer was in the middle of making a motion. It's the same situation as item number four to put on first reading, suspend the rules and get it passed tonight. So that there are no legal arguments that come up.

The clerk called the roll by Mr. Troyer, supported by Mr. Mencini, to place item number five on the Special Council meeting immediately following under M, first reading.

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

NAYS: None. The motion carried.

6. ORDINANCE NO. 10028-2016, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH G&G FITNESS FOR THE PURCHASE OF PERFORMANCE CARDIO EQUIPMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. **Placed in Committee 6/7/16; Caucus 6/14/16; 1st R 6/21/16.**

Mr. Troyer stated the proper motion would be to place back in committee which still allows it to be passed on the Special Council meeting, still does that allow to happen so I think that's the proper motion.

Ms. McCormick commented I don't think that's the proper motion

Mr. Salvatore - Point of order.

Ms. McCormick - Councilman Salvatore

Mr. Salvatore - it's already on the agenda all that is needed at this Caucus is to place on second reading on the Special Council agenda, it does not go back to committee.

FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: CONT.

Motion by Mr. Salvatore, supported by Mr. Scott, to place on the Special Council agenda immediately following under Second Reading.

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

NAYS: None. The motion carried.

- 7. ORDINANCE NO. 10029-2016, AUTHORIZING THE CITY OF BROOK PARK'S PARTICIPATION IN THE STATE OF OHIO PURCHASING PROGRAM, FOR THE PURCHASE OF STRENGTH EQUIPMENT, CARDIO EQUIPMENT AND TREADMILLS AND DECLARING AN EMERGENCY.

Introduced by Mayor Coyne **Placed in Committee 6/7/16; Caucus 6/14/16; 1st R 6/21/16; 2nd R 8/2/16.**

Ms. McCormick stated this legislation was scheduled for second reading on August 2nd due to summer recess and was placed on the special council agenda for tonight.

Motion by Mr. Mencini, supported by Mr. Scott, to place on the Special Council agenda under Second Reading.

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

NAYS: None. The motion carried.

Mr. Astorino thanked Council colleagues for the action taken on items four and five and appreciate their action tonight.

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER:

- 1. ORDINANCE NO. 10025-2016, AUTHORIZING THE MAYOR TO ENTER INTO THE RESTATEMENT OF THE WATER SERVICE AGREEMENT WITH THE CITY OF CLEVELAND. Introduced by Mayor Coyne **Placed in Committee 3/15/16; Cau 6/14/16; 1st R 6/21/16; 2nd R 8/2/16**

Mr. Troyer asked Finance Director Cingle if he has any more information on the CRA (Community Reinvestment Area) that was talked about in the past. Entering this agreement are we going to have to amend the CRA?

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER: CONT.

Mr. Cingle responded I have no further information to provide.

Mayor Coyne stated I have the answer to your question and the answer is no, we do not have revise our CRA.

Mr. Troyer stated on this agreement there's, as I stated in the past, I had quite a few issues with it. Mr. Troyer asked Mayor Coyne what are the positives to this? I know there are some but how are you weighing this? We're giving so much away to the City of Cleveland and there's no guarantee that we will get anything back.

Mayor Coyne responded you make these statements we're not giving anything away to anybody. They control the water, they have the authority to set the rates for the people's usage of water, that is a given; they have the lake we do not. So they are providing water to us at rates that they have the right to control. So you're saying weighing this, presently right now we will pay the same rates to the City of Cleveland and they can raise them. Basically it's a formula that the farther you are away from the crib you're going to pay any assessments that they put on. If there is a waterline that has to be replaced in a contract like on Leslie Drive. The citizens will pay their water rates and the citizens will pay the \$300,000 to replace the waterline. If we join this and have this agreement with them citizens will still pay their water rate, we will have the ability to compete for assistance on projects that we can gain \$300,000 that won't have to come out of the capital improvement fund or borrowing money to fix the road. As you can see the waterline was almost as much as the road so that's how our citizens benefit. We can take advantage of getting a capital return which they were mandated to process by the agreement in the courts way back when. So this is not a loser for us, it's just not, and that's why I'm recommending it. I think right now if the City of Brook Park was flushed with cash like we were in 2002 I'd say what difference does it make we'll be fine, do it ourselves and shouldn't do this. It's not the case right now and you're seeing more inner-ring suburbs doing the same thing and again we don't know what streets until we do an analysis. So, to me, there's no losing benefit to this whatsoever.

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER: CONT.

Mr. Troyer stated my next question is, if it's a positive there's no losing benefit why didn't you bring this forward last year? Before we spent all that money on Sylvia-Leslie waterline, why didn't you bring this forward in 2014 when you first took office. I mean this is what really doesn't make any sense to me.

Mayor Coyne stated so now we shouldn't do it because I didn't bring it up last year, is that the case. The fact of the matter is we became aware of how the program was structured. I also was on the board so I learned a little bit more and was a little bit busy with a lot of other things in my first year and a half in this job. So, therefore, I became aware of how it works, I became aware because we're a pre-1994 CRA that we can work through that issue. So to me it became a no-brainer to take advantage of it. If we had capital monies maybe now but we don't so, the fact of the matter, is we had to pay cash for that. So the benefit is there and there's no losing situation for the city that I see forthcoming, that's why I'm proposing that we pass it.

Mr. Troyer stated no losing situation for the city as far as the residents' go or as far as the city budget goes?

Mayor Cone responded neither, you tell me you're the one that sees the ghost behind the locks, I don't see them and don't know where they're at, tell me. The City of Cleveland controls water rates and you cannot change that. They are required by law to provide a fund to assist cities who will agree not to poach their companies, it's as simple as that, and to me we need that money. If we were in this program last year, I doubt anyone would have voted for it at that particular time anyway. Just saying if that was the case that would be \$300,000 and change, whatever it was, for that line that we would have available for something else, that's why it makes sense.

Mr. Troyer continued still doesn't answer why we didn't do it last year but so you're saying.

Mayor Coyne interjected look Councilman, you're not in favor of it we sat here a few hours talking.

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER: CONT.

Mr. Troyer - Mayor, you're out of order.

Mayor Coyne - no, I'm not don't vote for it.

Mr. Troyer - I wasn't finished talking, Council the Mayor mentioned that it probably wouldn't have passed earlier last year and this was presented to Council in 2008 and 2011. Now there are a few Councilmembers here that were on Council at that time. It would be nice to hear from them whether they would have voted for it last year and how they felt about. Why didn't they vote if you were here in 2008 and both of you were here in 2011, I'd appreciate knowing that.

Mr. Burgio stated I was going to comment before you mentioned that anyway, because Councilwoman McCormick asked us last time why Council didn't vote on it last time. Actually it was never presented to Council by the Mayor at that time so we didn't have it to vote on. I guess the concerns at that time as Mayor Coyne pointed out the discussion was about poaching and that type of thing, so it was a lot newer then, so we didn't have all the information that we have now. At that time, it was not presented to Council that's why Council didn't vote on it.

Mr. Troyer commented what do you mean by not presented in legislative form?

Mr. Burgio responded yes, I don't want to speak for the former Mayor but I think there were some concerns about poaching because it was brought up during the discussion with the same person that just talked to us. It was more in its infancy so a lot of changes that happened and that agreement actually terminated in 2014.

Mr. Troyer stated that version of it?

Mr. Burgio concurred.

Mr. Salvatore stated this has already had first reading what's it doing on a Caucus agenda, after first reading?

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER: CONT.

Mr. Troyer stated just to get more discussion, I'm trying to get more information on this.

Mr. Salvatore - how did it get here?

Mr. Troyer - I asked to have it put on.

Mr. Salvatore - I think that's improper, myself, it's already been on a Council agenda, it's already had first reading. The next move for that piece of legislation is the next Council agenda under second reading unless there is Council-matic action taken and at that point if you want to discuss it the proper place to put it would be to go through the President and ask him to put in under discussion, if you wanted further discussion on these items. I believe these next four items are improperly added to a Council agenda.

Mr. Troyer - I did ask to have it put on but I will actually agree in a sense because I need to discuss the next three items, 2,3,4 in legislation. Because it all boils down to the water department deal in the end.

Mr. Salvatore - my recommendation would be to call a Special Caucus meeting prior to the next Council meeting to discuss these at length, so that we can move forward at the next Council meeting, whatever that date is set. Then we can vote on it under second reading but I don't believe this is the proper form to be discussing these items.

Motion by Ms. McCormick, supported by to place items one through four on a Special Caucus meeting to be held on July 19, 2016.

Ms. McCormick stated to get these items moving faster and if not suspended that evening then call another meeting, I don't think we should wait until August to get these done.

Mr. Astorino - point of clarification based on the motion and comments she made. She said to place it on a Caucus meeting and then talked about suspending to pass it.

Ms. McCormick - Special Council meeting.

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER: CONT.

Ms. McCormick reiterated her motion.

Motion by Ms. McCormick, supported by Mr. Troyer, to place items one through four on a Special Council meeting to be held on July 19, 2016, with the intention of moving these items forward and getting them done before August.

Mr. Salvatore - I don't believe we have to wait until the 19th if everybody is in a hurry to move this and it sounds to me like we are. Why don't we have a meeting for Friday, poll Council and see if everyone is available.

Mr. Troyer - I'm in no hurry to get this done.

Mr. Salvatore - you must have been you put it on an agenda, so you must be in some kind of hurry.

Mr. Troyer - I'm just trying to get information and have discussion it.

Motion by Mr. Salvatore, to call a special Council meeting for Friday, July 1st. No second.

Mr. Burgio and Ms. McCormick stated they are not available that day and Mrs. Powers isn't here to speak on this.

Mr. Salvatore - if you're not available all we need is four people to have second reading, so poll Council if four people can make it raise your hand.

Mr. Salvatore withdrew his motion; Mr. Scott withdrew his second.

Ms. McCormick - my suggestion of the 19th was to give people the July 4th holiday and then the following weekend for Home Days, that's why I suggested the 19th as the earliest date to move this forward.

Mr. Mencini - you're talking about the middle of the month right after Home Days I imagine some people may be making plans to get away after the 4th and Home Days. I think a lot of us are committed for something

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER: CONT.

for Home Days and I, myself, am tempted to be leaving that day. Maybe we can do this Saturday morning or something, Friday may be out but maybe possibly Saturday morning, just a suggestion.

Mr. Burgio suggested how about June 30th?

Ms. McCormick stated I'm not available the entire weekend.

Mr. Troyer stated I don't think anybody wants to do it in the first two weeks of July or from now until after Home Days. My feeling, as only one person, but we're done with these four items and not come back to any meeting until after Home Days. My feeling is to have the first two weeks off in July.

Mr. Mencini stated I don't know why we can't get this moving Saturday morning, I don't know how many can't make it. I realize it's a holiday weekend there's been many, many times I've been for scheduling things and you guys have been for me coming from basketball for special meetings for the budget. I think Saturday morning possibly an early time to get us in and get this going and out of here for the holiday and for that month.

Ms. McCormick stated again, I'm personally not available if others are go for it. My suggestion, again, was the 19th also because Councilman Salvatore said the 26th he has the Southwest General Hospital board meeting that he would like to attend.

Mr. Burgio stated I'd be willing to concur with my colleague for Saturday.

Motion by Mr. Burgio, supported by Mr. Scott, to have a Saturday, July 2nd Sp. Council meeting at 10:00 a.m.

Mr. Troyer stated I will not be there.

Ms. McCormick stated I also will not be there as previously stated.

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER: CONT.

Mr. Astorino stated for clarification on the motion is that for all items one through four.

Mr. Burgio concurred.

The clerk called the roll on the motion by Mr. Burgio, supported by Mr. Scott, to have a Saturday, July 2nd Special Council meeting at 10:00 a.m. for items one through four.

2. RESOLUTION NO. 16-2016, AUTHORIZING THE MAYOR TO ENTER INTO A RESTATEMENT OF THE WATER SERVICE AGREEMENT FOR DIRECT SERVICE WITH THE CITY OF CLEVELAND AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne Placed **in Committee 3/15/16; Cau 6/14/16; 1st R 6/21/16; 2nd R 8/2/16**

3. RESOLUTION NO. 17-2016, AUTHORIZING THE MAYOR TO ENTER INTO AN ASSET TRANSFER AGREEMENT WITH THE CITY OF CLEVELAND FOR THE TRANSFER OF WATER SERVICE ASSETS AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Placed in Committee 3/15/16; Cau 6/14/16; 1st R 6/21/16; 2nd R 8/2/16**

4. RESOLUTION NO. 18-2016, AUTHORIZING THE MAYOR TO ENTER INTO A MUNICIPAL UTILITY DISTRICT AGREEMENT WITH THE CITY OF CLEVELAND IN CONNECTION WITH THE PROVISION OF WATER SERVICE, AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Placed in Committee 3/15/16; Cau 6/14/16; 1st R 6/21/16; 2nd R 8/2/16**

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

NAYS: Troyer, McCormick. The motion passed with a vote of 4-2.

Motion by Mr. Salvatore, supported by Mr. Mencini, to recess the Caucus meeting and move to the Special Council meeting.

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

Mr. Astorino recessed the Regular Caucus meeting at 8:22 p.m.

Motion by Mr. Burgio, supported by Mr. Mencini, to reconvene the Regular Caucus meeting.

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

Motion by Mr. McCormick, supported by Mr. Mencini, to go into Executive Session.

ROLL CALL: AYES: McCormick, Mencini, Troyer, Salvatore, Burgio, Scott
NAYS: None. The motion carried at 8:27 p.m.

EXECUTIVE SESSION:

1. PERSONNEL MATTERS - (Benefits and Compensation)
2. ATTORNEY CONFERENCES

In attendance: Members of Council present, Mayor Coyne, Finance Director Cingle and Law Director Horvath.

Motion by Mr. Mencini, supported by Mr. Scott, to adjourn the Executive Session.

ROLL CALL: AYES: Mencini, Scott, Burgio, Salvatore, Troyer, McCormick
NAYS: None. The motion carried at 8:53 p.m.

There being no further business to come before this meeting Council President Astorino declared this meeting adjourned at 8:54 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *February 14, 2017*

THESE MEETING MINUTES ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.