

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, AUGUST 2, 2016**

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

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

Also in attendance were Mayor Coyne, Safety Director Byrnes, Service Director Cayet, Finance Director Cingle, Assistant Law Director Sackett, Engineer Piatak and Building Commissioner Hurst.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. SPECIAL COUNCIL MEETING HELD ON TUESDAY, MARCH 22, 2016.

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

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

NAYS: None. The motion carried.

2. SPECIAL CAUCUS MEETING HELD ON TUESDAY, MARCH 29, 2016.

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

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

NAYS: None. The motion carried.

Note: Due to mechanical difficulties the portion of this meeting from items D - Reports from Standing Committees to item I - Reports and Communications from departments, commissions and public officials - Safety Director Byrnes are from the Clerk's notes:

REPORTS OF STANDING COMMITTEES:

AVIATION & ENVIRONMENTAL committee – Chairwoman Powers

Mrs. Powers stated the Environmental committee has legislation on the agenda.

FINANCE COMMITTEE – Chairwoman McCormick

Ms. McCormick stated the Board of Control met earlier this evening and there were 31 items on the agenda.

LEGISLATIVE COMMITTEE – Chairman Troyer

Mr. Troyer stated Legislative committee has four items on the agenda.

PARKS & RECREATION – Chairman Mencini

Mr. Mencini gave his bi-weekly report.

PLANNING COMMITTEE- Chairman Troyer

Mr. Troyer stated the Planning committee has nothing on tonight's agenda.

SAFETY COMMITTEE – Chairman Salvatore

Mr. Salvatore stated the Safety committee has one item on tonight's agenda.

SERVICE COMMITTEE – Chairman Burgio

Mr. Burgio stated the Service committee has one item on tonight's agenda.

BOARD OF ZONING APPEALS – Chairman Scott

REPORTS OF SPECIAL COMMITTEES:

SOUTHWEST GENERAL HEALTH CENTER – Trustee Salvatore

Mr. Salvatore gave an update on the health center.

BEREA BOARD OF EDUCATION COMMITTEE – Burgio, McCormick

Mr. Burgio stated the next board meeting will be held on August 15th.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne stated there will be a proposal given at the end of August for the move to the recreation center.

Motion by Mr. Scott, supported by Mr. Burgio, to go out of the Regular Order of Business to letter L to allow for Stormwater personnel to speak on Ordinance No. 10032-2016.

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

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 10032-2016, AUTHORIZING THE MAYOR TO ENTER INTO A STORMWATER 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.

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

Mr. Troyer said he would not have suspended without today’s presentation that we did not get previously; with the additional information, he is able to suspend tonight. He said he does not like the un-voted tax, but since the Supreme Court has ruled, we are in this and the faster we get the money the better. Due to that, he will vote yes to suspend and pass it tonight.

Mr. Mencini said he would vote to suspend. The presentation was basic, to the point, and simplified many previous questions. The issue is important and will move the city forward.

SECOND READING OF ORDINANCES AND RESOLUTIONS: cont.

Mr. Scott thanked Mr. Duke for commenting on Northeast Ohio Regional. He knew questions would be answered and that this would be suspended. It is important and \$161,000 is a big chunk of money to address our problems.

Mr. Salvatore thanked Mr. Troyer for changing his mind even though he voted no on the presentation.

Mr. Troyer said he did not vote no on presentation he voted....

There being no further discussion on suspension, Mr. Astorino asked the clerk to call the roll.

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

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

Mr. Astorino referred to a correction needed on page 2 and said there is no reference to the storm water agreement, i.e., an attached exhibit or it being on file in the Council office. Is that needed?

Mr. Sackett said it was approved by the law department, has the law director's stamp and is ready for a vote tonight.

Mr. Astorino asked about completing page 5 of the agreement to which Mr. Sackett said that does not affect overall goals of the contract and can be done afterwards.

Mayor Coyne said it is completed when the contract is signed. The agreement is not complete until the legislative activity is attached as an exhibit.

ROLL CALL: AYES: Scott, Burgio, Salvatore, Troyer, Powers, McCormick, Mencini.
NAYS: None. Ord. No. 10032-2016 passed under Suspension of the Rules. Adopted.

Motion by Mr. Mencini, supported by Mr. Troyer, to go back to the Regular Order of Business to item I.

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

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

Engineer Piatak

Mr. Piatak stated the 2015 Sidewalk Repair Program installed 1,000 blocks; the 2016 Smith Road Sanitary Sewer Project will begin to the east. The Holland-Hummel Road railroad tracks will be closed for repairs from August 15th - 18th.

Mr. Troyer stated that Leslie and Plant Lane north have patches of dirt missing from the tree lawns.

Mr. Piatak responded that will be corrected in the spring.

Service Director Cayet

There are 880 catch-basins in the city with a with an average cost per catch-basin of \$1,000 and 20% of those are road repairs in the vicinity of \$160,000 to \$170,000 total; the city will do as much in-house as possible.

Safety Director Byrne

Mr. Byrne asked that residents who park their cars incorrectly on city streets will receive a citation.

Note: Tape began working from this point forward.

Ms. Powers said over the weekend a woman contacted her regarding three men in a car firing a gun at her grandson while they were walking by Paulding and Sylvia. The police responded and the officer did a good job handling the situation.

Mr. Byrne was not aware that a gun was fired, which would be investigated aggressively. It was not reported to him so it cannot be substantiated or is still under investigation; he would check with the chief tomorrow and get back to her.

Ms. McCormick said in May residents complained about cars speeding on Schaaf Road. In addition, they are requesting a "children at play" sign be posted. There have been a number of narrow escapes as there are many children in the area, the Mayor has not responded to her memo regarding the situation.

Mr. Byrne recalled a memo. For a few days, the police paid extra special attention to the area. Apparently, the problem was abated and he was not aware of ongoing problems until now. He suggested a memo be forwarded to the Mayor, if there are additional problems, and the area will be put back on special attention. Prior to a sign being erected a procedure must be followed and a study must be done.

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

Ms. McCormick said she would resend her original memo. However, the special attention was provided due to a report she filed regarding theft from her vehicle. It had nothing to do with this request.

Mr. Burgio said on behalf of the City of Brook Park, he along with Cleveland City Council, presented a proclamation to Mr. Dick Goddard; we were the only two Councils that passed a resolution supporting HB 60.

Mr. Troyer thanked the safety forces for all their hard work last month with Home Days, the IX Center, and NASA, especially since the weather was so hot.

Assistant Law Director Sackett

Mr. Sackett had no report; however, as city prosecutor he said the safety forces, the police officers, are highly qualified and extremely committed to the community; they are remarkably committed 24/7 to keeping the city safe.

Mr. Salvatore said as safety committee chair he thanked Mr. Sackett for the kind words and could not agree more.

Mr. Troyer asked about riding along in a cruiser to which the Mayor said arrangements would be made.

Mr. Sackett said he did that and commented on his experience by saying it is amazing how efficient the officers are and how many more tickets they could write if time allowed.

Mr. Troyer asked if that was on highways to which Mr. Sackett said on Rt. 237, but also in residential areas with stop sign and speeding offences; they could have written twice as many tickets.

Mr. Mencini said he did a ride along for three days with the fire department and it was a good experience.

Finance Director

Mr. Cingle said the 2015 Comprehensive Annual Financial Report is online and hard copies are available. Monthly reports for July will be distributed soon.

Mr. Troyer asked if money is being borrowed for the Smith Road Sanitary Sewer Project to which Mr. Cingle said it would be borrowed after the Mayor makes the municipal campus and recreation center presentation to Council. Going to market once is financially prudent. According to the project's timeline, we can fund our portion of expense through this year and not go to market to fund the project. If we run short, Council can advance the monies and replenish them when the bond

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

funding is completed. If we renovate the recreation center and move the city office there that bond funding will be put with Phase IV funding to do all under one umbrella, which saves issuance costs.

Mr. Troyer asked if we are in jeopardy of holding up the project to which Mr. Cingle said, no, we are not.

Ms. Powers wanted residents to know where their tax dollars were going, and why, so she questioned why there were four new hires and if those previously laid off had been recalled.

Mayor Coyne said those that were laid off were offered jobs or rehired, including part-time personnel.

Ms. Powers asked what were the positions, pay, and why were they needed when the city is supposedly broke.

Mayor Coyne said the city has never been broke. There are capital challenges and operating expenses decreased by reducing people. In the service department, displaced people have the first opportunity to return to work when someone retires. It is the same for part-time people who are next in line. The service department has an additional employee due to the union agreement. They had the biggest hits and layoffs so they have one additional person. Salaries are on the Salary Schedule. One position is for the Mayor's assistant that he has been without for almost two years.

Mr. Cingle said he could review the list with Ms. Powers and said one individual replaced an employee in the building department that left.

Mayor Coyne said part-time salaries were reduced to provide money for the recreation program coordinator position. Three full-time staff members handle all program.

Ms. Powers asked if three are needed since the center is practically dismantled, to which the Mayor said nothing is dismantled. No programs were cut except for the pool. The center is open and memberships are available.

Ms. Powers said she goes to Gunning Recreation Center since they offer so much more than Brook Park. They offer the best benefits at no cost to her.

Mayor Coyne said one individual was a part-timer employed by the previous administration who had the first opportunity to a full-time job. Term dates are for one individual that passed away and the other accepted a job in Berea.

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

New Legislation:

1. An Ordinance authorizing the Mayor to enter into a contract with Konstruction King for emergency pavement repairs at Holland and Sylvia intersection and declaring an emergency. Introduced by Mayor Coyne.

Mr. Astorino said these were introduced and will be assign to a committee, but not placed in committee. They are scheduled for the caucus meeting that follows at which Council can decide if they will move to a council meeting. Council takes those actions.

Mayor Coyne said that was incorrect and not necessary. A memo from the law director dealt with this previously and it is his right to introduce legislation. It is on first reading at the special meeting this evening. A second and third reading are scheduled and it is following the legislative process. It is already introduced at a special meeting. He hoped Council would suspend the rules and pass it. At the special meeting and executive session an explanation will be given as to why two of them should be in that fashion.

Mr. Astorino said Section 4.01 of the Charter says all legislative powers of the city are entrusted to the members of Council. The Mayor is allowed to introduce legislation, which is what we are doing tonight, and he said he is assigning the legislation.

Mayor Coyne said no, he is introducing it at a special meeting, which is his right and Council can take whatever decision they want after that.

2. A Resolution declaring the Travel Lodge and O'Malley's Bar a nuisance and declaring an emergency. Introduced by Mayor Coyne.

Mr. Astorino assigned item number two to the safety committee and said it is on the Caucus agenda following this meeting.

3. An Ordinance amending Section 1121.15 (c) the Brook Park Codified Ordinances entitled, "Nonconforming Uses" and declaring an emergency. Introduced by Mayor Coyne.

Mr. Astorino assigned item number 3 to the Board of Zoning Appeals Committee.

4. An Emergency Ordinance amending Section 143.026 of the Codified Ordinances of the City of Brook Park regarding the staffing of the fire safety personnel within the city and declaring an emergency. Introduced by Councilman Troyer and Councilmembers Powers and McCormick.

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

Mr. Astorino stated item number four would be assigned to the safety committee. The Councilman introducing it is doing so pursuant to the Charter that allows him to introduce it as emergency legislation that can move to the floor of the regular council meeting. Therefore, this one is being moved to first reading for tonight's meeting.

Mr. Salvatore said if it is going into Safety Committee then only the chair....

Mr. Astorino said he was assigning it to the Safety Committee. It is emergency legislation and the Charter says nothing shall preclude any member of Council from introducing it and having it go for passage on that night. Therefore, we cannot do anything to preclude it from going to first reading.

Mayor Coyne said you cannot have it both ways. Once it has been assigned to a committee, it has been assigned. You have to go through Council's Rules when something is assigned to committee. The proper procedure would be for that Councilman to introduce it tonight and ask for suspension according to the emergency.

Mr. Astorino said it was presented to the clerk. It was presented to us in that manner so this will be Ordinance 10032-2016 under first reading; there are audience copies for those who may want to comment on it.

5. A Resolution honoring our local military veterans and supporting National Veterans' Awareness Week. Introduced by Council Members McCormick and Powers, and Council President Astorino. **Placed in Legislative Committee**
6. A Resolution honoring the Cleveland Cavaliers 2016 National Basketball Championship and declaring an emergency. Introduced by Councilman Salvatore. **Placed in Legislative Committee**
7. A Resolution honoring Anna Marie Sulminski Miss Brookpark 2016 and declaring an emergency. Introduced by Councilman Salvatore. **Placed in Legislative Committee**
8. A Resolution honoring Brooklyn Varga Junior Miss Brook Park 2016 and declaring an emergency. Introduced by Councilman Salvatore. **Placed in Legislative Committee**
9. A Resolution honoring Samantha Rocco Miss Brook Park 2015 and declaring an emergency. Introduced by Councilman Salvatore. **Placed in Legislative Committee**

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

Ms. Lavaine Cates, 15499 Remora Blvd. asked if Mr. Astorino could be present during discussions regarding the firefighters' legislation due to a conflict of interest.

Mr. Astorino said he has finished his term of office with the union.

Mr. Sackett said the Council President has a right to be present, as he is not voting on the legislation. He said Law Director Horvath has a request to enter into a decision, based on Ms. Cates inquiry to her; it has not been ruled on yet.

Ms. Cates asked about the legislation being approved by the law director and will this affect the consent decree?

Mr. Tom Greenlee, 15841 Paulding Blvd., commented on Ordinance No. 10003-2016 that states resident voted to keep Fire Station No. 2 open, as a result of the Mayor closing it. The court dismissed a lawsuit challenging the election so the legislation passed by the voters was still in effect; an appeal was filed February 23, 2016. On March 1, 2016, the Mayor presented Ordinance No. 10003-2016, on third reading tonight, that does not speak to the court ruling and violates it. The ruling was April 5, 2016. The legislation was presented March 1, 2016. A vote is being considered on third reading on an ordinance that came into existence over a month before the court ruling. Whereas clauses regarding the Mayor's desires are contrary to the court ruling that the station be open and manned at all times. The Mayor desired to close the station for 20 years, during which time Ordinance 143.026 has existed and he never closed the station. In May 2015, contrary to him enforcing all laws, he ignored 143.026 and closed the station, which is not his authority; his positions have been rejected. Now there is a third reading on the Mayor's ordinance and another new ordinance dealing with the same issue. If the legislation passes on third reading tonight, this issue is not closed. The legislation says the same thing the people were opposed to, that the Mayor controls everything and it is his desire whether the station stays open or closes. He supervises the safety director and police chief and can inform them if he does not want it open. There are no criteria for making that decision according to the ordinance on third reading. There should be objective reasons to deprive protection to an area of the city that are not based on desire. The fire department must arrive at the scene in not more than four minutes and the full complement has 8 minutes. Ruple Road fire station two man first response crew acts prior to the full crew's arrival and can assess when mutual aid is necessary. Minimum requirements of a professional fire department are that every geographical area must be responded to within four minutes at least 90% of the time. What is the response time to the far

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

west end with or without the Ruple station? It is impossible for responders to arrive at the far west end in four minutes from Holland station. The new ordinance has an objective measuring of whether or not the fire station can remain open or should be closed. The fire chief shall compile statistics annually that demonstrate objectively whether his department is meeting minimum requirements of a professional fire department. If not, in any geographical area, he must explain why and what he will do to make certain that he can. He never can if the city removes his ability to respond within four minutes by closing a station that eliminates a geographical area. It makes no difference how great you are, you cannot do it; residents and businesses need the same protection in every geographical area. He encouraged Council to vote no on third reading and begin to pursue the new legislation that will solve the problems with an objective measurement that would solve the questions and objections of any resident in the city so we are not back where we were.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 10033-2016, AN EMERGENCY ORDINANCE AMENDING SECTION 143.026 OF THE CODIFIED ORDINANCES OF THE CITY OF BROOK PARK REGARDING THE STAFFING OF THE FIRE SAFETY PERSONNEL WITHIN THE CITY AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer and Council Members Powers and McCormick.

Mr. Sackett said the ordinance is not on the agenda this evening; it was not presented timely and should not have first reading.

Mr. Astorino said the Charter says nothing shall preclude any member from introducing legislation and having it addressed that night, and that has been done previously.

Mr. Sackett said we have an agenda and timeframes in which it must be completed. All ordinances to be placed on the agenda go through the law department. He was contacted by the law department this afternoon a few hours before the Council meeting, which is not the time for presentation of ordinances to be considered at a Council meeting. There is no authority in the rules to have any ordinance read for first reading that has not gone through the legal department and approved as to language. This has not been approved as to language; Council shall not have a first reading on Ord. No. 10033-2016.

Mr. Astorino asked the clerk to read the ordinance in its entirety.

Mr. Sackett instructed the clerk not to read the ordinance as there are no grounds for there to be any reading of an ordinance without the approval of the legal department; there should be no first reading.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING): cont.

The clerk asked if reading the ordinance places her in jeopardy to which Mr. Sackett said he was instructing her that there is no authority for the Clerk of Council to read the ordinance for first reading.

Mr. Astorino said we are following procedures done for previous legislation.

Mr. Sackett said the legal department does not care about what has been done in the past.

Mr. Astorino said the legal department should care because we handled it in the manner that the legal department instructed us to do in the past.

Mr. Sackett said tonight he is the legal department and he is saying that this ordinance was presented today, contrary to the rules of the city, and it shall not be read for its first reading.

Ms. McCormick read Section 4.08 of the Charter pertaining to nothing precluding introducing legislation, etc.

Mr. Astorino said he understood about being cautionary, which would be Council on first reading having the option to suspend and pass it, or, if they want to adhere to the law director's opinion, they do not suspend it or pass it.

Mayor Coyne said the law department and the administration is cautioning Council on enacting this legislation due to legal ramifications until the law department has had time to review it.

Mr. Astorino said this Council by Charter has the legislative powers of the city. That is what we are doing and we have done it before under the advice of the law department. If they want to change that, they will have to change it at a different time, not at this meeting.

Mr. Astorino read Ordinance No. 10033-2016, in its entirety.

Mr. Salvatore asked if there was a vote to add this to the agenda to which Mr. Astorino said there was not because it was introduced under the emergency measure. It went to first reading because of the Charter section that says nothing shall preclude it from happening.

Mr. Salvatore said he believed that in order to add something to a Council agenda it still requires an action by Council so he thought it was not on the agenda.

Mr. Astorino said it is on the agenda under first reading.

Motion by Mr. Troyer, supported by Ms. Powers to suspend.

ROLL CALL: AYES: Troyer, Powers, McCormick.

NAYS: Mencini, Scott, Burgio, Salvatore. The motion failed 3-4.

Mr. Astorino said Ord. No. 10033-2016 has had its first reading.

SECOND READING OF ORDINANCES AND RESOLUTIONS: cont.

1. ORDINANCE NO. 10032-2016, AUTHORIZING THE MAYOR TO ENTER INTO A STORMWATER 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.

Note: Item number one under Second Reading was moved by motion to earlier in the meeting.

2. RESOLUTION NO. 20-2016, URGING THE BEREA CITY SCHOOL DISTRICT TO BUILD A NEW ELEMENTARY SCHOOL ON THE CURRENT SITE OF BROOK PARK MEMORIAL SCHOOL AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini and Council Members Troyer, Scott and Burgio.

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

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

NAYS: None. The motion carried.

Motion by Ms. McCormick, supported by Mr. Mencini, to adopt.

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

NAYS: None. Res. No. 20-2016 passed under Suspension of the Rules.
Adopted.

3. RESOLUTION NO. 21-2016, URGING THE BEREA CITY SCHOOL DISTRICT TO BUILD A NEW HIGH SCHOOL ON THE CURRENT SITE OF FORD INTERMEDIATE SCHOOL AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini

Motion by Mr. Mencini, supported by Mrs. McCormick, to place Res. No. 21-2016 back in committee.

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

NAYS: None.

Mr. Astorino said Ord. No. 21-2016 has been placed back into committee.

THIRD READING OF ORDINANCES AND RESOLUTIONS:

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

Introduced by Mayor Coyne

Motion by Mr. Troyer supported by Ms. McCormick, to amend page 2 in the middle of the last line to add the words "every geographic location of" after the word "within" and before the word "the".

ROLL CALL: AYES: Troyer, McCormick, Powers.

NAYS: Mencini, Scott, Burgio, Salvatore. The motion failed 3-4.

THIRD READING OF ORDINANCES AND RESOLUTIONS: cont.

Motion by Mr. Troyer, supported by Ms. McCormick, to amend the same section after the words "Codifying 143.026 minimum members on duty." Before the start of that paragraph place an "A" and add a "B" paragraph that will read, "In order for the city to make an objective determination in this safety matter, the fire department shall conduct an annual evaluation pursuant to Chapter 4 of the NFPA1710 standard 4.1.2.5."

Mr. Salvatore asked if the amendments are in the same legislation he wanted introduced earlier?

Mr. Troyer replied yes, it is along the same lines. The legislation introduced had much more involved with it; these are just simple changes.

Mr. Salvatore asked if the amendment had any impact on any financial issues we have not talked about yet.

Mr. Troyer said he was not aware of any, he wanted the entire city safely covered as far as ambulance and fire service and the city's professional fire department to be operating to professional standards. Even if it costs more we need the proper professional operating standards for all safety services for the city's safety; the standards must be met and the levels of safety must be proper.

Mr. Salvatore said we are all striving for equal safety and protection for everyone.

Mr. Troyer replied that is exactly what this does.

Mr. Salvatore mentioned he was working on something that would provide that and it would be brought forward in the near future. He was curious why Mr. Troyer wanted to introduce another piece of legislation and why he was trying to amend this one to do the same thing of something he added tonight, it is a little confusing.

Mr. Troyer said because this is on third reading.

Mayor Coyne asked Mr. Troyer if he drafted the previous legislation with these amendments?

Mr. Troyer replied he had a hand in it and they were submitted to the law department by 1:00.

Ms. McCormick said the amendment it under discussion not other legislation and who drafted what.

Mayor Coyne asked Mr. Troyer if he knew what a NFPA1710 entailed.

Mr. Troyer preferred not to answer.

Motion by Ms. McCormick supported by Ms. Powers, to call the question.

ROLL CALL: AYES: McCormick, Powers, Troyer.

NAYS: Mencini, Scott, Burgio, Salvatore. The motion failed 3-4.

Mr. Mencini asked Mr. Troyer if he felt we were not professional and that the city is not totally safe right now?

Mr. Troyer replied he thinks we are professional because we meet the criteria right now.

Mr. Mencini asked if anyone had a fire and lost their house, which he would cover later.

Mayor Coyne said the author of this legislation does not understand the ramifications of NFPA1710 and what it entail; these are financial considerations and this is an attempt at minimum manning. That is what the court struck down in the case decided in Common Pleas Court; no fire department can physically or financially meet these standards. We follow strict standards of this, it would double the cost of operating the fire department. It turns over the administration to the fire department, to members of the fire department, to evaluate themselves. We produce response times the best and have geographical issues we know how to deal with. This is a scam perpetrated on the residents that should not be allowed to continued. He suggested Council pass the legislation on third reading this evening and have an open debate about the NFPA1710 ramifications before the residents; he also said this could also be addressed by the Safety Director who is an experienced professional.

Ms. McCormick said the NFPA1710 standard is a recommendation, not a requirement, and there is no ramification of not meeting it, it is something to strive for, a goal. The purpose of including it in the amendment is to have some criteria for when or if the Mayor or public safety determines that they wish to close a fire station. It puts some kind of objective criteria in there, not just subjective.

Mr. Scott said Codified Ordinance 143.026 says the city shall work towards implementation and compliance with the NFPA1710 standard to provide proper turnaround time. It says we have to comply; it is not a requirement.

Ms. McCormick said the amendment is being discussed not that ordinance.

Mr. Astorino repeated the motion on the floor and asked that discussions be focused on it.

Mr. Byrnes said NFPA1710 is over 155 pages and is the National Fire Protection Association's standard. If you tie in the standard, someone else will make the decisions relative to the city operating the fire department. It addresses response time, not number of stations, it requires a minimum staffing of 16 people to fight a 2000 square foot home and we currently have 7. The city spends about 3.6 million dollars on fire protection with a staff of 7 and it would be between \$10 and \$12 million a year with 16. He was not aware of any city having NFPA1710 in its ordinances to comply with the recommended standard.

THIRD READING OF ORDINANCES AND RESOLUTIONS: cont.

It is merely a recommended standard; local needs and resources have to be taken into account. Full compliance requires drastic cuts because we do not have the personnel. It also covers turnout clothing, hard carbon operations, wildlife fires and having an annual study on whether or not NFPA1710 has been met. In 2000, the requirement was 14 and it has gone up to 16 and 17 since then. It is a pie in the sky type of guess.

Mr. Astorino said this is not an amendment implementing NFPA1710. It asks the fire department to perform an evaluation and provide the city with a report. He asked Council to address questions and comments to the motion on the floor. The administration and/or Council will decide what will be done with the report.

Mr. Salvatore asked if there is more than one version of NFPA1710 to which Mr. Astorino replied there is only one that is revised periodically.

Mayor Coyne said the amendment puts the fire department in a position of evaluating their own performance, and sometime these reports and evaluations have unintended consequences. It is impossible for the city to meet these standards unless we have regional fire service and EMS (Emergency Medical Services) that any suburban community to our equal could meet, anywhere close to these standards. The question is not in the performance and response of the residents, but in the management. This does not improve those, except to have some artificial group make suggestions that have a bearing on how we operate, which is foreign to our community.

The clerk called the roll on the motion by Mr. Troyer supported by Ms. McCormick, to amend page 2 in the middle of the last line to add the words "every geographic location of" after the word "within" and before the word "the".

ROLL CALL: AYES: Troyer, McCormick, Powers.

NAYS: Mencini, Scott, Burgio, Salvatore. The motion failed 3-4.

Motion by Ms. McCormick, supported by Mrs. Powers, to table until the next regular Council meeting of September 6, so in the meantime we can consider the other new ordinance that has been introduced.

Mr. Troyer said we have to get this right and he is trying to strengthen this to keep the station open and manned and keep all residents at the same safety levels. He was in favor of tabling so he could explain some ideas and come up with a way to adjust it; these amendments do not force anything on the city. The way it is now it is not strong enough to make sure the station stays open and manned; it needs to include the four-minute standard deserving of all residents.

Mr. Salvatore said this legislation does provide proper safety on the west end and does keep the station open. As long as it is open, we can get answers to a problem with any response time.

THIRD READING OF ORDINANCES AND RESOLUTIONS: cont.

The people have spoken and he sees no way that the station would be closed unless some miracle finds a better way to do it. This legislation can accomplish all those things.

Mr. Sackett said the law department's minimal role is to make sure the ordinance meets the qualifications. The law department approved it as to form and takes no position on whether an AYE or NAY meets the requirements that Council is looking for; we take no position on NFPA1710. This is a matter for Council to decide yes or no on the third reading, whether they are going to pass it, or if they are going to table it.

Mr. Salvatore asked if passing it or not passing it would have any bearing or effect on the lawsuits that were filed.

Mr. Sackett said he would not disclose or discuss anything regarding litigation at a public meeting that will probably be discussed in executive session. Therefore, he could not answer the question.

Ms. McCormick said there is no rush on this and to avoid further lawsuits, the newly introduced ordinance and the NFPA1710 standards should be discussed at next week's Caucus meeting and both should be considered at the next regularly scheduled Council meeting on September 6th.

Mayor Coyne said the Ruple station could only be closed if an argument, with justifiable reasons, was brought before the judge who has complete control. This was debated and we know most people's motives; some do not understand the ramifications of NFPA1710. There is no reason why this legislation should not be passed this evening, it can be amended relative to argument. While there is never a rush to get anything done, we have dealt with this for several months and should be moving on to something else. Mayor Coyne welcomed a future debate on the ramifications of NFPA1710.

The clerk called the motion by Ms. McCormick, supported by Mrs. Powers, to table until the next regular Council meeting of September 6th, so in the meantime we can consider the other new ordinance that has been introduced.

ROLL CALL: AYES: McCormick, Powers, Troyer.

NAYS: Mencini, Scott, Burgio, Salvatore. The motion failed 3-4.

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

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

NAYS: Troyer, Powers, McCormick. The motion carried. Ordinance No. 10003-2016 passed with a vote of 4-3. Adopted.

2. RESOLUTION NO. 13-2016, SUPPORTING OHIO HOUSE BILL 523 TO LEGALIZE MEDICAL MARIJUANA IN THE STATE OF OHIO AND DECLARING AN EMERGENCY.

Introduced by Councilwoman McCormick.

Motion by Ms. McCormick, supported by Mr. Troyer, to table until the September 6th regular Council meeting. When initially introduced it was time sensitive and the rules were not suspended. Therefore, changes are needed as the wording no longer makes sense and it can then be reconsidered.

THIRD READING OF ORDINANCES AND RESOLUTIONS: cont.**ROLL CALL: AYES:** McCormick, Troyer, Powers, Mencini, Salvatore.**NAYS:** Scott, Burgio. The motion carried 5-2.

Mr. Astorino stated Resolution No. 13-2016 is tabled until the September 6th, Council meeting.

3. RESOLUTION NO. 14-2016, ENCOURAGING PEOPLE TO CREATE MONARCH BUTTERFLY WAYSTATIONS. Introduced by Councilwoman Powers and Council Members Troyer, Mencini, McCormick and Council President Astorino.

Ms. Powers said as Environmental Committee Chairman she studies environmental issues and knows you cannot save one species without saving many other species. Mayors across the US pledged to do things to help preserve Monarchs. She asked Mayor Coyne if he would do the same. The National Wildlife Federation's pledge says the Mayor would do things in homes, schools, libraries and with landscaping to preserve Monarchs. She said she planted butterfly gardens in other cities. A man in Mexico pledged one hundred million dollars to save Monarchs. In Mexico, they were logging trees that Monarchs depend on. He not only invested in the reforestation, but he gave the people jobs to restore and reforest rather than destroy the trees, thereby destroying the Monarchs. Monarchs represent one of nature's more beautiful things and honeybees represent life itself. She plans to address honeybee and harmful pesticides. She asked everyone to support the motion and realize the importance of it because if we continue killing every insect, beneficial as well as non-beneficial, then we are killing ourselves. She will work with the Ford Middle School principal to start a butterfly garden in the school's courtyard. This fall the students will prepare soil for next year's planting. This winter, they will start developing cocoons for the next year's spring planting; the MetroParks are also involved.

Motion by Ms. McCormick to adopt, supported by Mr. Mencini, to adopt.

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

NAYS: Scott, Burgio, Salvatore. The motion carried. Resolution No. 14-2016 passed with a vote of 4-3. Adopted.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Lavaine Cates, 15499 Remora Blvd., said our livestream is bad which is generally due to Wi-Fi and asked that there be a ruling as to whether or not electronics are allowed on the dais. Ms. Cates also questioned who drafted the firefighters' legislation.

Ms. Joan Markusic, 13911 Bellbrook Dr., suggested Council learn the Charter and Council Rules to spare the audience from repeatedly having to listen to members vacillating about what those documents dictate. She said calling for a point of order is insane and it appears that no one knows what he or she is doing. She also felt people should have total conviction, mean what they say, and address issues by making eye contact. She also expressed disapproval of negative comments being made on Facebook rather than in person and people not being held accountable for

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER: cont.

those comments. She said if comments are made about her later on Facebook, she will come after people.

Ms. Brandy Reynolds, 6060 Middlebrook Blvd., stated schools should be aware of a latex sensitive with the milkweed when children are working on Monarch butterfly gardens.

Mr. Jeff Duke, 15914 Remora Blvd., offered to assist the city as a resident, engineer and sewer district employee. Over the years, the sewer district made several presentations to the administration and city engineer regarding the storm water program. However, not to Council, but that offer was made to Mr. Troyer several months ago when he erroneously called the storm water fee a tax. Mr. Duke did not like Mr. Troyer insinuating that it was about time that a presentation was made and continued that he could provide an educational program for public officials and residents. Mr. Duke commented it is embarrassing that his ward councilperson attends a recreation center outside the city rather than supporting the city's center; why not work with the administration to make the recreation center the best it can be.

Ms. Linda Hayes, 15682 Paulding Blvd., stated her eleven-year grandson while riding his bike on Sylvia experienced a drive by shooting and a week prior a thirteen-year-old riding a bike was hit in the arm. She said Officer Davis was wonderful but she had very few details from him and officers need state of the art tools to combat crime effectively. A nearby camera may have aided the police in identifying the car and its driver.

Mr. Tom Greenlee, 15841 Paulding Blvd., stated the firefighters' legislation introduced this evening references only Chapter 4 of the entire NFPA1710 standard, which deals with the Ruple Road station being able to service that geographic location of the city.

Motion by Mr. Mencini, supported by Mr. Scott, that Council properly address the audience.

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

NAYS: None. The motion carried.

Council/Administrations Remarks:

Ms. Powers said the school is informed about any child that is allergic to a food substance and they will be made aware of the milkweed toxicity, however, it is very slight and not that serious. Mistletoe and poinsettias are highly toxic, and are in our homes. Monarchs cannot exist without milkweed and it can be planted in public areas, along parkways, and roadways. Once passed the larvae stage, when it is a butterfly, it can feed on any plant that any other butterfly can feed on.

Mr. Troyer said those promoting the legislation should have arranged for a NEORSD presentation earlier which could have been done while it was in committee for several months; suddenly there is a rush to address the legislation. He was not saying NEORSD failed to show

Council/Administrations Remarks: cont.

up but merely that people did not arrange for them to make a presentation. In addition, it is embarrassing that a councilperson is attending a different recreation center and that people are attending Planet Fitness. It is embarrassing that the city's recreation center is not in the proper shape to attract people and is not being marketed well enough to attract residents. Mr. Troyer also stated that Mr. Greenlee's comments are correct.

Mr. Mencini complimented Ms. Hayes' on her speech and said he encourages different people to attend meetings and be involved, but usually there are only the same faces and he would like to hear what others have to say. Mr. Mencini addressed Ms. Markusic about the Facebook cowards, and she is correct about her Facebook comments tonight; we have all been targeted. To Ms. Cates Mr. Mencini stated he saw a picture of the Cleveland City Council and everyone had a laptop. We should follow the Charter and Roberts' Rules of Order regarding what pertains to Council; as done by the Berea School Board. To Mr. Duke I did sewer calls for many years during my time with the service garage along with the parks and playgrounds. Mr. Mencini continued by saying that Mr. Duke has a lot of knowledge and he appreciates his comments. He also accepted his offer to provide an educational program because addressing the sewers will be huge in the future. Being very involved in recycling, he believes in saving the world and saving the Monarch and everything is important. Mr. Mencini commented that the recreation director does a good job and tries to promote the recreation center as much as possible and there are things Council can do. We have to rebuild the recreation center for the city, city hall and everything; it is a great location and could be a thriving place. Many want to attend the recreation center and we are working on ways to give them reasons to attend. He said Mr. Greenlee is highly intelligent and he respects much of what he writes, but questions some things. He said he voted to keep the Ruple station open and voted not to put part-time employees there. If someone insinuates he does not care about public safety, they are very wrong as he is totally in favor of police and fire safety. He did the ride along with the fire department and talks with the police all the time and is in favor of the safety of the city's west end. His family had a house fire in 1993 and the response took about seven minutes and the city had three fire stations; the first truck arrived from Middleburg Heights, but it was a day when a million things happened. Everyone on Council cares about the safety of our kids, seniors and everything in this city.

Ms. McCormick addressed Ms. Cates comments about having electronic devices at the dais and said purchasing iPads or tablets was discussed at the organizational meeting. Council Rule No. 9's intent is not to prohibit devices, but to prohibit communications between members and other persons during meetings. Regarding who drafted the firefighters' legislation, it was a collaborative effort between members whose names are listed on the legislation. We should strive to follow that practice with as much legislation as possible, it should not be one person. Regarding Ms. Markusic's comment about the point of order, it is a Roberts' Rules of Order procedure appropriately used when members are off topic or if there is disruption, it is not insane. Ms. McCormick agrees that some things on Facebook are out of control, but cautioned against making threats at the podium regarding elected officials. Saying she will come after anyone, mentioning her on Facebook, could be misconstrued. Regarding Ms. Reynold's comments, she said her daughter's preschool did a Monarch program and there were no milkweed issues. They are probably aware of potential hazardous issues, as this is not a new program for the district. She said Mr. Greenlee is correct in stating that the fire station

Council/Administrations Remarks: cont.

ordinance, introduced this evening, references only specific NFPA1710 standard sections, it does not suggest that we adhere to the entire standard.

Mr. Troyer said he was not insinuating earlier that those at the recreation center are not doing their job. The center has improved over the last year or so, however, it is embarrassing if the city's residents are going to other centers. Improvements are needed so residents will go to the city's center.

Ms. Powers said like anyone else, she goes where her needs are met. When the Mayor said he was closing the center and cutting senior activities, many seniors went outside the city and stayed outside the city when the Mayor changed his mind and said they could come back; some went to Gunning for Silver Sneakers. When first on Council she shared information from three Cleveland senior centers she attends to show the Mayor what could be done through the Office on Aging, however, it was not well received so she dropped the issue. Other centers provide what Brook Park's senior center cannot and since it was closed, membership has dropped by two-thirds and programs are limited; City of Cleveland centers offer much more. Gunning makes constant improvements and has everything that Brook Park has, but on a smaller scale.

Mr. Mencini mentioned that the recreation center is a community center with a lot going on, it is not a health club.

Mr. Scott thanked Mr. Duke for providing clarification regarding the sewer issue, and said they will continue working together on some Ward 4 issues. He accepted Mr. Duke's offer to provide an educational program regarding sewers. He and other Council members have discussed legislation; however, he and Messrs. Mencini, Burgio and Salvatore knew nothing about the firefighters' legislation. It was said they participated, however, it was not discussed with them and there was no notification or communication about it. He agreed with Ms. Reynolds about the milkweed issue and questioned if that has been addressed with the schools. He agreed with Ms. Markusic that rule changes are needed and, hopefully, that will be discussed. He was sorry about Ms. Hayes' experience with the shooting. He echoed Mr. Mencini's earlier comments regarding the recreation center and said Council approved new equipment for the center.

Mayor Coyne said everyone would have an opportunity to do something for the recreation center soon, and he hoped those with concerns would fight for improving the building. If not, it will peril under its own inadequacies and you will see the cost to remedy the problems. Mr. Scott did not know what Ms. Powers was talking about as the seniors determine what they want to do whether it is one day a week or something else and stated that Ms. Powers actively tried taking people away from the city's program. However, he agreed that people go where their needs are met. Mr. Troyer's criticism regarding marketing is shallow realistically no city can afford to operate a recreation center unless subsidized at the parole of other things. As Mr. Mencini stated, it is also at the parole of our city if we do not offer community activities to all ages. The administration has tried to balance things, and his proposals at the beginning of his administration to remedy most of the problems were rejected; alternate ways must be found to accomplish these things. He said his heart goes out to Ms. Hayes and we must get to the bottom of that situation.

Council/Administrations Remarks: cont.

Mr. Troyer said in the first year of this term the Mayor said the recreation center was going to close, which was devastating to the center.

Mayor Coyne said he kept it open despite lack of revenue, with some painful cuts to people, while Mr. Troyer stood on the sidelines and said you do not have to vote for that tax.

Mr. Astorino said Council likes to address audience participation and most members do, but then an exchange between members ensues. Disagreeing with a member's response to a resident does not mean you can confront that member; there are too many side debates. Council members must refrain from doing that so as not to prolong meetings.

Mayor Coyne said that is not what occurred and is Mr. Astorino's interpretation.

Mr. Astorino said this is an example of when to call a point of order as he is being interrupted while he should be allowed to continue speaking.

Motion by Mr. Troyer, supported by Ms. McCormick to adjourn.

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

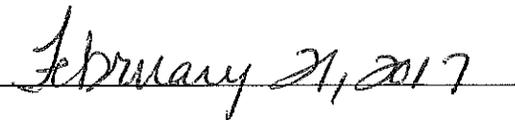
NAYS: None. The motion carried.

There being no further business to come before this meeting Council President Astorino declared this meeting adjourned at 10:52 p.m.

RESPECTFULLY SUBMITTED


Michelle Blazak
Clerk of Council

APPROVED



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