

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, SEPTEMBER 6, 2016**

Mr. Astorino called the meeting to order at 7:00 pm, 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, Law Director Horvath, Safety Director

Motion by Mr. Salvatore, supported by Mr. Mencini, to go out of the Regular Order of Business to item G.

AYES: Salvatore, Mencini, Burger, Troyer, Powers, McCormick, Scott.

NAYS: None. The motion carried.

INTRODUCTION OF RESOLUTIONS OF COMMENDATION;

1. A PROCLAMATION HONORING JOHN KLUTARICH

Mayor Coyne we have two individuals this evening, Rania Piter and John Klutarich. It's not very often our police and fire we recognize them for their outstanding duty in saving lives and they do it every day. It's their general attitude, it's how they're trained and it's what they get paid to do. Here we have a case of two regular folks minding their own business who came to the defense of their neighbors. Brook Park received a lot of news because of a shooting suicide on Richard Drive and reading reports of the incident it was absolutely amazing to me. The response of the citizen who doesn't live in Brook Park and was attending an event at a friend's home. This gentleman when he learned of the situation with the kids, even the police didn't know where the children were at, they thought they were in the home. Mr. Klutarich found out that they were in the car and the deceased gentleman in the driveway had the keys in his pocket. In a nutshell, Mr. Klutarich went across the street and crawled to the man who slain to get the keys out of his pocket and save those children; absolutely remarkable. When I called him to thank him on behalf of our citizens, he didn't really seem to think that it was a very big deal; which is remarkable in today's day and age that an individual would assume civic responsibility as routine. We have bulletproof vests for our paramedics to go on the scene and have apparatus to protect our police officers from gunshots coming at them and here is a private citizen who took it upon himself. This gentleman went up there and put his life at risk for the members of our community; I would like to thank and recognize him. Mr. Klutarich thanked Mayor Coyne and City Council for the recognition.

2. A PROCLAMATION HONORING RANIA PITER

Mayor Coyne continued with Rania Piter who is an employee of the Brook Park Recreation Center and works in admissions at the waterpark. On Saturday, August

INTRODUCTION OF RESOLUTIONS OF COMMENDATION: cont.

13th a woman's pacemaker and defibrillator were going off and shocking her body. Rania who is a MA (medical assistant) sprang into action and cared for the woman until the paramedics arrived on the scene. Due to her efforts and the waterpark staff that reacted so instantaneously this woman was able to make it to the hospital to receive the medical attention that she needed. By her dedication initiative maybe this woman wouldn't have made it for the paramedics to transport her. On behalf of the Council of the City of Brook Park and the people of this great city we want to thank you. And God bless the people of the world like you.

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

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

NAYS: None. The motion carried.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

Mr. Astorino stated since the meetings are fairly lengthy so are the minute transcriptions, so rather than providing copies to everyone, emails will be sent out. Also there are a few corrections that have been pointed out: The first one is on page 10 the word 'default', there was discussion where the word default, it said tear it down and default that property and it should have said tear it down and re-develop that property; so that word default should be changed to redevelop. On page 17 there was a section where Councilman Troyer asked the engineer a question and the paragraph shows Mr. Troyer responding when it was actually Mr. Piatak.

Motion by Mr. Mencini, supported by Ms. McCormick, to approve the meeting minutes as corrected.

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

NAYS: None. The motion carried as amended.

Aviation & Environmental Committee - Chairwoman, Powers

Mrs. Powers thanked Council for the passage of the Monarch Butterfly legislation and I am currently working on getting harmful pesticides banned.

Finance Committee - Chairwoman, McCormick

Ms. McCormick stated there was a special Board of Control meeting on August 30th and 18 items were approved. The lowest bid received for the Fry Road Reconstruction Project was by Fabrizio in the amount of \$462,639.00. Also the board approved the 2016 Sidewalk Repair Program to Konstruction King in the amount of \$262,000.

Legislative Committee - Chairman, Troyer

Mr. Troyer stated there are two items on tonight's agenda. If anyone wants legislation pulled out of committee please email the clerk of myself.

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

Mr. Mencini congratulated Mr. Klutarich and Ms. Rania for their efforts. The recreation report Midpark High School will be using the city's football fields on September 7th at 5:00 p.m. and September 21st at 4:30 p.m.; the Brooklyn Youth football team is currently utilizing the field that they paid for because of vandalism to their field. The PeeWee and Clinic started tonight scrimmaging against Parma. The Youth Football, Tackle and Cheerleading starts on September 10th at 2:30 p.m. The Cops and Kids free-throw contest will be held on Friday, September 9th from 4:30 p.m. to 7:00 p.m.; that is sponsored by the Sea of Blue and local enforcement agencies and other recreation centers. The center is currently taking registrations this month for the Youth Co-ed Volleyball, Youth Co-ed Dodgeball and Women's Volleyball. Mr. Mencini continued that flu shots will be given out on Friday, Oct. 7 from 9:00 a.m. to 12:00 noon.

Planning Committee - Chairman, Troyer

Mr. Troyer stated the next Planning Commission meeting will be held this coming Monday, September 12th at 7:15 p.m., following the Board of Zoning Commission. There are three items on that agenda one for aesthetic approval to construct a front porch and roof at 15683 Harrison Drive, another is request for aesthetic approval of signage at 15320 Brookpark Road for Earl's Collision Center, the third item is for aesthetic approval of a 80x15 canopy at 13425 Snow Road; the farmer's market.

Safety Committee - Chairman, Salvatore

Mr. Salvatore stated no report this evening.

Service Committee - Chairman, Burgio

Mr. Burgio stated no report this evening.

Board of Zoning Appeals - Chairman, Scott

Mr. Scott stated the Board of Zoning Appeals next meeting is September 12th with three items on the agenda. The first one requesting a variance for a swimming pool at 15556 Hocking Blvd., the second is a request for a variance for a swimming pool at 6450 Leslie Drive and the last item is the signage board, that Mr. Troyer mentioned, for Earl's Collision Center

Reports from Special Committees:**Southwest General Health Center Trustee, Salvatore**

Mr. Salvatore stated that Southwest General has been recognized by Northcoast 99 as the best workplace for the top talent in Northeast Ohio; this represents the 13th time that the hospital has received this recognition. The center is making good progress in reducing the first year employee turnover, this is very high on a list of things to improve Mr. Young took over as President and CEO (Chief Executive Officer). The good news for patients is that there is free television service throughout all the patients' rooms. Mr. Salvatore gave a brief construction update of items that will be completed by the end of the third quarter. The first phase of work expansion on the Steam Plant Expansion continues and that will be completed the end of the quarter; replacement of the surgery Pavilion roof over the C

Reports from Special Committees: cont.

building has started and will also be completed by the end of the third quarter. The health center is continuing to make improvements to parking lots A & B and should be completed by the end of the quarter. The health center has renewed the partnership with the Berea School District to provide health services to more than 6,000 students in seven schools. The contract renewal includes longer than usual terms and will be for five years this time. As chairman of the nominating committee there was an informal meeting to discuss an opening on the board from the City of Strongsville, recommendations will be presented at the October meeting.

Berea Board of Education Committee - Representative, Burgio:

At the August 29th board meeting Superintendent Sheppard mentioned that the start of the school year activities are starting up. The Steps Center for Autism contract was renewed; as well as 319 chrome book 11s. The superintendent recommended the rejection of the contracts for vendors for the kitchen and cafeteria renovation at Middleburg Heights Junior High and Big Creek Elementary; they exceeded the published cost estimate by \$820,000 and that is more than 10%. The superintendent noted that there were very few residents responded to the first bond issue informational night at the Brook Park Memorial, I think there were only about a dozen people there.

Berea Board of Education Committee - Representative, McCormick:

Ms. McCormick stated the Berea City School District has a bond issue on the November 8th ballot and meetings have been scheduled for each of the districts three member communities. Brook Parks was already held on August 24th and believe that with the less than two weeks notice was the reason for the small turnout. There are two other meetings that will be coming up and the district will also be having community building tours; one being tonight and the next one on Sunday, September 11th from 1:00 p.m. to 3:00 p.m., this is a good opportunity to learn about some of the facilities that exist in the district. The facilities that will have the tours are Berea-Midpark High School and the Middleburg Education Center.

Mr. Astorino commented that Berea Board of Education representatives will be in attendance at the September 13th Caucus meeting to speak about the bond issue.

REPORTS OF BOARDS AND COMMISSIONS:**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

Note: Moved by motion to the beginning of the meeting.

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne thanked Council for allowing the recognition of people that provided assistance to our citizens that were in need. School is back in session so keep an eye out for the children and school buses. The Michael Drive construction project

REPORTS AND COMMUNICATIONS FROM THE MAYOR: CONT.

will be starting and there have been concerns received about the use and storage of equipment for the Smith Road Sewer Project asking if another location can be found because motorists are having a hard time particularly close to Michael Drive.

Mr. Troyer asked Mayor Coyne about the timeline for the central dispatch system.

Mr. Coyne responded you asked the same question to the safety director every week and it's moving; they are making transitions with the wiring.

Mr. Mencini asked Mayor Coyne for an update on the Recreation Center improvements.

Mayor Coyne responded there's been some finalization with the contractor since the last report to Council and hopefully next week the I along with the finance director can sit down with our consultant to see how the numbers work.

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

Mr. Piatak stated the 2015 Sidewalk Repair Program is wrapping up and with some landscaping that needs to take hold with over 1,000 blocks of sidewalks being replaced; it turned out to be a pretty successful project. The 2016 project, that's the section between Smith and West 130th Street received inspections and bids were taken today. The resident cost of those blocks will be \$105.00 a block and there will be no grinding or slab-jacking as was part of the 2015 project; there was negative feedback from the residents on those operations so there will only be a remove and replace method for 2016. The project will get started later this year, and I expect that the letters will go out to the residents shortly. The Snow Road Resurfacing Project, from Route 237 all of the way to 130th the city received news from the ODOT (Ohio Department of Transportation) that during the bid process a decision was made to delay the construction start until 2017, so unfortunately we will not be seeing any work over on Snow Road until the spring. The Smith Road Phase 3 project started about two years ago is wrapping up with some landscaping and trees left to do and anticipate that done with the cooler temperatures. The Smith Road - Phase 4 that section is under construction right now with the in-line installation underway of about 350-foot of sewer already installed; still looking at a December completion date for this project. The Michael Drive - Phase 5 reconstruction project, between Snow and Hummel, we anticipate some sewer and catch basin work to start mid-September. The Fry Road Reconstruction Project bids were opened on August 25th with Fabrizio being the lowest bidder. Currently those contracts are being executed and we do anticipate a false start on the project. Hopefully some will be done this year and then finish up in the Spring of 2017.

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

Just an update on Brookdale. An application was submitted to the water department for inclusion into their suburban water main renewal program and plans are being finalized on that project with an estimated late 2016 or early 2017 contract award and start date. The Holland Road - Hummel Road grade crossings, there are two crossings over on the westerly side and word today from CSX that they are going to be closing those two crossings starting Tuesday September 13th and anticipate opening September 15th.; so on Tuesday, Wednesday and Thursday next week the crossings will be closed for some track work by the railroad.

Lastly, we will be making an application to the Ohio Publics Works Commission for the reconstruction of Holland Road between Fry and Engle. That was the project that was submitted last year and were unsuccessful securing funds for that. There will be some authorizing of legislation coming forward to Council for their consideration; the applications are due on September 23.

Mr. Burgio stated to Engineer Piatak I asked you about this once before about the Smith Road - Phase 3 project with the planting of more trees. I think there is only one that didn't make it surprisingly through this dry hot summer, can that be added to the list?

Mr. Piatak responded any of the trees that didn't make it, will make the list to be replaced.

Mr. Scott stated to Engineer Piatak with the sidewalk repair just about done when will the 2016 - Phase 3 begin.

Mr. Piatak responded the Phase 2 for 2015 is complete and the 2016 program will begin shortly and we started inspections yes.

Mr. Scott continued once inspections are done letters will be sent to the residents correct?

Mr. Piatak concurred.

Mr. Scott stated if a resident wants additional work done other than what's been noted they then do a separate contract with the contractor?

Mr. Piatak replied typically that would fall in an agreement between the resident and the contractor. I guess that if the resident feels as if the blocks should've been included in the program, we can send the inspector back out to re-inspect the blocks, to see if it was something that he missed. But if it was a driveway or an

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

Engineer Piatak: cont.

apron that was clearly outside of the scope of what's being done, that would be a contract between the resident and the contractor individually.

Mr. Scott stated I can call you to get the contact information for the contractor?

Mr. Piatak concurred.

Mr. Scott continued I've already had a couple calls regarding people that want additional work done.

Mr. Mencini stated with the sidewalk project the blocks will be about \$105.00, I thought they said \$100.00 fee to the resident.

Mr. Piatak responded the fees are based on the bids that received from the contractors so we've calculated it to be that the 2016 program, the contractors bids were a little bit higher. I think you're correct the 2015 program was \$100 a block and based on the bids for the 2016 program the blocks are going to be \$105 a block.

Mr. Mencini stated okay, with the Smith Road project, you think that will probably be the end of December this year right?

Mr. Piatak replied that is the anticipated completion date.

Mr. Mencini stated you know you're always going to get people, I'll do this I'll do that - but I'll be honest with you, if you don't do nothing people complain, and if you do something people complain, but I will be honest with you, that's a good part of my ward over there and that's a project long in waiting. I think your cut-offs on Montvale and getting out of Richard are great. I mean sometimes you just can't go any other way. The traffic flow for having one lane over there is pretty good so very good job over there. On the Snow Road project was there a given reason why they won't start until 2017; because I kind of thought we were to do that this year.

Mr. Piatak responded so did I and after finally getting ahold of someone at ODOT they had indicated that they didn't think the contractor could complete it in 2016. As I said I wasn't aware of the change in the construction date until the contractor was already onboard. I felt as though the contract had provisions in it so that if they could not complete the project in 2016 they could complete it in 2017 without any penalty to the city or the state. But apparently they felt differently and decided to move it back to a 2017 start date.

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

Engineer Piatak: cont.

Mr. Mencini continued with the Fry Road project that will start in the fall.

Mr. Piatak concurred.

Mr. Troyer stated to Mr. Piatak with the quiet zone on Sheldon where are we at and how is that moving along?

Mr. Piatak responded things are quiet over there, I hadn't really heard much. I can get a hold of Mr. Dolan and see if he's heard anything, or if there's been any other activity over there.

Mr. Troyer asked are we waiting for the funds on that?

Mr. Piatak responded yes.

Mr. Troyer continued just a reminder of the lack of grass at Plant Lane and Leslie; there are still a couple other areas over there. Those will be taken care of this year, correct?

Mr. Piatak responded I indicated to the contractor that I expected him to come back and address the landscaping in those areas as well as in the entire project in general. Again it's been a hot season here; it hasn't been very conducive for grass growing but the contractor has indicated that he will be back.

Ms. McCormick asked Engineer Piatak on the application for Holland you stated it was due September 23rd and Council needs to take action on it? Will that legislation be coming soon? Is this something that needs to be passed before September 23rd along with the application?

Mr. Piatak responded the Public Works Commission will allow legislation to come in after the fact, after the deadline. Because they understand the timing of some Councils throughout the state and how long it takes to get some legislation passed. My preference has always been to have all needed documentation to go with the application, if at all possible.

Service Director Cayet:

Service crews have been doing some infrastructure work in the city here and have replaced the waterline at Plant Lane and Leslie Drive down to the pavilion and concession stand. There was about 550 feet of new plastic pipe to replace where the old pipe was before. The old pipe was a 4-inch steel pipe that ran down to the

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

Service Director Cayet: cont.

sewage plant and it kept rusting up and popping holes; we would make a repair and then two days later it would pop again; so that is done and it should be good for another 50 years. The supports for the lighting on the football field are being worked on and crews have replaced the timbers with steel supports. I think there are three more poles left to do and that should be done by the end of the week. They started installing the electronic message board sign by the waterpark. They dug the post holes today and the electrician is getting together with the installers to see what we have to do to get power to the sign. The city hall pavilion blue lights have been replaced with pink lights for cancer awareness. Crews will start street-striping tomorrow and are asking residents to be aware of that and to give them a break, they don't do 25 miles an hour down the road striping the streets. Cones will be placed and place do not try to weave in and out our there will be yellow paint on your car. One last thing is that a former city employee, Mitch Hart, passed away and will be laid out tomorrow at Ripepi's in Parma. Also Sunday is 9-1-1 awareness and there will be a 9-1-1 ceremony at Kennedy Park at 11:00 a.m.

Mr. Burgio stated with winter its way how are the salt reserves and snowplows? Are there enough trucks to do the job?

Mr. Cayet replied we're in good shape there is about five or six thousand tons sitting at the shop right now.

Mr. Burgio asked is that because the city didn't use any last year?

Mr. Cayet concurred.

Mr. Mencini commented I worked with Mitch Hart who was a warmhearted person and really sorry to hear of his passing.

Mr. Troyer stated to Mr. Cayet with the passage of the Stormwater agreement a while back, I just wondered if were about to file for any of that for the catch basins and sewers? Is any that in the pipeline so to speak?

Mr. Cayet responded the engineer and myself have contacted the regional sewer district about that. We are looking to purchase a tool that fits on the end of the sewer jet that will grind up calcium deposits. The bid received was about \$15,000 for that piece of equipment.

**REPORTS ANC COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS
AND OTHER PUBLIC OFFICIALS: cont.**Safety Director Byrnes

Mr. Byrnes stated I want to elaborate a little for the Council and for the residents about the incident on Richard on August 20th. There was a homicide and suicide at the same address in about a seven-hour period. We had a homicide and a suicide at the same address in about a seven hour period. If there was any silver lining to something like this, it was that the event occurred at 7 o'clock at night which is a shift change time from the day crew to the night crew in the police department. Because if it wasn't it would've been a lot harder to handle that incident. The police worked to secure the area, protect the neighbors, houses had to be evacuated. We were there for several hours with the SWAT team surrounding the house and some patrolmen who worked in excess of 18 hours that day; to come back the next morning at 7:00 a.m. Unfortunately, the gentleman responsible killed himself but we had the SWAT team come who brought a robot to go inside of the house. The robot was able to find him and no one else got hurt and as the mayor pointed out; had this happened earlier it could've been a much worse situation. Saturday night was a typical Saturday night in Brook Park that we had other calls to address and those other calls still came in. There was also a major incident on the city's west end that had to be contended with and the police and fire departments did an admiral job. The fire department stood by from 7:00 p.m. until after 2:00 a.m. and because of their work the gentleman who had been murdered, actually he still had a pulse and a heartbeat and ultimately became an organ donor the next day before passing on; largely because of the first-aid work done by the paramedics. The dispatcher answering calls from Richard Drive and taking care of the problem on the west end along with other calls coming in. In the middle of all of this she got a 9-1-1 call of an individual driving up from Youngstown and was going to commit suicide. The dispatcher called Youngstown to find out where he was so that police can go there and save his life; that all worked out. All of that in the same period of time and to say least everybody really stepped up and that was a really big night. Mr. Byrnes continued the last couple of weeks the departments have been busy with Donald Trump coming yesterday. Every time a presidential candidate comes to the airport it requires our police to work with the Secret Service to help secure a part of the airport, help the block intersections etc. Yesterday, I think I'm safe in saying for the first time in the city's history we had both presidential candidates and both vice presidential candidates in town at the same time; that is quite a load and police got some overtime because of that. There's been a lot of activity in the past few weeks, it's been pretty busy and everyone has done a great job and though we tell them they've done a good job, I think sometimes it just helps them to know that people recognize that. So when you call and they don't get there right away, they will get there as fast as they can, this is just a real busy season. The past three weeks have probably been the busiest since I've been here. Mr. Byrnes continued with the Parma dispatching what is being done right now is we have the price now, a bid to move the equipment from our dispatching area to Parma and are meeting weekly.

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

Safety Director Byrnes: cont.

We're about to do that process and that's the last step needed and we're not going to do that until we absolutely know for sure that the communications will not be interrupted; it is progressing. Both Police Chief Foster and Assistant Chief Johnson, are working to make this as seamless as possible. So right now although it is taking longer than I had anticipated at least I know that when it does move it's good to be as seamless as humanly possible because we don't want any missed calls.

Mr. Salvatore stated I would like you to let the police and the fire department know that they do a good job and are doing a great, great job and we definitely appreciate all they do.

Mr. Byrnes responded I will certainly let them know.

Mr. Burgio stated I share those thoughts too, we don't always know what's going on behind the scenes and when a city has high stature people coming into town. I have one question have the traffic signals been recalibrated on Smith Road due to the construction? It appears that they are longer on Smith, which kind of makes sense, because of the construction and shorter on the cross streets.

Mr. Byrnes responded not that I'm aware of, I believe they were sent back to where they were before.

Mr. Burgio continued the one at Smith and Sylvia seems to be a long red light for motorists on Sylvia Drive; longer than it used to be.

Mr. Piatak responded I'll check it out.

Ms. McCormick stated the same night of the Richard Drive incident all of Council was contacted before the (west end) event because I guess this is an ongoing like monthly type thing that goes on over there. The residents expressed concern over this and I'm wondering as well is there anything that you can recommend that we as a Council can do to help police deal with this kind of problem in the future?

Mr. Byrnes replied the department only recently became aware that these parties were that frequent.

Mayor Coyne interjected this man is under investigation and I prefer that we don't talk about it individually. I think the answer to the Councilwoman's question is the law department is researching legislation that the host is responsible, liable for

**REPORTS ANC COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS
AND OTHER PUBLIC OFFICIALS: cont.**Safety Director Byrnes: cont.

these things, and don't want to get into the individual situation here this evening and would like Council's indulgence. The answer the question is yes we are working on it and as Members of Council approached us about this we found that there is some progressive legislation that deals with this type of situation specifically and once the law department receives the information we will get it to Council.

Mr. Mencini stated actually on that same night on Fry Road a car put itself directly under a picture window at the same time. Absolutely there are two heroes that were commended tonight for stepping up as well as the city's police and fire departments that do a great job.

Law Director Horvath:

Mrs. Horvath stated that she made some remarks earlier at the Caucus with regards to some legislation and also echoed the Mayor in saying that the department is looking at legislation with regard to the city's west end issue

Mr. Troyer stated first, I would also like to thank the police they have been extremely busy lately. I understand that and I think that everybody who hasn't spoken up yet would have the same sentiments that the police do a good job and would thank them. Can you give an idea of how this new legislation for these raves, as they are being called, is there information on this?

Mrs. Horvath responded possibly one piece if not two.

Mr. Cingle stated monthly reports for August will be distributed shortly and the Mayor will be introducing three pieces of legislation later in this meeting that are time-sensitive. My hope is to have the legislation discussed next week and passed before the end of the month.

Mr. Troyer stated with the Smith Road Sanitary Sewer Project, we talked about this a little bit the other day, that the city originally is going to pay for that by borrowing money, now it looks like we might not have to. Maybe because are not doing the Snow Road or maybe from moving monies around. How is the city going to pay for the Smith Road Sanitary Sewer Project?

Mr. Cingle responded the city made payment on the Snow Road project so those monies have been paid. With the Smith Road -Phase 4 project we are we are in the process of preparing an appropriation change ordinance. The hope is that we can use some funds from other projects to pay the outstanding portion of the city's

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

Finance Director Cingle: cont.

balance for the Phase 4 project; that will all be included in the appropriation change ordinance for Council's review in the next few weeks.

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

1. CORRESPONDENCE RECEIVED FROM A RESIDENT
Mr. Astorino stated correspondence has been received from a resident that will be read later since the resident asked that the letter be read during audience participation.
2. SOUTHWEST HEALTH CENTER DELEGATES WITH ADDITIONS
Motion by Mr. Salvatore; supported by Mr. Mencini, to verbally approve.
ROLL CALL: AYES: Salvatore, Mencini, McCormick, Powers, Troyer, Burgio, Scott
NAYS: None. The motion carried.

New Legislation:

1. A Resolution designating the depository of the interim funds of the city of Brook Park Ohio for a period of five years beginning October 7, 2016 and declaring emergency. Introduced by Mayor Coyne. **Placed in finance committee**
2. A Resolution accepting the amounts and rates as determined by the Budget Commission authorizing necessary tax levies and certifying them to the County Fiscal Officer and declaring emergency. Introduced by Mayor Coyne. **Placed in finance committee**
3. A Resolution designating the depositories of the active funds of the City of Brook Park, Ohio for a period of five years beginning October 7, 2016 and declaring emergency. Introduced by Mayor Coyne. **Placed in finance committee**
4. A Resolution authorizing the Mayor to prepare and submit an application to participate in the year 2017 Ohio Public Works Commission State Capital Improvement and or local transportation improvement programs and to execute contracts as required and declaring emergency. Introduced by Mayor Coyne **Placed in service committee**
5. An Ordinance authorizing the Consulting Engineer to prepare an application to participate in the year 2017 Ohio Public Works Commission State Capital Improvement and or local transportation improvement programs for financial assistance on the Holland Road Reconstruction Project and declaring emergency. Introduced by Mayor Coyne **Placed in service committee**

New Legislation: cont.

6. An Ordinance authorizing the City of Brook Park's participation in the ODOT Cooperative Purchasing Program for the purchase of one plow assembly for the 2017 Western Star 4700 SB truck and declaring emergency. Introduced by Mayoior Coyne. **Placed in service committee**

7. An Ordinance authorizing the Mayor to enter into an agreement with Henderson Products for the purchase of one 2017 dump body and plow package for a Western Star truck and declaring emergency. Introduced by Mayor Coyne. **Placed in service committee**

8. An Ordinance authorizing the City of Brook Park's participation in the ODOT Cooperative Purchasing Program for the purchase of one 2017 Western Star 4700 SB truck and declaring emergency. Introduced by Mayor Coyne **Placed in service committee**

9. An Ordinance authorizing the Mayor to enter into an agreement with Best Environmental Equipment Company Inc. for the lease purchase of two Mack chassis with Lebree automated side loaders and declaring an emergency. Introduced by Mayor Coyne **Placed in service committee**

10. An Ordinance authorizing the Director of Public Service to prepare specifications and to advertise for bids and further authorizing the Mayor to enter into a contract with the lowest and or best bidder for the disposal of solid waste in an EPA approved composting facility and declaring an emergency. Introduced by Mayor Coyne. **Placed in service committee**

11. An Ordinance authorizing the Director of Public Service to prepare specifications and to advertise for bids and further authorizing the Mayor to enter into a contract with the lowest and or best bidder for the collection of solid waste, yard waste, recyclable materials and bulk materials and declaring an emergency. Introduced by Mayor Coyne. **Placed in service committee**

Mr. Astorino asked is there any other legislation to be introduced.

Motion by Ms. McCormick, supported by, that the time sensitive items be placed on first reading this evening and that also on next week's caucus under discussion.

Mr. Astorino clarified on first reading tonight.

Ms. McCormick concurred.

Mr. Astorino asked for a second, none, motion failed for a lack of second.

MISCELLANEOUS BUSINESS APPOINTMENTS AND CONFIRMATIONS.

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

INTRODUCTION OF ORDINANCES AND RESOLUTIONS ON FIRST READING:

1. RESOLUTION NO. 24-2016, HONORING OUR LOCAL MILITARY VETERANS AND SUPPORTING NATIONAL VETERANS AWARENESS WEEK. Introduced by Council Members McCormick, Powers, Council President Astorino Troyer, Mencini, Scott, Burgio and Salvatore

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

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

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

ROLL CALL: AYES: Scott, Troyer, Powers, McCormick, Mencini, Burgio, Salvatore
NAYS: None. Resolution No. 24-2016, has passed under Suspension of the Rules. Adopted.

2. RESOLUTION NO. 25-2016, TO IMPOSE A MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDINGS, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS. FROM THE EFFECTIVE DATE OF THIS RESOLUTION AND IN ORDER TO ALLOW THE CITY ADMINISTRATION, COUNCIL AND THE BROOK PARK PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES, AND THE BROOK PARK ZONING CODE RELATIVE TO SUCH USE AND DECLARING AN EMERGENCY. Introduced by Council President Astorino and Council Members Troyer, Mencini, Powers, Scott, Burgio and Salvatore

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

Mr. Salvatore stated I would just like to state for the record that I am not in favor of anything that pertains to the marijuana issue, but am in favor of imposing a moratorium and think it's a good idea. I don't think that they can bring forward enough information for me to support it but I will support the moratorium.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: CONT.

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

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

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

ROLL CALL: AYES: Scott, Mencini, McCormick, Powers, Troyer, Salvatore, Burgio
NAYS: None. Res. No. 25-2016, has passed under Suspension of the Rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 10035-2016, 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, Powers and McCormick

Motion by Ms. McCormick, supported by to return to committee.

Motion by Mr. Troyer to amend.

Mr. Astorino: The first motion made was to place it back to committee. Is there support for that motion?

Ms. McCormick: My intention was to get rid of it.

Mr. Salvatore - it's marked that it was in the Safety Committee but it was never in my committee, it went right from the Introduction to a Council meeting but was never in my committee. I don't how we can refer it back to committee when it's never been there.

Ms. McCormick: How do we properly dispose of it then if you didn't put it back in committee?

Mayor Coyne - if I may, I could answer that.

Mr. Astorino: If you'd like.

Mayor Coyne: Do you want to dispose of it or in other words do you want to kill it?

Ms. McCormick: Yes. That is my intention.

Mayor Coyne: you have to vote on it, make a motion in the affirmative and then vote no. tonight.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

Ms. McCormick: So a motion to adopt then vote no?

Mayor Coyne: Yes.

Mr. Astorino: Okay. So there is no support on the motion to place back in committee. We will move to Councilman Troyer's motion to amend.

Mr. Salvatore - I'd like to poll Council if I may. Is the intent of Council follow McCormick's desire? If we vote to suspend and move forward, is the intent to kill this legislation? Are the votes there? Is that what everybody wants to do?

Ms. McCormick: That's my intent.

Mr. Astorino: Council please. This is a Council meeting and I'm reluctant to do the polling that way because that's more of a Caucus type situation.

Mr. Salvatore: I think the poll of Council is always in order on a piece of legislation. If that's the intent I would support Julie McCormick's motion, I would suspend and vote no.

Mr. Astorino: Right but her first motion was a motion to place back in committee that failed. It did not have support. Now we've had a motion by Councilman Troyer to amend

Mr. Salvatore: That failed.

Councilman Troyer: And supported. May I go? May I continue?

Mr. Astorino: Yes.

Mr. Troyer: Council because of the fact the other ordinance relating to this was changed since this one was written up, there are just some amendments that have to be made as far as mirroring other ordinances now and changing some dates. So if you look at section 1, codified 143.026 their duties in section 1 the middle of the paragraph. This will be a paragraph change. A minimum of five firefighters on duty would be eliminated, and right after that, sufficient firefighters would be added. And then where it says in parentheses Fire Station 2, as necessary to protect lives and property of all persons and businesses present within the city would be added.

Mr. Astorino: Can you read that slower Councilman so that we can all catch it? That part right after Fire Station 2.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

Mr. Troyer: Okay. What would be added is "As necessary to protect lives and property of all persons and businesses present within the city."

Mr. Astorino: Please read it slower.

Mr. Troyer: As necessary to protect lives and property of all persons and businesses present within the city. Basically that changes what it currently is now.

Mr. Astorino: Is that the extent of your amendment?

Mr. Troyer: Yes. Well that's the first one. There's another one. And then also Section 2, the additional amendment to that would be ordinance 143.026 as passed. That date would change to August 2, 2016 and after the end effective date would be September 1, 2016. These are just changes based on current legislation which wasn't in force at the time this is drawn up. So those are the amendments that I'd like to see.

Mr. Mencini: I'd like to ask our law director her legal opinion on these amendments.

Ms. Horvath: I think all of Council, Council President, the Mayor are in possession of a memo that I had written with regards to this particular ordinance. I think the ordinance has a number of different problems and I would note that it was not presented to the law department in a timely manner. After reviewing it I determined that I could not approve it as to legal form and correctness. So the amendment that Mr. Troyer is currently making certainly is something that would be in line with making the ordinance better, but there are still other problems associated with it. Some of them are as to legal form and correctness, other problems have to do with other legal considerations which I detailed in my memo. I would be happy to answer any specific questions as I laid out but obviously the ordinance is defective because it doesn't refer to the section that would be repealed as it exists today. That section was repealed on August 2nd and the five-man and two-man minimum manning was taken out and we just went with sufficient firefighters. The ordinance currently contains the minimum manning language of five at Holland Road and two over on the west End.

Mr. Mencini: Thank you madam Law Director for your legal opinion. That's all I have Mr. Chairman.

Mr. Astorino: Can you clarify that for me? When the one before was drafted and put into Council under Council Rule 13 on August 2nd; that other ordinance hadn't been passed yet. Are these amendments that are being offered by the Councilman, does that reflect what the current ordinance is right now?

SECOND READING OF ORDINANCES AND RESOLUTIONS:

Ms. Horvath: Yes. I believe ordinance 10003-2016 was passed on August 2nd. My understanding is that this particular ordinance was introduced but my assistant Mr. Peter Sackett, had indicate that he was opposed to its introduction and he felt that it should not be introduced at that particular time. It does have a number of flaws in it. The chief flaw of course is that our charter says that if you're going to do an ordinance and you're going to repeal something that you have to have the exact item that you're repealing in the ordinance. As the ordinance reads now it has language that was repealed on August 2. So yes that obviously is a problem. One of the problems with the ordinance.

Mr. Astorino: Does the amendment that is offered resolve that problem with the language that was just talked about?

Ms. Horvath: It resolves that part of the issue but there are other issues with it.

Mr. Astorino: I understand that, I do. But the discussions on the amendment right now so I want to make sure that the if this amendment goes through we will be past the problem of the language being reflected in Section 1, what we're changing, is reflecting the effective dates.

Ms. Horvath: The amendment would have to refer to the language that is contained in the current ordinance which was amended on August 2. So that language would have to be put into this ordinance in order to move it closer to being correct as far as legal form.

Mr. Astorino: Councilman Troyer.

Mr. Troyer: Thank you Mr. Chairman. Through the Chair to the Law Director. So these amendments I'm proposing would do just that. And it would correct one of the deficiencies.

Ms. Horvath: My understanding is that you have one amendment that you're discussing at this point. That may correct one of the deficiencies. But there are other issues in this particular ordinance.

Mr. Troyer: But this does correct the deficiency of it not having the correct current wording. This would correct it to the current wording in the current legislation.

Ms. Horvath: The portion that you're amending your attempting to correct by inserting the current language of the ordinance as it was passed on August 2nd.

Mr. Troyer: So that would correct that deficiency in your words.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

Ms. Horvath: Yes.

Mr. Troyer: Okay. Thank you.

Mr. Astorino: Mr. Mayor.

Mr. Coyne: There is no need for this ordinance whatsoever. So correcting any deficiency in the present ordinance was passed by Council. You'd have to amend that ordinance to bring forward new legislation to amend the ordinance. There are no deficiencies in the ordinance whatsoever. This is absolutely needless. It was needless at the time and it's needless now. So I'd ask Council take the guidance of Councilman McCormick and Salvatore and defeat this legislation. Let us move forward, there is no need for it. Thank you.

Mr. Astorino: Councilwoman McCormick.

Ms. McCormick: I disagree with the Law Director's opinion on the introduction of it. But that being said I really think we solved this issue already. Everybody was relatively comfortable with it, nobody got everything they wanted and I think that by continuing with this we're just beating a dead horse. I think we just need to move on and move past it and I'd also like to enter my name as its sponsor.

Mr. Astorino: Okay. Any other discussion on the amendment? Seeing no further discussion will take a vote on the amendment.

ROLL CALL: AYES: Troyer, Powers

NAYS: McCormick, Mencini, Scott, Burgio, Salvatore

Mr. Astorino: Okay the amendment has failed.

Ms. McCormick: Motion to suspend.

Mr. Scott: Support

Mr. Astorino: there has been a motion to suspend properly supported. Any discussion on the suspension? Seeing no discussion we'll call the Roll on the suspension.

Ms. McCormick: Excuse me. I just wanted to clarify that I brought this motion up again up with the intention of having it voted to adopt and then have it voted down, to dispose of it.

Mr. Astorino: Any further discussion? Seeing none we'll call the Roll.

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

Mr. Astorino: The suspension has failed. So ordinance 10,035-2016 has had its second reading.

THIRD READING OF ORDINANCES AND RESOLUTIONS:

1. 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 carried at the 8/2/16 Council meeting to table legislation to the 9/6/16 Council meeting.**

We will move to the next item on the agenda which is the third reading of Ordinance and Resolutions under letter O. We have Resolution 13 – 2016 which was placed on the table, so I will to need a motion to remove it from the table for tonight’s meeting.

Mr. Troyer: Motion so made.

Ms. McCormack: Support.

Mr. Astorino: There is a motion to move the Resolution 13-2016 from the table, properly supported. Clerk please call the roll.

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

Ms. McCormick: Motion to amend.

Mr. Astorino: Motion to amend fails for lack of a second.

Mr. Troyer: Move to adopt.

Ms. Powers: Support.

Ms. McCormick: The resolution as it is written and in our packet, it’s not relevant to today because House Bill 523 was already passed. That’s why I provided all councilmembers this past weekend with significant amendments to the resolution, to make it relevant. So I wouldn’t be in favor of passing my own legislation without

THIRD READING OF ORDINANCES AND RESOLUTIONS:

amending it because it just doesn't make any sense to pass it how it's written. I would like to have a reconsideration of my motion to amend it before we consider adopting. I did put a lot of time into researching this and writing it up and I would like to at least be heard.

Mr. Astorino: Councilman Salvatore.

Mr. Salvatore: Thank you Mr. Chairman. If the mover of the motion would withdraw the motion and the second I would make a motion to put it back into committee and allow the Councilwoman to work on her legislation and bring it back into a form that she would like to see it passed. Not that I'm going to support it, but I think that she has the right to work on her legislation. So if you guys would withdraw your motion I'm going to make a motion that we put this back into committee and let her work on it.

Mr. Astorino: Councilman Troyer

Mr. Troyer: Thank you Mr. Chairman. Councilman Salvatore, go ahead I'll agree with that I withdraw my motion.

Mr. Astorino: Councilman Powers do you agree?

Ms. Powers: Yes.

Mr. Astorino: Okay, so Resolution 13 – 2016 is back before this body again.

Mr. Salvatore: Motion to move into committee.

Mr. Mencini: Support.

Mr. Astorino: There is a motion to move this back into committee properly supported is under discussion. Ms. McCormick.

Ms. McCormick: The work has already been done, I've already done all my research. That's what I provided you guys with, the changes. You guys have had several days to look at it. I'd like the opportunity to speak on it this evening.

Mr. Astorino: Councilwoman what happened was you made the motion to amend, there wasn't support for it.

Ms. McCormick: I know I'm just trying to get them to reconsider.

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Mr. Astorino: So then was a motion to adopt, and it was supported and then what Council has done is they said that they would remove that motion and put it back in committee. You've done all the work for it, yes. We have now a motion to place it back in committee.

Mr. Astorino: Mr. Mayor.

Mr. Coyne: Thank you. I'd like to speak to this. I want to applaud the Councilwoman for providing in the resolution the concerns that I had about the responsibility in determining only those who are supposed to get this. I would just make a couple suggestions and I could support this if the resolution provided for the implementation of the bill. I think we have to do is ascertain here as elected officials in our city, just exactly what the need is for our residents and what the concerns are. So my only criticisms in your section would be Section 9. If you would consider when you have it in committee of providing for council rather than the formation of this advisory panel that you would have council and panel public hearings. So residents could come those parents who are concerned about their children getting missed that have seizures and things like that. We may have a local pharmacist that gives us their concerns, so if you would consider the implementation of the bill and you are provide safeguards of the accountability which now I like that would be my only recommended change to this legislation. And I could certainly support it if they did that. That's just my observations, but it is vastly improved.

Ms. McCormick: Can I respond? I do like your suggestion of the changes in Section 9. My intent behind that was to have this panel and then also with public input like public hearings. We could change the wording to get that in there.

Mr. Coyne: I think we need one more meeting like a hole in the head, but I think the key thing here is getting the reading of our citizens of what their needs are and what their concerns are. I think that's what all of us need. Nobody knows what that is.

Mr. Astorino: I would say that from hearing from the Mayor and the Councilwoman speaking, if we work on section 9, I think Councilman Salvatore's motion to move the resolution to committee gives it the reason to go back to committee. If we need to make a few changes to it. You did the majority of the work for it but there is still some work that may need to be done. So the motion that's before us now is placing this back in committee for additional work. Is there any more discussion on it Councilwoman?

Ms. McCormick: I can support the motion to put it back in committee. My only concern was that it would just get lost and left out there. I would like to see us actually move forward with this because I see this as an issue that we need to respond to this as a city. We can't just let it set out there, and I'd like a positive response not just a moratorium. I'd like us to really look into the intricacies of how it will affect our city. So I will support putting it back in committee.

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Mr. Astorino: Is there any more discussion to go back into committee? Councilman Troyer.

Mr. Troyer: Thank you Mr. Chairman. We already passed the legislation to have the moratorium, so there's no time limit here. Let's get this one right. Thank you.

Mr. Astorino: Councilwoman McCormick?

Ms. McCormick: One more thing. I would like to request perhaps that the motion be revised to place back in committee and put on the caucus next week. If you would consider making that change.

Mr. Astorino: I don't think that we need to do that in a motion form because if it's going back to committee it's going to legislative community and earlier today that Councilman told you if there was something in his committee that you wanted out on the caucus and you just said that we need to inform him then. If you are sponsoring legislation that's in a committee you can tell the chairman of that committee and he'll put it on the Caucus for you; that's what he told you earlier this evening.

Mr. Astorino: Any other discussion to place back in committee? Councilman Mencini.

Mr. Mencini: Thank you Mr. Chairman. On this medical marijuana I don't have no resident and down my door to get this past. I think other cities are kind of taken the time to get this right because this could have some ramifications so until all our T's are crossed I's are dotted, get this corrected let's get this right. So that's all I have to say. Thank you Mr. Chairman.

Mr. Astorino: Thank you. Councilwoman Powers.

Ms. Powers: Thank you Mr. Chairman. I think we need further study before we agreed to have it in our community because we need to know how it's going to be manufactured, what the impact is going to be to the environment. It says not within 500 feet of a school, or playground etc. So in the manufacturing of this either going to be toxic fumes or waste product that's coming out that might negatively impact our atmosphere? That's one thing that I would like to know before we decide that.

Mr. Astorino: Any discussion to place back into committee? Councilwoman McCormick.

Ms. McCormick: I would just like to clarify for the anyone out there that hasn't been following this issue, I have been following this issue very closely. Medical marijuana has already been legalized in the state of Ohio, there is no debate left on that issue.

THIRD READING OF ORDINANCES AND RESOLUTIONS:

It's happening. We have a responsibility as a city to respond to it in some fashion. We passed earlier tonight a moratorium for six months. And then going forward the amendments that I've offered, and through the process of having the public hearings and meetings, would address issues that we have to look at such as building codes and zoning issues. Those are things that my amendments, address and those of the things that we would be discussing. It lays out a plan for a plan of action for how we can begin responding to the law that has already been passed.

Mr. Astorino: Mr. Mayor.

Mr. Coyne: I would argue that this should have an equally fast track because the moratorium has a sunset. How we implement the law Councilwoman is right the law has been enacted. How we are going to implement the application of the law in our city is actually more important. So I'm saying is that's way those suggested changes are made. Everyone is passing moratoriums no one is dealing with how they are going to implement it. It is important that you make those changes; but this resolution is vastly improved from the last one.

Mr. Astorino: Councilwoman McCormick.

Ms. McCormick: Through the Chair to the Mayor. Could you put into writing the recommended changes that you want?

Mr. Coyne: I'll give you my scribble before the meeting is done tonight. I'll make a couple of scribbles.

Mr. Astorino: Okay we'll vote on the motion to place it back in committee.

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

Mr. Astorino: The motion carried and Resolution number 13 – 2016 has been placed back in the legislative committee. That concludes the items that are under third reading. We will now move to item P which is Remarks from the Audience on any subject. Go ahead sir I need your name and address for the record.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT:

Charlie Trout - 16146 Rademaker Drive

My concern is that the construction on Smith Road. I was going down towards Sheldon yesterday, and where it goes to one lane some motorist passed me there. They need to be reminded that it's a construction area, the speed gets cut in half. Either that or arrange to have a party out there getting them people.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT

Mr. Astorino: Mr. Byrnes is that something you can look into?

Mr. Byrnes: I will look into it tomorrow. Absolutely.

Mr. Astorino: Thank you.

Steve Roberts - 5368 West 151 Street.

Mr. Astorino I would like you to learn a little bit about my wife, I know you know all about her. What you need to know about me is that I do not appreciate your wife continuing to attack and slander her. Let me first reiterate Mr. Astorino, I don't engage in social media, I'm not stupid I know all about it. People show me stuff people tell me stuff and I don't involve myself in any of that and you know why? I'm from the old school. To me if I have something to say I'll just say to your face. I don't need to hide behind keyboard. I need to hide behind a keyboard to talk smack about somebody. So, let me begin. Let's go back to January. The first time she came to this podium, she came up here and apparently she made a very big mistake. She actually stuck up for Mayor Coyne. While she was doing that little group set right here, heckling, harassing, trying to intimidate her. Do you know who is in that group? Your wife. Did you do anything about that night? No. You sat there and did nothing. But yet just three days ago on social media you were chastising somebody for his behavior in the audience. Pot meet kettle? So, let's move on to March, on social media. A poll surfaced and on the poll it stated who would you vote for if the elections were held today. I don't know who created the poll but I know who shared it. Your wife. What is interesting about this poll was when you went to Ward 3 Councilman whose name is in it? My wife's name is in it. She never stated once that she wants to run for office but for some reason her name was in it. I wonder why. From what I heard she did pretty good. Maybe she should run. So on to May. I'm not even going to get into the slander job that occurred in the Hometown news for my wife and this time my children were slandered. That had nothing to do with your wife her name wasn't on it. But I'm pretty sure I know who was behind it. That's the story for another day. So let's go to June. At the end of the Council meeting a senior citizen approach my wife again in a meeting. He said so you're Jennifer Roberts. She said yes I am. She said well what are you running for? Ward 3 or Council at Large? She said I don't know what you're talking about, I'm not running for anything. He said well that's not what they told me. She said well who's they? He didn't answer of course, he just walked away. But guess who he went and talked to him immediately after. You. Now let's go into August. August 26. Here's a little post from your wife. I'll read it to you. As for your opinion about the group, that too could be debated. Just ask a few neighbors of your vice president of the Brook Park Neighborhood Watch. For her garbage can has a note on it calling her neighbor a pedophile because she has security cameras. They have been feuding for years and now much like the because well this is poorly written. Let me

REMARKS FROM THE AUDIENCE ON ANY SUBJECT: cont.

figure it out. Much because of late night parties I guess is what she saying. Why just in the past few weeks your wife's president and another neighbor accused the same neighbor of calling the police around midnight because of a late night party. When they found out it was another elderly neighbor they turned her in for her yard. That is a 110% lie. The party she's talking about, I know about it. I wasn't even in town that night. Neither was she neither was my family. As far as accusing somebody of calling the police, we didn't accuse nobody of nothing. Why would we? It didn't involve us. And as far as turning somebody and for their yard, we never turned anybody and for their yard. Lies. Why? Why is that? To me it just seems like all she wants to do is to take shots at the Neighborhood Watch. Why take shots at the Watch when they're trying to do is help the city? Could it be because maybe, just maybe she wanted to take it over and she couldn't. So now she just blasts anybody that's in it? So Mr. Astorino I'm a reasonable man. I am more than willing to try to work this out. But I am getting sick and tired of it. Maybe, maybe you and your wife would like to have a meeting with me in my wife. I'm sure the mayor would be more than happy to have that meeting with us. If you not comfortable with him, may be the Madam Law Director would do it. I am more than willing. I'll be waiting with baited breath for your decision.

Elizabeth Sayers - 23065 Cedar Point Rd.

He is absolutely right. McCormick. To get off your computer and pay attention to people.

Mr. Astorino: Ms. Sayers.... Your comments have to be directed towards me.

Ms. Sayers: You know what, I will direct my comments to you. You tell her to get off the computer. Okay. Because it was you that said nobody could be on a phone or computer up there. You want to snicker at me? Come on over here to my face.

Mr. Astorino: Ms. Sayers. Your comments are big to be directed to me and proper decorum please ma'am.

Ms. Sayers: Well you know this is the end of the meeting. And I'm not going to play Nazi, Germany here. But you control everybody. You're not going to control me like your wife is controlling everybody in behind me with the social media. And like you told me you can't control your wife. Okay fine you can't control your wife with all this social media crap. But you know what it's called slander. And McCormick if you want to snicker to me and not pay attention when people are appear talking then you shouldn't be a Council lady.

Mr. Astorino: Ms. Sayers. Your comments need to be directed to the chair.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT: cont.

Ms. Sayers: Okay, but you should tell Ms. McCormick that she should pay attention and act professional up there like a councilperson. If you can't do that then I will. And I just did. I got a little flag out my vehicle if you want to play this you know, nobody has any rights or anything, you in a totally ignore me. Very professional, very professional. And you know what nobody has any gall to stand up here and say it like it is. You even got Mayor Coyne listening but you put your head down and she's playing with her laptop. What are you going to do? You want the truth? Why don't you control your city Council people? Because you not city councilperson in the Council President. But you know you don't act like one. You don't take control of the situation can have the time you don't even know what you're saying. And of course it's called slander. And you would not believe how many emails and how many things that we have from your wife. And according to the courts, it's called slander. Okay? When it is aiming to one person it's called slander. We put you guys all in we can take you all out. And somebody should. If you that rude people like her, and everybody knocks Mr. Coyne but guess who's listening the most? Not you. The guest of Council. You'll like when anything is said, you don't like when anybody does, and you are just as bad as your wife. And it's also funny how everybody is listening except for your Council there. And like I said you know what we put you all in, we can take you out. But you are number one needs to get out. And that's a fact. You don't like me? That's your problem not mine. But I'll tell you right now you guys don't show respect to the people behind me or the city of Brook Park people or the residents that are here. Then you shouldn't be up there. You should be up there at all. Mr. Astorino, you can't control the people beneath you then you need to step down and let somebody do it who knows what they're doing. Because you don't have control over anybody here. You don't even have control of your own wife. At least I have enough respect of say to your face before I put on social media. And all of those emails and everything? I hope to God you don't run for mayor here. Because those are going to be scattered everywhere. Because I think it's pretty low that an adult has to talk like that. And put people down, run everybody down, we don't run you down. So Mr. Astorino, I'm going to say it one more time. You and your Council are very, very rude and inconsiderate. You do something about your wife, or we will all see when court. And I hope to God, I pray to God that someday I'll see all you come down the ones that are rude, inconsiderate and don't know there butt from a hole in the ground. Have a good evening. And you know what, I don't care what you think of me. I'm concerned about what you're doing to the people behind me, and all the lies and all the crap that's going on. You need to do something about your wife before we see her in court. And I'm not the only one. So you have a nice night. And Mr. Coyne, since you are a guest here in Council, I appreciate you listening to me but I'm sorry that you have to deal with Mr. Astorino. Because you know what you guys don't work together very well and you don't seem to communicate very well and McCormick can just get all this information off her computer, and read it off her laptop while you guys are all trying to figure out what to do. So you guys have a nice night and thanks for the candy. I appreciate it.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT: cont.

Mr. Astorino: All right seeing noone else coming to the podium as I stated earlier in the meeting we have a letter that was submitted to Council prior to the meeting from Michael Vecchio of 14417 Park Dr. It starts out good day everyone. Seeing that we are revisiting/updating/changing/amending rules of council, I would like to bring one of particular importance to your attention. This would be rule number nine. This rule is what I believe to be of importance to the Council President as it pertains to a platform term that was used in his election material and has also been thrown about in numerous discussions. The term in question would be transparency. The term is derived from the word transparent which means honest and open not secretive. It appears that a member of council is routinely breaking rule number nine of the 2016 2017 Rules of Council governing the Council of the City of Brook Park Ohio. This issue has been brought up in the past Council meetings by residents but has been continually ignored by those governing the rules. This issue would fall far out of the meaning of transparency bordering on insubordinate. In the rules it clearly states that electronic devices of all elected officials shall be turned off or set on airplane mode during City Council meetings. It is also stated that the President of Council shall admonish any elected or appointed official who shall violate provisions of this section. Admonishment of these actions have yet to take place or to even be mentioned by the presiding officer. To date a member of Council has continually used a laptop on the dais stating that it was for the member to do research. How is this possible when a) this is an electronic device that is not allowed, b) that it is not turned off, c) the member of Council is also accompanying said laptop with a cellular phone that is being used as a mobile hotspot and is therefore not turned off nor set to airplane mode. See screenshot below taken from August 30, 2016 Special Caucus Meeting indicating that this rule is being broken. With the above-mentioned issues happening on a continual basis I would suggest that you move to either enforce the rule as written or to make changes to allow for the use of electronic devices. If you choose the latter, I would urge you to follow the case of Detroit Mayor Kilpatrick and also the Ohio Revised Code 149.011a and 149.43a. Additionally I would like for this email transmission to be read into record at the upcoming September 6, 2016 Council meeting under audience participation so as to keep with transparency to all members of the city. Thank you in advance for your attention to this matter.

Ms. McCormick: I'd like to make a motion that council be allowed to respond.

Mr. Scott: Support

Mr. Astorino: There is been a motion that council be allowed to respond, properly supported. Is there any discussion? Seeing none we'll call the Roll.

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

REMARKS FROM THE AUDIENCE ON ANY SUBJECT

Ms. McCormick: Thank you Mr. Chairman. I would like to respond to the comments and accusations made by Ms. Sayers and also by Mr. Vecchio. The use of electronics some of you keep repeating, repeatedly bringing up. I have repeatedly addressed it as has the Council President. I would refer you again back to our January 4th Organizational Meeting the live stream of that, or the recorded stream of that on Council and city websites. The Council clerk also has the minutes for that meeting. In that meeting the intent of that rule was clarified, and if you also recall at that time we were also discussing purchasing electronic devices for all of us to use. That was also put into our budget. That is something that I hope that we will be discussing at a caucus coming up very soon, revisiting that idea. But the intent was made very clear at that Organizational Meeting that it was not to prohibit the use of electronics. The intent was to prohibit communications between members appear that could violate laws. It was also to prevent email communications during meetings. There is nothing in there that prohibits its use for anything else. Personally I tend to limit the use of my computer during our meetings to primarily caucus meetings. I don't usually use it too much at council meetings unless an issue comes up like a rule is in question or something else like that. I'll look that up quickly. But generally I use it primarily during caucus meetings. It's a resource/research tool. I think we are pretty behind the times as a Council not having all of us having electronic devices. If you watch other meetings even the school board. They all have laptops at the meetings. It's not a negative thing. And then as far as the last meeting I did in fact use my phone as a hotspot. I announced that it anybody within earshot at the meeting, because the Wi-Fi network password was changed and an individual would not share that with us. That is public information I am entitled to as a councilperson. If you come within 25 feet of me anytime, any day you will see that I have hot spot on my phone. But yes I was using it at that time but it being out there doesn't mean I'm using it, it's a phone feature.

Ms. Sayers: Yes that's right read it off the laptop.

Ms. McCormick: I do not have my laptop open and I appreciate you not interrupting me. I take notes and then everybody out there is welcome to come and read my notes. And I've been accused of not listening to members but when I am looking down I am taking notes. When everybody gives their reports, I take notes. And residents come up to the stand I do appreciate your concerns and I listen to them and they take notes for myself so that I can respond. But I do suggest that when we look at the Council rules in our caucus meeting next week as we have discussed, I am going to introduce some language that clarifies that section a little bit better so that the intent of how it was written is more clear to the public. I would also like to suggest perhaps that we consider changing our seats around a little bit. One of us over here going over to the other side to break up the supposedly divide and then if anybody would like to look over my shoulder at what I'm doing on my computer feel

REMARKS FROM THE AUDIENCE ON ANY SUBJECT: cont.

free. Because all I'm doing is research usually or I have, I keep our Council rules on my computer on electronic format in the cloud.

Mr. Astorino: Ms. Sayers no, we're the Council now. We're done with audience participation. Ms. Sayers you're out of order. You need to be silent. And hopefully take your seat so that the people behind you can see. Ms. Sayers we please sit down.

Ms. Sayers: Well you know you made me out to be a jerk when you told me you do not want any phones or laptops up there and then he change the whole thing around. You're a liar. And you know and afraid to face me because you tell one thing to one person and another story to another person.

Ms. McCormick: Point of order. I believe this is getting out of hand.

Mr. Astorino: Any of the members of Council? Councilman Salvatore.

Mr. Salvatore: Thank you Mr. Chairman. I would just like to share with the audience I would like to thank the audience for hanging around in their seat for little over two hours. Thank you for hanging in there.

Mr. Astorino: Councilwoman Powers.

Ms. Powers: She left but it has been brought to my attention that on many occasions that practically everyone appear has their cell phone, computer, you know. The cell phone does everything now. And they have them out and they communicate with each other back and forth, that kind of thing. That should not be allowed. But we do need to come into the 21st century and have our communication devices. Thank you Mr. Chairman.

Mr. Astorino: Councilman Mencini.

Mr. Mencini: Thank you Mr. Chairman. I totally disagree with the first. And I totally agree with the second. This is Councilwoman Powers. Very rarely have I ever brought my flip-flop phone up here. It's really not good for, I can't even get email. And it's really bad when I got it do this because this to say hello to somebody probably takes 15 minutes. I've only brought it a few times and that was kind of a somewhat emergency which Councilman Astorino did say at the orientation for emergencies I believe. He stated that to the Councilman Bergamo. On the other end yes, you've heard me appear on this dais before saying get caught up with a lot of things, with communications on Council. But I don't text back and forth, I never did in my first term I don't do it now. Obviously everybody we need to be on a computer up here so that we are all on the same page so that we all know where

REMARKS FROM THE AUDIENCE ON ANY SUBJECT: cont.

were all at. So that we all know were all at that same room. That's all I have Mr. Chairman.

Mr. Astorino: Again, Council I would like to remind you that I have raised this objection before when we come back up to the dais for Council to react. It should be to respond to the comments that are made by the audience. I don't like when Councilmembers are reacting actually to comments that are being made by the Council people. We come up back to the dais for you guys to be able to address the questions that are asked from the members. I do want to echo the sounds of Councilman Salvatore for thanking the people to show up. That is very nice of you to do that and I am very appreciative of it. Because however harsh or hard it is to listen to these people talk, that's the type of government that were in. This tough form of government that we are in is not an easy form of government. We are to take criticisms from our public whether they are justified or not, we are to accept them. I told you when we talked about it that we should all have thick enough skin to be able to listen to it and not have to get into a debate with the people about it. They are coming to their Council meeting. Council meetings belong to the people of Brook Park. They are coming here, and they waited two hours to come up to the podium and tell us what they feel. Whether we agree with what they're saying or not, it's their right to do that. We can always talk to them after the meeting and respond to them if it's necessary. But to get back up to the dais and maybe answer the questions that they have taken the time to ask is one thing, but when we start getting into a debate between the Council people that's not again necessarily is not the intent of this meeting. Seeing no other business to come forward I'm going to motion...

Mr. Mencini - I have business, I'd like to address that.

Mr. Astorino: No. I'd like to entertain a motion to adjourn.

Mr. Mencini - Okay well get the next meeting.

Mr. Astorino: Yes. You can do that.

Ms. McCormick: Motion to adjourn.

Mr. Troyer: Support

Mr. Astorino: there has been a motion to adorn properly supported. Clerk please call the Roll on adjournment.

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

Mr. Astorino: This meeting is adjourned at 9:07 pm.

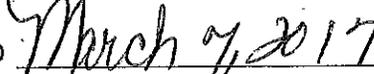
REGULAR COUNCIL MEETING

SEPTEMBER 6, 2016

RESPECTFULLY SUBMITTED


Michelle Blazak
Clerk of Council

APPROVED



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