

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, DECEMBER 20, 2016**

The meeting was called to order by Council President Astorino at 9:16 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, SALVATORE, TROYER, POWERS, MENCINI

Also in attendance were Mayor Coyne, Finance Director Cingle, Engineer Piatak, Law Director Horvath

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR COUNCIL MEETING HELD ON MAY 17, 2016

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

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

NAYS: None. The motion carried.

REPORTS FROM STANDING COMMITTEES:

Aviation & Environmental Committee - Chairwoman, Powers

Mrs. Powers stated no report this evening.

Finance Committee - Co-Chairman, Troyer

Mr. Troyer stated the Board of Control met this evening with 23 items on the agenda. Finance Committee also has items on tonight's agenda.

Legislative Committee - Chairman, Troyer

Mr. Troyer stated Legislative Committee has a few items on tonight's agenda.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini stated the Recreation Center finished the volleyball and dodgeball with great success. The Senior Club had their Christmas Party with over 100 in attendance. On December 29th the seniors will be having their New Year's Party and on the 30th the children will be having their New Year's Party; volunteers are welcome. The tree lighting ceremony was held last Friday, Santa toured the town last Saturday with great turnout. The recreation center had great success this year with memberships, programs and thanked all in Brook Park for their participation. From the recreation center Merry Christmas and Happy New Year.

Planning Commission - Chairman, Troyer

Mr. Troyer stated the Planning Commission has not met since last report and wished all a Merry Christmas and Happy New Year.

Reports from Standing Committees: cont.

Safety Committee - Chairman, Salvatore

Mr. Salvatore on tonight's agenda there is a legislation for the purchase of police auto cameras and video sound recorders. Mr. Salvatore complimented the police and fire departments for an outstanding year and on behalf of the Safety Committee Merry Christmas and Happy New Year.

Service Committee - Chairman, Burgio

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

Board of Zoning Appeals - Chairman, Scott

Mr. Scott stated the Board of Zoning Appeals has no report. Mr. Scott stated from his family a very Merry Christmas.

REPORTS FROM SPECIAL COMMITTEES:

Southwest General Health Center - Trustee, Salvatore

Mr. Salvatore announced that work continues on the performance improvement initiative with more than three dozen projects across the health center resulting in more than \$3 million dollars in savings. The Green Team hosted a recycling event to collect new and used household appliances that were distributed to veterans throughout all the communities that Southwest services. The health and system boards have approved the strategic plan work will begin on the implementation for the future of the center. Mr. Salvatore stated on behalf of Southwest wishing the residents a very Merry Christmas and Happy and Healthy New Year.

Berea Board of Education - Representative, Burgio

Mr. Burgio stated the school board had a meeting yesterday that included three presentations; the first one was an overview of the next steps for the bond issue and creation of bond counsel. Five people represented various firms and described their function; funds are to be released in March. The second presentation was part two of last month's state report card presentation and the third was a technology update. With the technology update 321 teachers responded to a survey as to what is needed for technology i.e. computers with more powerful processors, docket capabilities and the need to last at least five years. The board approved an expenditure last night of 250 computers totaling \$276,749.00; the current computers being used will be re-purposed for student's usage. The board approved a construction bond oversight committee for the purpose of monitoring and reporting the expenditures of the \$4.2 mil school renovation bond proceeds. Two resolutions for contract amendments for Superintendent Sheppard and Treasurer Ghizzoni and the Berea City Schools will be voted on at the January, 2017 board meeting. Mr. Burgio wished everyone a Merry Christmas and Happy 2017.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne stated no report this evening; wished all the citizens a Merry Christmas and prosperous New Year.

Mr. Troyer asked Mayor Coyne is dispatch all set up?

Mayor Coyne responded so far, so good, all dispatchers are on the City of Parma's payroll.

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

Engineer Piatak

Mr. Piatak reported the Smith Road Sewer project contractor is working on driveway apron and sidewalk repairs, most of the equipment has been removed and landscaping will be done in the spring. Mr. Piatak continued with the Holland Road Reconstruction Project that was submitted to Ohio Public Works Commission (OPWC) in September or October of this year. There was a round of appeals on the applications submitted and one application was awarded additional points based on their appeal, however it was in a different funding program than the city's application was in. So all indications are that the Holland Road project between Engle and Fry Roads will

be a funded project through Ohio Public Works. Mr. Piatak wished everyone a very Happy Holiday.

Mr. Burgio stated to Mr. Piatak will the city be applying to the OPWC for new Asphalt?

Mr. Piatak responded there have been talks with the county since that is a county route and partnering with them on that road, the city has been successful to get on the county's schedule. So Public Works or the county are definite possibilities in the future.

Mr. Mencini thanked Engineer Piatak for assisting a resident with the issue of with a driveway apron.

Mr. Troyer stated to Engineer Piatak on the Smith Road there's been several water main breaks has anyone checked if that would be qualified to be replaced; to get that done prior to resurfacing the road.

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

Mr. Piatak responded that will definitely be something being looked at the time of application for funding of the project.

Law Director Horvath

Mrs. Horvath stated just a few brief comments, I concur with Mr. Salvatore with regard to the ordinance authorizing the purchase of police auto cameras and would not that part of the funds will come from a grant from the county prosecutor's office. For items M-1 and M-3, at the December 12th meeting the requested amendments were prepared. Lastly, the city currently has one case pending and at this point in time there was a pretrial in that matter today and think within the next 60 days or so the city will see the dismissal of that case; but may come back and be filed at a later date. Mrs. Horvath wished everyone a Merry Christmas and Happy Holidays.

Mr. Astorino asked Law Director Horvath with item M-3 is this something that will affect all employees and current retirees other than the fire personnel. My question would be does this create a conflict of interest for Councilmembers Mencini and Scott, who has a son working in the service department.

Mayor Coyne commented they are not participating in the program.

Mrs. Horvath stated one of the criteria's is that people have to be on Medicare Part B and don't know if that's the case or not.

Mr. Astorino expressed concern when they are eligible will this create a conflict of interest?

Mrs. Horvath responded she will look at that closer and giving an answer tonight, my answer is that it is far enough away and would say that they would not have a conflict.

Finance Director Cingle

Mr. Cingle stated the finance department thanks Council, in advance, for their consideration and hopefully passage of the four items under third reading. Mr. Cingle wished all the residents a very Merry Christmas and happy, healthy and prosperous 2017.

Mr. Troyer asked Mr. Cingle looking through the financials from October to November the anticipated revenues have gone up; would you provide an update?

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

Mr. Cingle responded by saying do you mean from an estimated standpoint or actual standpoint? I revised the estimated revenues in November there are a few different items to speak on the General Fund and also the income tax fund. The department increased projections of the income tax \$200,000 and on the general fund side projections are being increased for property tax, fines and refunds and reimbursements. Decreasing the projections for several items the miscellaneous charge for public service and permits, licenses and fees; to clean up the report a little bit and accurately reforecast the revenues for 2016.

OTHER COMMUNICATIONS AND VERBAL APPROVAL: INTRODUCTION OF NEW LEGISLATION:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WATCHGUARD FOR THE PURCHASE OF POLICE AUTO CAMERAS AND VIDEO SOUND RECORDERS AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Per Council Rule No. 12**

Mr. Astorino stated this will be moved to letter M as Ordinance No. 10066-2016 and assigned to the Safety Committee.

2. AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR EMPLOYEES OF THE CITY, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER THE LABOR CONTRACTS. Introduced by Council President Astorino **Placed in Finance Committee**
3. AN ORDINANCE AUTHORIZING THE HUMAN RESOURCES COMMISSIONER TO PREPARE SPECIFICATIONS FOR AND TO ADVERTISE FOR PROPOSALS FOR THE EXECUTION OF COMPREHENSIVE JOB AND SALARY STUDY. Introduced by Council President Astorino **Placed in Finance Committee**
4. AN ORDINANCE AMENDING SECTION 1809.01 (i) (2) OF THE BROOK PARK CODIFIED ORDINANCES 'RETURN OF PAYMENT OF TAX' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. **Placed in Finance Committee**

Introduction of New Legislation: cont.

- 5. AN ORDINANCE AMENDING SECTION 1805.01 (2) (a) and (b) OF THE BROOK PARK CODIFIED ORDINANCES 'COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES' Introduced by Mayor Coyne **Placed in Finance Committee**

- 6. A RESOLUTION HONORING MARIO LEANZA FOR HIS 45 YEARS OF SERVICE AT BROOKGATE AS A QUALITY SHOE SERVICE, AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Mayor Coyne, Councilmembers Scott, Mencini and Burgio **Placed in Legislative Committee**

- 7. AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 153 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'EMPLOYEES GENERALLY' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **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:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING:

- 1. ORDINANCE NO. 10062-2016, ENACTING SECTION 509.15 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PROHIBITING NUISANCE PARTIES' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino, Council Members Troyer, McCormick, Mencini, Scott, Burgio, Salvatore and Mayor Coyne

Motion by Mr. Troyer, supported by Mrs. Powers, to amend page 2, letter e, penalty, whoever violates this section will be a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection b or c of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, a violation of subsection b or c of this section is a misdemeanor of the first degree. Whoever violates subsection d of this section is guilty of a misdemeanor of the first degree.

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

NAYS: None. The motion carried.

Mr. Astorino stated Ordinance No. 10062-2016 has had its First Reading.

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

- 2. ORDINANCE NO. 10063-2016, ENACTING SECTION 529.022 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'UNAUTHORIZED CONSUMPTION BY UNDERAGE PERSON ON PRIVATE PROPERTY' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne, Council Members Troyer, Mencini, Powers, Scott, Burgio, Salvatore, Council President Astorino

Mr. Astorino stated Ordinance No. 10063-2016 has had its First Reading.

- 3. ORDINANCE NO. 10064-2016, AMENDING CHAPTER 153.06 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PAYMENT OF HOSPITALIZATION BENEFITS' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Mr. Astorino stated Ordinance No. 10064-2016 has had its First Reading.

- 4. ORDINANCE NO. 10065-2016, AUTHORIZING A CHANGE ORDER FOR THE 2016 SIDEWALK REPAIR PROGRAM AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

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

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

NAYS: None. The motion carried.

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

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

NAYS: None. The motion carried. Ordinance No. 10065-2016 has passed under Suspension of the Rules. Adopted.

- 5. ORDINANCE NO. 10066-2016, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WATCHGUARD FOR THE PURCHASE OF POLICE AUTO CAMERAS AND VIDEO SOUND RECORDERS AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

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

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

NAYS: None. The motion carried.

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

Mr. Troyer stated the amount is \$120,000 with a grant of \$20,000 from Cuyahoga and \$20,000 from the city's capital with the rest of the monies coming from the law enforcement fund.

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

Mr. Astorino stated to Mr. Cingle with the memo received from the police chief the memo shows the law enforcement fund no. 270 and the legislation shows fund 272. From the November financial report on page 45 the 272 account appears to have a little bit more than \$45,000 unencumbered.

Mr. Cingle stated as of the end of November the capital fund for the police department there was almost \$126,000 to be appropriated and fund 272 there is a little over \$31,000 unencumbered based on the report. There is enough monies to encumber the dollars to pay for these cameras and sound recorders. Fund 270 - law enforcement fund there is more money in that fund in the equipment line showing \$52,000; funds 270 and 272 are restricted funds and refer to the police chief what can be dispensed out of each fund.

Motion by Mr. Salvatore, supported by Mr. Mencini, to amend Section 2 to read 'the money needed for aforesaid transaction shall not exceed \$119,655 and shall be paid from the federal forfeiture fund no. 272 and/or the law enforcement fund no. 270 and the capital improvement fund no. 401 for said purpose'.

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

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

ROLL CALL: AYES: Mencini, Salvatore, Burgio, Scott, Troyer, Powers
NAYS: None. Ordinance No. 10065-2016 passed under

Suspension of the Rules. Adopted as amended.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. RESOLUTION NO. 39-2016, SUPPORTING THE PASSAGE OF HOUSE BILL 154 WHICH WOULD REQUIRE A MOTOR VEHICLE WHEN PASSING A BICYCLE, THE SAFE PASSING DISTANCE TO THE LEFT IS THREE FEET AND TO ALTER THE PROTOCOL FOR PROCEEDING INTO AN INTERSECTION THAT HAS MALFUNCTIONING TRAFFIC LIGHTS AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini, Council Members Troyer, Powers, Scott, Burgio, McCormick, Salvatore and Council President Astorino.

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

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

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

ROLL CALL: AYES: Mencini, Scott, Burgio, Salvatore, Troyer, Powers
NAYS: None. Resolution No. 39-2016 has passed under

Suspension of the Rules. Adopted.

Second Reading of Ordinances and Resolutions: cont.

2. RESOLUTION NO. 40-2016, HONORING THE CLEVELAND INDIANS 2016 AMERICAN LEAGUE CHAMPIONS, AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Council Members Troyer, Mencini, Powers, Scott, Burgio, McCormick and Council President Astorino.

Mr. Astorino stated Resolution No. 40-2016 has had its Second reading.

THIRD READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 10056-2016, AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS TO THE SPECIFIED ACCOUNT. Introduced by Mayor Coyne

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

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

NAYS: None. The motion carried. Adopted.

2. ORDINANCE NO. 10057-2016, REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAX REVENUES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

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

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

NAYS: None. The motion carried. Adopted.

3. ORDINANCE NO. 10058-2016, AMENDING NO. 10038-2016, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

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

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

NAYS: None. The motion carried. Adopted.

4. ORDINANCE NO. 10059-2016, TO PROVIDE FOR THE TEMPORARY APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR THE THREE MONTHS ENDING ON MARCH 31, 2017 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

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

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

NAYS: None. The motion carried. Adopted.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Ray Peterlin

5811 Wengler Drive

Mr. Peterlin expressed concerns with the recreation not being designed for proposed plans, insulation of roof and energy reserve conservation.

Liz Sayers

23065 Cedar Point

Ms. Sayers wished everyone happy holidays.

Susan Barbour

5819 Robert Drive

Ms. Barbour commented the service department could do leaf pickup by wards so residents know when to rake their leaves to the curb. The veterans bridge has no flags being flown, possibly paint flags on the cement and girders.

Motion by Mr. Mencini, supported by Mr. Troyer, to address the audience.

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

NAYS: None. The motion carried.

Mr. Salvatore stated to Ms. Barbour, the city has the flags that were purchased by American Legion and the city's service department installed them during a very high windstorm, the decision is to come up with a better way for installation to withstand any type of storm that may occur.

Mr. Mencini thanked the audience for coming up to speak and to Ms. Barbour. Leaves may come down all at once or sparingly so crews may work picking up leaves on one street for the whole day, crews try to stay on a pattern and sometimes that is reversed; crews try to get all streets as continuous as possible.

Mr. Astorino stated that your suggestions will be relayed to the service director.

Mr. Troyer responded to Mr. Peterlin, Brewer-Garrett will spray a polyurethane foam (SPF) roof system on all roof sections of the community center except for the pool roof.

Motion by Mr. Burgio, supported by Mr. Mencini, to adjourn.

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

NAYS: None. The motion carried.

There being no further business to come before this meeting Council President Astorino declared this meeting adjourned at 10:27 p.m.

Mr. Astorino wished everyone happy holidays.

RESPECTFULLY SUBMITTED



Michelle Blazak
Clerk of Council

APPROVED



