

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, JANUARY 17, 2017 AT 7:00 PM**

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

Scott, Burgio, Salvatore, Troyer, Powers, Mencini

Also in attendance were Mayor Coyne, Law Director Horvath, Service Director Mr. Cayet, Engineer Mr. Piatak, Finance Director Mr. Cingle.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. A Special Council Meeting that was held on June 28, 2016

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

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

NAYS: None

ABSTAIN: Powers. The motion carried.

2. A Special Council Meeting that was held on July 2, 2016

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

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

NAYS: None

ABSTAIN: Powers, Troyer. The motion carried.

3. A Special Council Meeting that was held on July 9, 2016

Motion by Mr. Mencini, Supported by Mr. Scott. to approve.

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

NAYS: None

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairwoman, Powers

Ms. Powers stated no report this evening.

Finance Committee – Co-Chairman, Troyer

Mr. Troyer stated the Finance Committee has two items on the agenda.

Legislative Committee – Chairman, Troyer

Mr. Troyer stated the Legislative Committee has five items on the agenda.

Parks & Recreation Committee – Chairman, Mencini

Mr. Mencini reported that they have five items this evening, week three of basketball, the Knights of Columbus had a foul shooting event on Sunday.

Channel 19 Ramona's Kids is doing a segment about the Stencil family from Brook Park to air Thursday, January 19 at six and 11. February 1 through February 28 we are registering for adult softball, baseball, T-ball. Brookview

Reports of Standing Committees: cont.

school and their PTA came over to use our indoor track for their Youth Marathon Program. They will have a bake sale this Saturday to support this program.

Planning Committee - Chairman, Troyer

Mr. Troyer stated they had no meeting this month, so there is nothing to report.

Safety Committee – Chairman, Salvatore

Mr. Salvatore reported they do not have any legislation on tonight's agenda.

Service Committee – Chairman, Burgio

Mr. Burgio stated this Committee has nothing on tonight's agenda and nothing new to report.

Board of Zoning Appeals – Chairman, Scott

Mr. Scott stated that they did not meet this month and so have nothing to report.

REPORTS OF SPECIAL COMMITTEES:**Southwest General Health Center – Trustee, Salvatore**

Mr. Salvatore stated the board will not be meeting in January, but he will attend the Nominating Committee meeting and he will keep Council apprised. He wanted to highlight 2016. Southwest is recognized for the seventh time as one of the best places to work in Ohio by the Cleveland Plain Dealer. The leapfrog group, the American Heart Association, Centers for Medicare and Medicaid, SIGNA, and the Society for Thoracic Surgeons also recognize Southwest. The nurse is Improving the Elder Care Program was recertified this year, and the nonmedical staff also received similar gains. All of our 2016 projects were completed, most on time and within budget.

Berea Board of Education Committee - Burgio

Mr. Burgio attended two school board meetings on January 9, their Annual Organizational Meeting followed by their Regular Business Meeting. The board nominated Anna Chapman as president and Fred Szabo as the vice president. Anna Chapman was also appointed as liaison to the Ohio School Board Association. This year is the Berea City School districts turn to have two members serve on the Polaris Board of Education. They will be Fred Szabo and Neal Postal. Michael Shepard personally thanked all of the members of the board as well as all of those who supported the levy in November for the strong support that was received from all three communities. The treasurer raised concerns about a 20% increase in healthcare costs along with the 5% reduction in tax revenue. He also mentioned the increased cost of substitute teachers as they continue challenge this year. The district purchased a new telephone system and answered questions from the board and the superintendent. Since they bought the system and are not leasing it will save them about \$3000 monthly in maintenance charges. There is a five-year agreement. There will be

Reports of Special Committees: cont.**Berea Board of Education Committee – Burgio cont.**

no interruptions in service while the changeover is taking place. In reference to Mr. Mendini's question about the school renovations the process is underway and that you should see some steps being taken in March. To understand this better there is a State of the School's presentation on January 26th that everyone is invited to attend and will also be available online afterward.

REPORTS FROM BOARDS AND COMMISSIONS:**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:****REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Coyne recognized a great loss for our city, former Councilwoman Bernadine Spina. She served this city with great distinction and the kind of work ethic that represents Brook Park very well. One of the largest issues that she took on was pay scales for elected officials. She believed in fairness. Those who worked with her clearly know she loved this city very much. Mayor Coyne thanked the Spina family for sharing her with us. Mayor Coyne stated that he knows that a lot of people here and we, the mayor and council would like to know what's going on but I cannot comment on this. I don't quite understand it myself. I have to let the process go forward. We have work to do in spite of whatever distractions might be around. Many people are excited about the rec center doing what they need to do to put the package together for us. There will be an independent review by someone that we retain independently that will review the savings, the cost of the project, and make sure that they are conforming to what they need to do by state law and their agreement with us. The finance director and I will sit down to determine who that person will be to make sure that gets done accordingly.

There is some concern about the police and how to proceed when the dispatchers aren't there. I think that if you call you will find that you will quickly get a response. Most of our dispatchers who do work for us are at the Parma Center so they are still working for our calls.

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

Mr. Piatak reported that the Smith Road between Holland and Michael project has been wrapped up. There were a few water line breaks that the water department is working on the project is done. In the spring the contractors will touch up landscaping on both Smith, Michael and Fry Road. Phase 2 and 3 is the section between Sylvia to Snow will be wrapping up mid to late next month weather permitting. The Brookdale Avenue Reconstruction Project bids were opened last month with nine bids received. The contract was awarded to Fabrizzi who came in as the low bidder. Contracts are being executed and the contractor should start mid to late February. With the Holland Road Reconstruction Project with OPWC (Ohio Public Works Commission) there was a short fall to the allocation in District 1, that Brook Park falls under, so funding for that project was moved to the contingency list. Right now there is no money available to fund the project but monies may be available in mid-June to reapply for funding.

Mr. Mencini asked regarding the Smith Road water breaks, does it have anything to do with the new sewers that were put in?

Mr. Piatak replied to my knowledge they were not related.

Mr. Mencini asked when the Fry Road project would start in the spring?

Mr. Piatak replied weather permitting, mid to late February and he will pass on a firm date when he has one.

Mr. Troyer asked on the Brookdale project, is Fabrizzi going to work on the water line also?

Mr. Piatak replied yes.

Mr. Troyer then asked are we going to get a reimbursement on that?

Mr. Piatak said that project did not qualify under the Suburban Water Main Renewal Program, so the city will not be receiving funds for that.

Service Director Cayet

Mr. Cayet stated that since the first of the year we have our department staffed around-the-clock on three shifts Monday through Friday and two shifts on Saturday to handle any winter storms. During winter protocol yard waste dumpsters are not out. The rubbish trucks and not left out during the winter

Reports And Communications From Other Departments, Commissions, Public Officials: cont.

Service Director Cayet: cont.
months due to hard starts.

Mr. Burgio asked about the poles that were hit on the island on Snow Road, by the underpass.

Mr. Cayet replied in the past three years three poles were hit, they take about nine months to get a replacement.

Mr. Burgio asked if it is caused by someone who drove the vehicle into it, would their insurance would pay for it.

Mr. Cayet stated yes, that goes to the law department.

Mr. Burgio then stated there is another pothole where the loop detector for the traffic signal is on Sylvia.

Mr. Cayet said that he would take a look at it and see what he could do.

Mr. Mencini asked is there any set date when you're going to open the gates by the yard waste dumpsters?

Mr. Cayet replied April.

Mr. Troyer asked how many plow trucks we haven't service right now, and how are we doing on salt?

Mr. Cayet stated we have one brand-new one. The other new one probably won't be ready until April. We're fine on salt.

Law Director Horvath

Ms. Horvath stated that we started the year out with one pending lawsuit. We currently have two. I am not going to discuss the specifics of either of those cases. I would be more than happy to do it in an Executive Session or alternately if any Council Members want to meet with me I would do so. As to what happens if there is no insurance and a pole is hit. Then we would have our insurance company pay for it and I am assuming that they are including our deductible when they sue the individual. That is something that I would like to check on further.

Reports And Communications From Other Departments, Commissions, Public Officials: con't.

Finance Director Cingle

Mr. Cingle stated that monthly reports for December have been issued. The department is working on a 2017 budget. The 2016 audit will start on February 6th. We are assisting bond counsel to pass and advise the underwriter on drafting the official statement in preparation to issue bonds for the recreation improvement project.

Mr. Troyer asked when can we expect to get the first draft of the budget?

Mr. Cingle replied about two or three weeks after I go through with the Mayor.

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

1. A Resolution introduced by Mayor Coyne, in support of Unique Enterprises Inc. and applying with the Cuyahoga County Department of development to apply for grant to perform an environmental impact study for the property at 6090 W. 130th St. **Placed in the Legislative Committee.**

2. A Resolution honoring Bernadine Spina on her many years of service to the city of Brook Park and declaring an emergency. Introduced by Council as a Whole and Mayor Coyne.

Mr. Astorino stated due to the urgency of this, this is being introduced under Council Rule No. 12 F and will go to first reading tonight. It will be Resolution No. 1 – 2017 and will appear under letter M on our agenda.

MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):

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

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):

1. RESOLUTION 1.2017. INTRODUCED BY ALL MEMBERS OF COUNCIL AND MAYOR COYNE HONORING BERNADINE SPINA ON HER MANY YEARS OF SERVICE TO THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY.

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

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

NAYS: None. The motion carried.

Move by Mr. Troyer supported by Mr. Burgio to adopt.

The clerk read the legislation in its entirety as requested.

Mr. Salvatore stated that he spent many years with Bernadine Spina and he considered her to be an excellent Councilwoman. She was never intimidated and always spoke her mind. She was an excellent lady and they have a fantastic family. They were excellent neighbors. She will be truly missed. He called for a moment of silence.

Mr. Mencini stated that though he never had the opportunity to sit with Bernadine Spina on the Council he wishes he could have done so.

Mr. Troyer stated that Mrs. Spina and his family were very close also.

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

NAYS: None. The motion to adopt passed under suspension of the rules.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

1. Resolution No. 40-2016. The representative of the Cleveland Indian could not make the meeting this evening.

Motion made by Mr. Salvatore to put this on the agenda for the February 7 Council meeting, supported by Mr. Troyer.

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

NAYS: None. The motion was passed

Third Reading Of Ordinances And Resolutions: Con't

- 2. ORDINANCE NO. 10026-2016 AMENDING SECTION NUMBER 121.01 A AND B OF THE BROOK PARK CODIFIED ORDINANCES RELATING TO THE PRESIDENT OF COUNCIL AND MEMBERS OF COUNCIL AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.

Mr. Troyer stated this is on the agenda under Rule 12 J that says any item placed on the table at a Council meeting may only be taken from the table at a Council meeting, and if on the table for 90 days, it must be returned to the floor for a legal action at the next regularly scheduled Council meeting. It is time for additional action on this.

Motion Mr. Troyer, supported by Mrs. Powers, to remove from the table and place on tonight's agenda.

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

Motion by Mr. Salvatore, supported by Mr. Troyer, to place on the next Caucus agenda and all legislation in committee pertaining to this subject matter.

Mr. Troyer suggested that we hold off for another three months and then do it in April right after the budget.

ROLL CALL: AYES: Salvatore, Mencini, Scott, Burgio.
NAYS: Troyer, Powers. The motion passed with a vote of 4-2.

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

Motion by Mr. Scott to place back in committee for further discussion supported by Mr. Burgio.

Mayor Coyne asked that his name be removed from this ordinance is a supporter.

Mr. Troyer asked what the issues were with this?

Mayor Coyne replied that there were some things that we would like to talk to both the law director and safety director about.

Third Reading Of Ordinances And Resolutions: con't.

Mr. Mencini stated that there was some wording in the ordinance that is questionable such as the word gathering. What constitutes a gathering?

Mr. Troyer stated that this ordinance was already vetted by the law department and is in place in other cities.

Ms. Powers stated that the ordinance is cut and dried and in the interest of the community we should vote on it tonight.

Mr. Salvatore wants to clarify the word "gathering". More than a party of two or three? There is also a problem with people reporting a nuisance party when none actually exists.

Mr. Astorino stated that we all received a letter from the police chief on October 25 of 2016 to address the nuisance ordinances in it he said that in his opinion the nuisance ordinance would be helpful to the city of Brook Park. There is a pattern of nuisances and if the city would just hold the homeowners responsible for any of the illegal activity he said the police would exercise their discretion. Mr. Astorino said he has full confidence that the police would be able to exercise their discretion in determining if a nuisance was being created.

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

2. ORDINANCE NO. 10063-2016, ENACTING SECTION NUMBER 509.022 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED UNAUTHORIZED CONSUMPTION BY UNDERAGE PERSON ON PRIVATE PROPERTY AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne, Councilmembers Troyer, Mencini, Powers, Scott, Burgio, Salvatore and Council President Astorino

Motion by Mr. Troyer, supported by Mrs. Powers, to place back in committee, this is the last one and they work together.

Mr. Salvatore asked how they work together?

Mr. Troyer stated that they emanated from the same experience.

Mayor Coyne replied, point of order. I was the author of this legislation, it wasn't introduced to point to any particular experience unless the Councilman know something I do not. Stated for the record.

Third Reading Of Ordinances And Resolutions: con't.

Mr. Mencini stated that he doesn't see the connection between the two ordinances either.

The clerk called the roll on the motion by Mr. Troyer, supported by Mrs. Powers, to place back in committee.

ROLL CALL: AYES: Troyer, Powers,

NAYS: Mencini, Scott, Burgio, Salvatore. The motion failed with a vote of 2-4.

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

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

NAYS: None. The motion carried.

1. 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

THIRD READING OF RESOLUTIONS AND ORDINANCES:

5. 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 - I do want to announce to the Members of Council that we did receive an opinion, or a memo, from the law director on some questions that I've had about conflict of interest. We received this prior to the meeting and have not had time to read it so erring on the side of caution I still believe from conversations that I've had with the Ethics Commission, a couple of people down there, about this matter. Read some of the opinions I have not had a chance that to read the one she provided here but I'm going to recuse myself from the chair on this. Because I believe there is a potential conflict of interest on my participation and still believe there might be a few others. So I'm going to err on the side of caution and recuse myself from the chair.

Mr. Mencini - We will go to third reading item number 5 Ordinance No. 10064-2016.

The clerk read the title.

Mr. Salvatore - Mr. Chairman.

Third reading of resolutions and ordinances: cont.

Mr. Mencini - Before I go up for discussion I would like to go to the law director real quick. On this memo we received tonight is this an opinion or is this a ruling?

Mrs. Horvath - I think I'm allowed to give opinions, not rulings...

Mr. Mencini - I'm not questioning that I just want to know if it's a ruling from...

Mrs. Horvath - It's my opinion based on three rulings that I looked at; one goes back to 1988 and basically says that Ohio Ethics law and statutes don't prohibit City Councilmember from participating in matters that would provide a general uniform-benefit for citizens within the city. I've also included two other opinions; one dealt with the Highway Patrol Board where they did not prevent a retiree representative from being able to vote on a cost of living adjustment for retirees. I think that's very similar to the circumstance that you have here and then lastly. There's another opinion that talks about a family member being able to vote on a matter providing a general benefit to an entire class of people. So looking at those three I opine that likelihood there is not a conflict and that was obvious looking at the issue of someone who maybe a retiree who would also receive that benefit alternately, someone who has a family member who may at some point in time in the future receive the benefit that is being voted on.

Mr. Mencini - did we call down there at all?

Mrs. Horvath - We had emailed them and I believe their response was to issue two of the opinions back to us for review. I don't believe that they went ahead and issued a ruling. I found the other 1988 opinion, myself, after doing some research. So I don't know what timeframe it would take for them to issue an opinion and if you give me a second I'll check the email and see exactly what they said.

Mr. Mencini - thank you.

Mayor Coyne - Mr. Chairman.

Mr. Mencini - Mr. Salvatore was first, Mayor, go ahead Councilman Salvatore.

Mr. Salvatore - I'd like to make a motion to amend the last page which is Section 153.06 item f. I'd like to remove line numbers two and three and move number four to become the new number two.

Third reading of resolutions and ordinances: cont.

Motion by Mr. Salvatore, supported by Mr. Scott, to amend section 153.06 be removing line numbers two and three and move number four to become the new number two.

ROLL CALL: AYES: Salvatore, Scott, Burgio

NAYS: Troyer, Powers.

ABSTENTION: Mencini

Mayor Coyne - Mr. Chairman, may I speak to this?

Mr. Mencini - you have the floor.

Mayor Coyne - First of all there's substantial advisory opinion that provide that elected official can participate in this matter by this public agency that result in a general uniform business for all persons. I'm glad to see that the Council President is erring on the side of caution. Let me explain to the people of the community and the people here this evening what this is. Going way back when generally just police and fire and then service workers came into the union and then finally the clerical city hall employees and dispatchers became unionized. Through that period of time some of the benefits that were awarded by the pension funds changed and this ordinance that exists today primarily speaks to PERS employees. Non-contractual employees and I think, right now, the only ones left under that category is almost all of our employees with the exception of department heads and division heads that are appointed by me; are members of organized labor. In their contract they had a benefit that would pay retirees up to \$400.00 a month as a supplement to their hospitalization costs; that cost the city almost \$400,000 a year. Since I've come back I've been trying to negotiate that out of the contract and we feel that the issues with hospitalization for retirees are more an issue with the retirement systems than they are with the city. There's no other community providing that excess supplement to their retirees. In the last contract negotiations, we were successful in negotiating with all of the unions and taking all of that language out of the contracts and the last one there was a decision made in the fact-finder that was finally taking out the firefighters' contract. So, therefore, none of the retirees for those union areas would receive any what we would call excess benefits. So in my discussions with them I thought to be fair rather than take everything away from retirees that they receive some benefit. The retiree and their surviving spouse and I felt that they should be treated under this ordinance that would be uniform that all retired employees fall under this part of the section of the ordinance. That would give them \$100.00 a month, \$1,200.00 a year, they wouldn't have to submit anything other than to show they were on Medicare Part B or whatever supplement the pension system would assign them to, I guess you could say. So literally if there was a conflict as the Mayor I couldn't introduce this legislation because arguably I

Third reading of resolutions and ordinances: cont.

could benefit by it; nor can anyone up here who was in public employment. So, in my view, in reading advisory opinion 85-006 and advisory opinion no. 92-03 does not preclude any of the Council people from discussing this or enacting on this including the Council President, for whatever reason he chooses not to participate. So the fact of the matter is if we do not enact some legislation for this year and we have time to wait for a final opinion on this. This year then there will be no supplemental payments for any of the retirees at all and this is a cost that we have to get under control because, quite frankly, the unions would not have gotten their pay raises, they would have reduced hospitalization costs. For existing employees if this provision wasn't agreed to or if the factfinder did not remove it for the contract. So we look at it as still some sort of assurance to our folks when they reach 65 the city once again will treat them a little differently than public employees in other places, we think this is a fair resolution. But if this ordinance is not amended there is no provision to pay them anything and I think that would be grossly unfair and I don't see any conflict from any Member of Council on this particular issue. So we're glad the amendments have been made and I believe we can move forward accordingly and let the law director get a specific advisory opinion but reading through these. I don't see how this adversely affect any public official from participating in it because it's not unique them, it's not unique to a family member, it is a general benefit that without it our retired employees will be hurt. So I just wanted to made that comment so people knew what we were talking about; that they didn't think it was something in the darkness that we were trying to achieve here. Just trying to be fair and equitable and treat our long time employees a little bit differently than others. Not at the cost of imperiling operations for the current city but in some ways showing our appreciation and simplifying a process by which they can receive a very special benefit. Thank you Mr. Chairman.

Mr. Mencini - As a member of Council I would like to get a specific advisory opinion for myself because I being a long-standing city employee. I want to make sure that all our t's are crossed and i's are dotted. Go ahead madam law director.

Mrs. Horvath - Thank you Mr. Chairman, I endeavor to get that tomorrow morning I thought I had an email which I previously shared with you and the administration may have previously shared with you but I don't have that on me right now but I will make sure that first thing tomorrow, okay you have it, we will request whatever will satisfy this particular issue from the commission.
Mr. Mencini - thank you madam law director, go ahead Councilman Troyer.

Mr. Troyer - thank you Mr. Chairman. Council the fact of the matter is that the cost right now is \$290,000 to \$297,000 a year per the finance director. I have

Third reading of resolutions and ordinances: cont.

some issues with this and still haven't really been, per say, sold on this. I think we shouldn't be giving something away I think it should be part of the negotiating of the contract; I mean that's the fairest way to make sure everybody is getting the best deal. I also have a problem with the way this legislation is written so, therefore, I'll be voting no on this tonight.

Mayor Coyne - Mr. Chairman.

Mr. Mencini - thank you.

Mayor Coyne - Mr. Chairman if I may respond to that.

Mr. Mencini - I'm going to let Mrs. Powers go because she had her hand up and then you can respond to her also.

Mrs. Powers - Thank you Mr. Chairman, I will be voting no on this because in my retirement plan my employer picked up all my insurance until I became Medicare eligible. When I became Medicare eligible they picked up my supplement so they became my secondary insurer; so I don't have to have a supplement. If the city did that it probably would say provide the money and you would still have the same coverage, that's all I have. Thank you.

Mr. Troyer - Move to recall the question.

Mr. Mencini - thank you.

Mayor Coyne - Mr. Chairman.

Mr. Mencini - go ahead Mayor.

Mayor Coyne - thank you. Mr. Troyer once again doesn't listen or doesn't hear. We negotiated with all the unions to remove the existing provision in the contract. You approved the fact-finder's report which we accepted and recommended approving for the firefighters. So the fact is that up to now they can receive up to \$400.00 a month which is \$4,800.00 a year. I'd like to see your plan, Mrs. Powers, your union covered your supplement I'm interested in seeing how that is. There is no way to add this to our existing hospitalization and if we could get someone to write us on it but I haven't found anybody yet because I checked into that. If that was the case it would increase the costs to every single employee of the City of Brook Park which would be substantial. So I don't know what numbers you're talking about but I believe I have the same ones of the rundown of who applies for this and who doesn't. Make no mistake about it the people of the City of Brook Park pay substantial costs for the

Third reading of resolutions and ordinances: cont.

pensions of our retirees, substantial costs. So, therefore, we contribute our 22% or 24% to the union...to the retirement system to provide benefits, retirement benefits to our workers; so we pay for it already this is a supplement in addition to that. And I would say this these were negotiated and for the future retirees going forward I would argue that putting it in ordinance form in this fashion I think gives them larger protection. Clearly, they're not going to be happy because it's less than they're receiving now but, quite frankly, it's a supplement that we can no longer afford to pay and there's really a lot of gray areas as to how it got to this point. When it started basically with that if the retirement system did not provide hospitalization the city would pick them up on our plan. They do and they also provide a supplement and I believe the retirement supplement from their own pension fund is \$100.00 a month. So the city technically would be matching the highest number that their own pension fund that the citizens have already paid for with this ordinance. Thank you Mr. Chairman.

Mr. Mencini - thank you Mayor, go ahead Councilman Salvatore.

Mr. Salvatore - I'd like to make a motion to place on the February 7th Council meeting under Third Reading.

Motion by Mr. Salvatore, supported by Mr. Mencini, to place Ordinance No. 10064-2016 on the February 4th Council meeting under third reading.

Mr. Troyer - don't we already have a motion to adopt.

Several members of Council and Mayor Coyne stated no, to amend passed 3-2.

Mr. Mencini - call the roll.

Mrs. Powers - Mr. Chairman.

Mr. Mencini - go ahead

Mrs. Powers - to answer or to further explain my position. We all pay for every benefit we get out our paycheck, one way or another. Always out of your paycheck and as far as Medicare when that Social Security check comes every January we get a statement of what you're paying for, what they're withholding and they withhold money for your supplemental health insurance out of that too. So you never stop paying even out of your social security check you're still paying for your medical benefits. I just wanted to clarify that and say that the law director just said we're not in any hurry and she will have some answers for

Third reading of resolutions and ordinances: cont.

us tomorrow so I think we need not to rush judgement on this. Thank you Mr. Chairman.

Mr. Mencini - okay, there's a motion on the floor to put on the 7th.

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

Mr. Mencini - Ordinance No. 10064-2016, has been moved to be placed on the February 7th Council agenda.

Note: Per Parliamentarian education class an abstention is not considered a vote. Listed below please find information that Ms. Dunlap pulled off the Internet: Our organization's constitution, like many, references Robert's Rules as the authority for any matters not specifically covered by it. My first question has to do with counting abstentions when determining whether or not a majority (in this case 2/3 majority) vote has been attained. There is no such thing as a 2/3 majority. The correct language is a 2/3 vote. Majority in law and parliamentary procedure always means "more than half". Abstentions are never counted, although in some cases the failure of a motion to receive a certain vote (e.g. 2/3 of the members present) an abstention has the effect of a negative vote.

Or does abstaining mean that you are not a "member present and voting"?

It means you are a member present but not voting; abstentions are never counted.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Connie Scott

15580 Susan

Ms. Scott thanked everyone for a very productive evening and for being civil. She thanked everyone for keeping things civil. I am normally a very quiet person. My husband and I have been residents since 2013. We chose Brookpark because of the safe community it was clean and very resident friendly. I have been watching these Council meetings faithfully for the past year. And I have been disgusted by what is taking place. Nothing that I say here this evening will be any different from anything that anyone is set in the past. I want my voice to be heard. It is truly shameful that we have two members of Council are making Brook Park look like a joke to Northeast Ohio. You have Mr. Troyer who has been physically violent and has charges pending, and then you have Julie McCormick. I had a very well-paying job with the Cleveland Clinic and due to

Remarks From The Audience On Any Subject Matter: cont.

unfortunate circumstances I had to leave. My income level went from being very comfortable to below the poverty level in less than one year. Think I have my husband was a very hard worker and supports his family. My point here is as Julie stated when she was arrested I don't make lots of money. I will make any money. And I would never ever do the things that she has done. Being a leader of this city she has the responsibility that she needs to uphold. She has not done that. The embarrassment and humiliation that she has caused my family and this city is unrecoverable. The last meetings have been solely about her or Mr. Troyer. But like I said I'm very thankful that today you were able to get through a meeting with some substance. As far as Jan Powers insulting the residents of the city, you speak out of both ends of your rear end, and the residents are sick of hearing about it. I don't even live in your ward and I know what is going on over there. Mr. Mayor, my thoughts and prayers are with you. I do not know how you put up with this every single day. I understand that there is diversity in the workplace but this is absolutely ridiculous. I did vote for you, and believe that you have done many good things for the city. Let's not forget our Council president, Mr. Astorino. I did not vote for you because I could clearly see that you had no transparencies to yourself or to your campaign. I know what you are up to before you even took the position that you were elected to. Your job is to oversee the meetings and to run them professionally. Again today I did see that happen so thank you. It's a shame that you're contributing to the travesty that is embarrassing this city. I have seen your posts for the last year on social media and I have not been impressed. I'll admit I have not said some very nice things, but I am not an elected official of the city. I also want to give credit to Mrs. Horvath, who in spite of all the adversity, I believe she is doing a wonderful job. Thank you. The residents appreciate it. Mr. Mencini has been my Council person since we moved here we've had no issues with anything, maybe just a few dog issues that happened a couple years ago. He has always been there every time I've needed him, called him, emailed him, every time I've had a question he's been there. So thank you Mr. Mencini. I would like to close with a quote that I like to remind myself daily when I was working. "Great leaders don't set out to be a leader, they set out to make a difference." It's never about the world, it's always about the goal.

Brandy Reynolds
6060 Middlebrook Blvd.

I am here to speak real quickly about live stream. I would like to know and have this answered who is the owner of brookparkcitycouncil.com? Who runs or who has access to update that page? I'm asking because the live stream is on that page and I did not give permission to have code embedded on that website, and I know that boxcast did not either. If it didn't come from me, and

Remarks From The Audience On Any Subject Matter: cont.

it didn't come from Boxcast, was it copied from the city's website and transferred to that website? Because as of right this moment this meeting is on brookparkcitycouncil.com and shouldn't be. I would like those three questions answered.

Mike Vecchio
14417 Park Drive

Mr. Astorino, on the 10th, which was last Tuesday at 12:32 PM I sent you an email. This is going to follow up with what Brandy just asked. I directly asked you who the web master is for the Brook Park city.com website, who the administrator of the content is, the cost breakdown, along with who we are paying. I followed it up on the 12th at 7:30 AM. On the 13th, on Facebook your response was to me, the patient. These things take time. We are 248 hours past that time. I am looking for answers. I think it anybody else is looking for answers now too. Thank you.

Brian Poindexter
21836 Forestview Circle

I came here tonight hoping that there would be an adoption of the nuisance party ordinance. Some of you know that that issue came about because of some party down the road to my house. I don't think that some of you are aware how severe some of these parties are, how much of a nuisance they actually are. Myself and several neighbors had to clean glass up from broken car windows. We had countless teenagers running through people's yards, intoxicated, with drug paraphernalia up and down the street all hours of the day and night, starting from early evening then running far into the night. There's been property damage, fights. I'm not talking about a party of 50 or 60 people at a barbecue. These are parties of upwards of 300 400 500 people in a residence. I am upset that it didn't get resolved today and that I hope you can take it as seriously as this needs to be addressed. This is a serious problem in our neighborhood and I would hate to see it in any other neighborhood too. Please take that into consideration when you bring that back up at your next meeting. Thank you.

Pat Clinger
6106 Fry Road

Mr. Mayor, I did not vote for you. I actually voted for Astorino. Thank God you won. You've actually gotten my respect. Mr. Astorino, I voted for you when you ran this year, and I voted for you when you were running for mayor. I'm so glad you did not win for that. I am really disappointed with how you have been doing things. I voted for you, my mom voted for you. We thought you would be good for the city. You have proven is wrong. It is really disappointing. We had the most faith in you. All you are doing is letting everyone down. Jimmy, you

Remarks From The Audience On Any Subject Matter: cont.

are awesome. Ms. Powers, how does it feel to get paid to fall asleep during the meetings? If I fell asleep at my job I would be gone. Mr. Troyer, I don't know you so you're off the hook. The rest of you guys, you take things seriously, I thank you. Ms. Horvath, you have the most patients in the world. If I were you, I would have been going postal a long time ago. But you all need to work together, get all of your stuff straightened out and get this city straightened out. This is embarrassing. I've lived here in the same house I grew up in for 41 years. My mom still lives here. She is the original owner of the house. She is disgusted. My whole family is disgusted. My son doesn't even want to live in Brook Park. As soon as he's done at Kent, he was out of the city. That is really sad. So all I can say is, you guys did good tonight, quit sleeping through the meetings, and thanks.

Jeff Duke

15914 Remora Blvd.

As you might notice there are a few people here tonight wearing a shirt, United Residents of Brook Park. This is what I hope will be a new movement within the city, myself plus others. United, not divided. If you think that we are united right now, I beg to differ. There are opportunities that are unrealized within this city. Being united we can realize that potential. Have things been rough this past year? Absolutely. Everybody has a part of that, in some fashion. Myself included, some of the folks out here included in some of the folks up there. If you think that you are better than us your absolutely wrong. If you think that you can hurl insults at us please leave. Please do not run again. Please don't that burden onto the city to further divide us. Yes, the backside is big and can handle any insult hurled at me from up on that stage. But it can also shoulder a lot of burdens to work with you to help the city realize it's unrealized potential. I ask every elected official up there, every administrator up there, every employee or service provider up there to work with us. We will work with you. Let us unite together. Let's figure out how to put this behind us. I think we have a start today. Let the court do its job. A lot more calm here and a lot more calm up there. Sometimes when you get rid of a bad seed the whole bushel will become better after that. So let's unite together and realize our potential. Thank you.

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

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

NAYS: None. The motion passed

Council Remarks:

Mr. Mencini responded, tonight for the first time there are some places that I cannot go. I like to be able to speak freely and tonight I have to be a little bit careful. Pat and Brian, thank you very much for the way that you gave me respect tonight. I want to thank you very much your active members of my community. You know what's out there. I appreciate that very much. I think we need to start moving forward, I think we're doing some good things. We have a budget coming up, so please bear with us. It's coming. This is a great community. I met that Rec all Saturday, you see me here today. Sometimes this job is not easy. It was pretty stressful over the holidays for a lot of us. Mr. Poindexter, I hear you about the big parties. I'm with you 100%. I have a lot of parties in my ward over the summer. One thing we want to do, we want to get this right. There could be a lot of reasons for a party there, could be a wedding, it could be a memorial service, you never really know. But we definitely want to get this right. None of us are evading the issue or anything like that. Thank you all for coming tonight.

Mr. Scott stated to Mrs. Scott, I did not vote for Mayor Coyne either. But please bear with us. We are working to make this better. We will make Brook Park proud again. We will make you proud of Brook Park. It's a long journey but were going to get there. I promise you that. Thank you.

Mr. Troyer stated to Connie Scott, I like that leader quote that you did. Is she still here? I'd like to write that down. And then the nuisance ordinance, I think the Council can get that done and we have some time before the weather gets nice enough that they have big parties outside and that kind of condition again. I just want to stress to Council but this is really important to these people out there. As Mr. Poindexter said, you had to be there.

Mayor Coyne stated, I did vote for myself. What is encouraging to me is this. What is encouraging to me is that you are here and that you care about your town. That is good to see. For so long those chairs out there were vacant. And if the folks that sit up here don't hear from the folks that set out there then they think they're doing the right thing. It's been very challenging up here, I've had a lot of new experiences. I do believe that our city is divided. I think that we have some poison and cancer I think that when folks understand what the facts are, they will respond accordingly. I got some criticism for appointing some younger people to the boards and commissions, and I have to tell you that umps every one of them that came up here this evening are outstanding. While our seniors have been the bedrock of the town it's you folks. Jimmy Mencini is awesome, he steals all my words. What the city do you want to live in? I think you want to live in the kind of city that grew up here in and that is why I came back. About the ordinances this evening, about the nuisance

Council Remarks: cont.

ordinance. I think it's a good ordinance, I hope it's passed. If Council feels that they must modify it so be it. The other one where homeowners are responsible for the activity in their homes, by minors. We can pass by the Council, by the state, by the Congress of the United States can pass all of the laws that they want. The fact of the matter is the makeup of the people of the neighborhood that really

sustains whether it works or not. Mr. Poindexter, you know that I came over and had a frank discussion identifying what the problems are. These ordinances won't solve the problem. Responsible activities and responsible treatment and respect for one another will solve the problem. That evening, I was not there. I know what happened there, and there was a lot of irresponsible activity happening there. We will learn more as time goes by. But make no mistake about it we cannot pass an ordinance about a specific instance, a specific neighborhood, they must be general in their application. This gives the police department more tools in a demanding job, but there is nothing more important than in neighborhoods respect for one another. And we generally have that. Your particular neighborhood is one of the most diverse neighborhoods in the city. It has been a great neighborhood for decades. We are going to address the problem, there are court hearings coming up. The people must see that the law that we have now is going to be enforced. Irresponsible behavior will not and cannot be tolerated by the community.

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

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

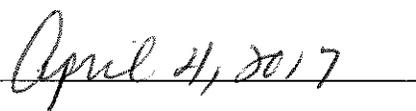
NAYS: None. The motion carried.

There being no further business to come before this meeting Council President Astorino declared the meeting adjourned at 8:42 PM.

RESPECTFULLY SUBMITTED


Michelle Blazak
Clerk of Council

APPROVED



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

