

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, FEBRUARY 7, 2017**

The meeting was called to order by Council President Astorino, 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, Safety Director Byrnes, Service Director Cayet, Engineer Piatak, Finance Director Cingle, Building Commissioner Hurst.

Motion by Mr. Salvatore, supported by Mr. Burgio, to go out of the regular order of business to items M3 and O4.

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

NAYS: None. The motion carried.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING)

1. RESOLUTION NO. 2-2017, HONORING MARIO LEANZA FOR HIS 45 YEARS OF SERVICE AT BROOKGATE AS LEANZA'S QUALITY SHOE SERVICE AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Mayor Coyne, Councilmembers Scott, Mencini, Burgio and Council President Astorino.

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. Troyer, to adopt.

The clerk read Resolution No. 2-2017 in its entirety as requested.

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

NAYS: None. Res. No. 2-2017 passed under Suspension of the Rules.

Adopted.

Mr. Salvatore, on behalf of the Mayor, Council and residents, presented Mr. Leanza with the Resolution.

Mr. Leanza thanked everyone and said a few words of appreciation.

Mayor Coyne, on behalf of the City, thanked Mr. Leanza and said he is an institution in Brook Park and commented how Mr. Leanza has helped citizens over the years.

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

Mr. Mencini thanked Mr. Leanza for all he has done for the citizens over the years and said no one will be able to replace him.

THIRD READING OF ORDINANCES AND RESOLUTIONS:

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

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

The clerk read Resolution No. 40-2016 in its entirety as requested.

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

NAYS: None. Res. No. 40-2016, adopted under Third Reading.

Mr. Salvatore, on behalf of the Mayor, Council and residents thanked Mr. Joe Charbonneau for attending on behalf of the Cleveland Indians.

Mr. Charbonneau thanked everyone and said this meant a great deal and being recognized was a great honor.

Mayor Coyne commented everyone demands nothing short of the World Series this year.

Motion by Mr. Mencini, supported by Mr. Salvatore, to return to the regular order of business.

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

NAYS: None. The motion carried.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

- 1. Special Council Meeting & Executive Session held on June 14, 2016.

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

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

NAYS: None. The motion carried.

- 2. Special Caucus Meeting held on July 19, 2016.

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

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

NAYS: None. The motion carried.

APPROVAL OF MINUTES OF PRECEDING MEETINGS: CONT.

3. Special Council Meeting held on July 19, 2016.

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

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

NAYS: None. The motion carried.

4. Excerpts from the Special Council Meeting held on January 3, 2017 per Law Director's memo request dated February 1, 2017.

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

Ms. Powers said excerpts have never been approved. This sets a precedence to choose to delete certain parts and approve other parts. Council approves the entire meeting; this is not acceptable.

Mr. Troyer stated he would approve minutes in their full form, but it is improper to approve excerpts. There was time to get these done and will be voting no.

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

NAYS: Troyer, Powers. The motion carried 4-2.

EXECUTIVE SESSION – COUNCIL OFFICE PERSONNEL

Motion by Ms. Powers, supported by Mr. Troyer, to recess at 7:22 p.m. for an Executive Session for the purpose of discussing personnel matters.

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

NAYS: None. The motion carried.

Motion by Mr. Burgio, supported by Mr. Mencini, to adjourn the Executive Session 8:10 p.m. and reconvene the regular meeting.

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

NAYS: None. The motion carried.

Motion by Mr. Mencini, supported by Mr. Burgio, to go back to the Regular Order of Business.

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

NAYS: None. The motion carried at

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairwoman Powers

Mrs. Powers stated no report.

Finance Committee – Co-Chairman Troyer

Mr. Troyer said the committee had three items on tonight's agenda.

Legislative Committee – Chairman Troyer

Mr. Troyer said the committee has four items on tonight's agenda.

REPORTS FROM STANDING COMMITTEES: CONT.Parks & Recreation Committee – Chairman Mencini

Mr. Mencini stated basketball is at the midway point and Baseball, Softball, T-ball, Tennis and Cheerleading registration is until the end of February. Seniors are celebrating Valentines' Day on February 14th and the Youth Valentines' Day Dance is February 17th. The Recreation Center is closed on February 20th in observance of Presidents' Day. A neighborhood heroin interactive meeting will be held on February 23rd.

Planning Committee - Chairman, Troyer:

Mr. Troyer stated the committee met last night and considered two items, Mr. Scott will address the first item. The second item approved was a high-end used car lot on Brookpark Rd; this property will be upgraded along with the property next door with the possibility of a regular dealership moving in at a later date. This item will be coming before Council at the next Caucus meeting.

Safety Committee – Chairman Salvatore

Mr. Salvatore stated no report.

Service Committee – Chairman Burgio

Mr. Burgio stated no report.

Board of Zoning Appeals – Chairman Scott

Mr. Scott stated the board met last night and approved a request for a 4' front setback variance to construct new 8' x 22' masonry front porch at 6122 Michael Drive. Also there were requests for ground variances at 13501 Brookpark Rd. for Luxury Motors.

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

Mr. Salvatore said the Board did not meet since his last report but the nominating committee met to identify openings that may be coming up in many cities in the taxing district; criteria will be established that will be used to fill those openings.

Berea Board of Education Committee Representatives Burgio

Mr. Burgio stated all school board members and Superintendent Sheppard were present at the January 26th State of the Schools presentation. Board President Chapman described board members' responsibilities and discussed the district's vision and goals. Superintendent Shepherd discussed the State Report Card and mentioned that students performed well on the ACT test and the graduation rate is 95.8%. The treasurer discussed the five-year forecast, cash balances, operating service, and deficits and mentioned that commercial activity was steady for this year and last with no decrease; the district also maintained revenue levels. Education expects a 1% increase statewide, but the superintendent said not necessarily for Berea schools. The financial outlook will include the strategic plan, goals and action steps, facility plan and demographics' changes. The bond issue was discussed as well as the timeline for the new buildings and construction projects. The State of the

REPORTS FROM SPECIAL COMMITTEES: CONT.

Art presentation can be found on the Berea schools' website.

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne stated that Building Commissioner Hurst and Recreation Commission Member Cindy Shick were appointed, as requested by Superintendent Shepherd, to be involved with planning, finalizing improvements and reuse of the properties.

Ms. Shick

13533 Bellbrook Drive

As the city's high-school planning team representative the first meeting was held yesterday with future meetings being held on a bi-weekly basis. The contractor provided a presentation to teachers, a custodial representative, the administration, parents, students, etc. and the planning process for the high school was discussed. Building Commissioner Hurst will be the elementary school representative. The following items were discussed: handicapped accessibility for one or two level facility, placement of elevators for students to get to classrooms timely, use of open floor plans and glass entrances for safety, actions students would take if something happened, handling of historical memorabilia, classroom size/set up, size of cafeteria to accommodate community organizations, whether or not to keep current sports complex, and learning development/training opportunities for teachers depending on how rooms and areas will be set up.

Mayor Coyne reported that he along with Finance Director Cingle hope to meet this coming Saturday to finalize the budget to be provided to Council soon. A preliminary conference call was held with the finance department, administration, law director, bond counsel, and financial advisors for the recreation center, which is moving more quickly than anticipated. Grindstone daycare is not renewing their lease and will vacate, which is timely in moving forward with improvements to the building. Preliminary discussions were held with Bridges and Guidestone regarding their interest in this or the city hall building for future use if the schools cannot facilitate them and discussions are ongoing. Due to interest and concern regarding compensation and benefit packages for employees, compensation and benefits they will be posted to the city's website. In most cases, those in rank and file are paid considerably less than those who head divisions and departments, in this case, the Chief Executive Officer and Chief Finance Officer and it is imperative to know what the situation is in order to see a comparison; not a single employee is overpaid, they are competitively paid. Until the last two years, they did not receive increases for quite some time. This evening there are compensation adjustments for elected officials. It will be shown some of the benefits employees get that are peculiar to their divisions or departments that may be eye opening and am not saying employees do not deserve what they negotiate in contracts because he respects that

REPORTS AND COMMUNICATIONS FROM THE MAYOR: CONT.

process. Mayor Coyne continued that what the city expends to go through the negotiation process may also be of interest.

Mr. Troyer stated to Mayor Coyne that a grant was approved for the Whites to facilitate retention/expansion of Blueline Rentals with fence being erected and a garage torn down but the company is no longer there.

Mayor Coyne responded the Abbott family received a grant for the demolishing of existing and outlying buildings on the former gas station and used car lot. The grant was for improvement for the fencing, capital investment and to sign a lease extension with Blueline Rental, a division of another national corporation, so they vacated. They are in the process of having one of their subsidiaries come in and occupy the building and the Whites have conformed to the requirements under the ordinance.

Mr. Troyer asked if a lease was signed by Blueline?

Mayor Coyne concurred.

Mr. Troyer stated an extended lease was signed.

Mayor Coyne concurred.

Mr. Troyer asked when someone may be going into the property.

Mayor Coyne responded there has been conversations with an interested party. This is a corporate issue and rent is being paid for the extension of the lease. It does not make sense for that property to be vacant, however, if someone is not found there are people interested in moving to that facility.

Mr. Troyer asked if the city was able to get the rent money back?

Mayor Coyne responded no, the building is demolished and site improvements have been made with the erected fencing and extension of the lease. Blueline is paying them the lease and there are no employees currently there. It is Blue line's interest and their subsidiary's interest to put employees in that building because they are paying the lease; the main interest was with improving the site more than anything else. Several hundred thousand dollars were put into the site and the company is trying to get a tenant in there, but Blueline still has to pay the lease for the period of time it remains vacant.

Mr. Troyer requested that Council receive copies of the bids for collection of solid waste.

REPORTS AND COMMUNICATIONS FROM THE MAYOR: CONT.

Mayor Coyne responded they will be provided.

Mr. Troyer said he understood the city was not going to privatize rubbish collection.

Mayor Coyne responded contracts for them to pick it up and lease garbage trucks were approved and there is no appetite to change that.

Mr. Troyer mentioned that Councilman Burgio sponsored legislation, a few years ago, to purchase smaller rubbish cans, if the city is going to keep doing rubbish then those cans should be obtained.

Mayor Coyne said there is \$14,000 in the budget for 300 smaller cans and if seniors turn in their large ones there will be replacements.

Mr. Troyer asked if Bridges would be able to get out of the four remaining years of their agreement?

Mayor Coyne responded the city currently does not need the basement and Bridges is looking at Brook Park Memorial School to expand their operations, as they are growing. The city will probably let Guidestone stay until the end of the year, but they are leaving the end of July. If both are interested in these buildings, or if the city demolishes them and they want to build, the city is open to that. There is discussion as to what the school board is going to do with Memorial School, which would be ideal for daycare and adult care as it would facilitate them being able to grow. Those two renters support the water park daily and they are in the parks, which are amenities for both organizations so the is trying to keep them both here if possible.

Mr. Mencini was in favor of that entire concept, as it is a viable building and great location. Mr. Mencini asked if there is any progress with businesses locating to the city?

Mayor Coyne said Economic Development Commissioner Dolan would have his annual report soon in terms of investments in the City. There have been some very good small investments and a couple of large projects are in the works; there are discussions with Ford and there may be another project on West 130th Street.

Mr. Mencini complimented the building department staff for staying on top of the rental property registry and houses.

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

Mr. Piatak reported Fabrizzi will begin preparing the area for the Brookdale waterline project. Once the waterline is in the and service connections are tied there will be catch-basin repairs and minor underground sewer work. After that work then the pavement removal and replacement will begin with completion around July 27th.

Mr. Mencini asked if there were problems with the recent rain and flooding.

Mr. Piatak responded the service director would have a better idea of any sewer calls, etc. Mr. Piatak stated that Sheldon Road was closed due to a blocked catch-basin on Smith Road near Brookpark Road. There have probably been complaints about water in yards, but probably not a lot of sewer calls to the service department.

Mr. Mencini said he had three calls about water in yards.

Mr. Troyer asked if Mr. Piatak was updating the street ratings list this year, and commented it would be good to have before the budget to know how bad the streets are.

Mr. Piatak responded road conditions will continue to deteriorate due to the time of the year, however, both he and Service Director Cayet will be making rounds over the next two weeks and a list would be provided.

Mr. Troyer continued by asking if Cleveland Water was paying anything toward the Brookdale Waterline Project?

Mr. Piatak responded no.

Mr. Troyer asked how that happened because when the Water Department agreement was approved last summer Council was told that we would get that, which is why it needed to get it done; that road and waterline needed to get done so that would apply. Mr. Troyer brought up the fact that there is only twice a year to apply for those monies and Council was assured that could get done. So what is the reason that it didn't get taken care of?

Mr. Piatak responded that receiving the money for that project was never guaranteed as it is a competitive process; there were some issues with the economic development portion of the water service agreement that are being worked out with the water department.

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

Mr. Troyer commented that the city may have to do that if it is grandfathered and asked. If it was about not allowing tax rebates for new construction or additions because the city has that available to businesses coming in.

Mayor Coyne stated there was an agreement on how to address that issue, but the City of Cleveland Mayor's office disputed it; currently the City of Brook Park is in the process of dealing with the attorney general's office. There are some legal ramifications that will not jeopardize the incentives so they made a preliminary agreement; notwithstanding that, it is still the evaluation criteria. For example, regarding the public works issue on Holland Road the city was told that we were in the finals for funding and then received subsequent notice that changed and Public Works would let the city know in July. It is competition for everything and while timeliness is important, it is the evaluation of what happens when everything is put into a pot. Whether the city had the agreement on our tax incentive portion or not it would still be competitive and probably not be approved in that process. Currently there is additional funding and it is the same criteria used for the Holland Road project that the city should be first in line because it's going from an almost guaranteed status to a flexible status. However, if something else comes up and it is reevaluated then the city doesn't necessarily hit the top of the line. That is the problem once you go through the Northeast Ohio Areawide Coordinating Agenda (NOACA) system or the regional systems. This project came in several hundred thousand dollars less than anticipated, which is the good news and while the city had to pay \$170,000 to add-in the water line, the price being looked at was \$300,000 more originally, so it came in less and worked out by using city monies.

Mr. Troyer hoped that the city gets something since turning over all of the existing water lines over to the water department and they are supposed to be responsible for them. Mr. Troyer commented that he would not like to think the city is replacing the water line the water department is supposed to own and that the city is giving them a new one. Mr. Troyer continued regarding the city not being awarded the grant for the Holland Road Project, has any one researched grants. Has anyone looked into adding bike lanes using federal grants, would that afford the city additional monies.

Mr. Piatak responded a study was done last year and the feelers are out looking for grant to do some bike trails.

Mr. Troyer stated bile lanes on existing streets and using the money to improve the entire street; to qualify to get the money could you add the bike lanes?

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS AND PUBLIC OFFICIALS: CONT.

Mr. Piatak responded the city has not applied for that kind of money, but could do some research, if there is a particular street the city would like to do, to see what the demand is for bike lanes around town.

Mr. Troyer said that wide section of Holland Road would be a prime example.

Mr. Piatak responded when you take away some lanes on the pavement for a bike lane you reduce capacity of the road depending on how you configure the road; consider what is being looked at and be careful.

Mr. Troyer continued he was not suggesting to diminish the road, but to get money to add a couple feet. If money is available, and it helps financially to go after it by widening the road a little and making a bike lane, why not do it?

Mayor Coyne said grants require matching money or low interest loan requirement and matching money at this time is \$800,000 cash for Holland Road. If the city did that and went forward with it, that would eliminate all the money the city would have in cash without going into debt. It sounds good, but there used to be an 80/20 match and the city has to match the 800,000 plus whatever the matching grant would be for the bike lanes.

Service Director Cayet

Mr. Cayet said this Monday is bulk pick up and call the rubbish line by noon on Friday if putting bulk out. Barricades and road-closed signs are at Sheldon Road about the high water and should not be ignored. Service crews are addressing chuckholes.

Mr. Burgio said crews did a great job clearing streets with snow removal during heavy snow.

Mr. Cayet said during nicer weather street sweepers have also been out.

Mr. Mencini stated many holes were filled with cold-patch and that never ends in the winter. Mr. Mencini asked who makes the decision for Sheldon Road, Middleburg Hts. or Brook Park?

Mr. Cayet responded it is a joint decision.

Mr. Troyer stated the Storm Water Management Program was approved and the city is to receive about \$161,000. Has it been applied for and, if so, what will it be used for or what is it being used for. What is the status? Have we received any money?

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

Mr. Cayet said equipment was purchased to cut up calcium deposits in sewer lines, which cost around \$14,000.

Mr. Troyer said plenty of money is left and are there any ideas how the rest might be spent.

Mr. Cayet said it accumulates. He, along with the Mayor and engineer will decide the best use for the money regarding projects or equipment.

Mr. Troyer said the money could be applied to the many catch basins that need repairing and mentioned at the last meeting remarks were made that Council held up on purchasing the plow trucks. The budget was passed in March and legislation was not brought forward on September 6, 2016 and passed on Second Reading; Council did not hold up it up.

Mr. Cayet said it was held up somewhere in the city, the budget passed, but he was not authorized to purchase it through legislation until it was presented to Council by means of the finance director. When the authorization is given to purchase equipment the equipment is purchased and that is why the city is always a year behind.

Safety Director

Mr. Byrnes said of six events that occurred between December 8th and January 23rd, five were solved and arrests were made. Regarding the unsolved one, two of three participants were arrested and a warrant is out for the remaining individual. Police and detectives have done a great job isolating the problem, checking evidence, and following the leads. Seven communities were involved in one incident, but Brook Park solved virtually all the cases. Last December similar things occurred around the Christmas season though not as intense and due to drugs, etc., there are more events occurring. Of greater concern are car-jacking's around the Smith and Snow area; when purchasing gas, people leave their engines running to pay inside and their car is stolen, there is a greater police presence in the area.

Mr. Mencini said the police are on top of the car-jacking's. Also, paramedics and police did a great job regarding a heroin incident in his ward and, hopefully, saved a life. The police have their hands full and do an exemplary job and Mr. Byrnes should let them know.

Mr. Troyer thanked the police and detectives for their due diligence and commented if there were more officers on the force perhaps these problems would not happen.

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS AND PUBLIC OFFICIALS: CONT.Law Director Horvath

Ms. Horvath said the Mayor covered the progress regarding the bond ordinance. The two pending cases were thoroughly discussed during the last executive session. There is a movement to develop programs at the municipal court level regarding the heroin epidemic and discussions should begin in March and will apprise of that progress.

Mr. Astorino said a resident approached him with documents regarding a recent records' request and asked if most requests go through the law department for review before being released.

Ms. Horvath said documentation is received that a request has been made; however, the department does not always get the actual records. For example, if someone has an automobile accident and requests the paperwork. In theory, the law department should have a copy of every records' request, but sometimes there are holes in the system.

Mr. Astorino said the document involved personnel records and did not have pertinent information redacted sufficiently, the city needs to look at correcting that process.

Ms. Horvath said she would look into it and meet with Mr. Astorino. The law department usually receives requests, but probably would not look at the actual records being distributed; there may need to be some rules as far as redactions, etc.

Mayor Coyne said requests he receives are given to the law department and if that information was not redacted regarding personnel issues we should be aware of that situation.

Mr. Astorino said the information was marked through with a marker but was still readable.

Mayor Coyne said he would like to be involved with checking into this if it is not being done correctly.

Finance Director Cingle

Mr. Cingle said the January monthly report would be distributed in a day or two. The 2017 appropriations' budget will be finalized Saturday and Council will be provided with it in the near future. Bond counsel and financial professionals met regarding the recreation center bonds; on February 15th Fitz Ratings will conduct the bond rating review and Council will be updated on the outcome. Regarding the snow plow purchase mentioned earlier the budget passed in March, tax collections are closely

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS AND PUBLIC OFFICIALS: CONT.

monitored throughout the year so as not to make all capital purchases at once. To be sure the projections are met in order to purchase all the items Council approved in the capital improvement budget. That piece of equipment is being leased and the first payment was approved on tonight's Board of Control and commented neither he or his department delayed purchase of the snow plow or any other piece of capital equipment. It takes time to build and get documentation together and to shop for the best rate with local financial institutions. Due to House Bill 5 changes, the tax department reformatted the 2016 tax form from one to two; an individual form and a net profit business form. The individual and business forms are on the city's website and taxpayers that receive the form by mail should receive it by next week; the city will accept generic forms. The city's tax department provides assistance to taxpayers and will be having extended hours during the months of March and April.

Mr. Troyer asked if the grant mentioned earlier regarding the Whites and Blueline has been paid?

Mr. Cingle responded no, it has not been paid yet.

Mayor Coyne said there were complications with the State Purchasing Program relative to the dealer providing cars both chiefs share the finance director's frustration as all leases are combined into one; that is what delayed the situation. The city is looking into having a competitive process with State Purchasing next year because of the problems it caused. The best financial deal is looked at which is often not until the third quarter of the year. Capital improvements are spaced out to be sure obligations are met without strapping the city. If the Blueline issues is a bone of contention, documents and a presentation can be provided.

Mr. Astorino said regarding the trucks for the service department, everyone seems frustrated by the process, but the comment at a recent meeting that Council caused the delay was a bit accusatory.

Mayor Coyne said he did not recall hearing that comment from the service director and if it was made it should not have been. But, that is the frustration of the entire process, including the Mayor's frustration.

Mr. Astorino said the budget passed in March and Council received legislation six months later in September; the accusation was Council held it up when it was six months later that we received legislation and passed it in a rather expedient manner on second reading.

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

Investigation of Council Office Operations

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

Mr. Troyer asked what was being investigated, how and by whom? What independent outside person would be doing it?

Mr. Scott said the law director should retain the services of a special investigator. There was an external investigation regarding documents being altered and we were told it has to be done internal.

Mr. Troyer said the notice said the sheriff already looked into that one and did not find anything illegal.

Ms. Horvath said her January 24th memo delineated areas needing further investigation; the Sheriff's Department did a preliminary investigation and recommended the city look into these matters ourselves. An independent special investigator with detective or police background would be appropriate; someone with the ability to answer the questions, write a factual report, and provide the conclusions and facts to Council. There are a number of different ways to look at in obtaining that person's expertise but didn't have anyone particular in mind, but could forward names to Council or there could be another method to come up with as to who would be appropriate.

Mr. Troyer favored someone from outside the city for an impartial investigation and suggested a parliamentarian.

Ms. Horvath did not recommend a parliamentarian as someone with a background in investigating these types of matters was needed. Someone retired from the Sheriff's Department or associated with white collar crime investigations, or alternately, someone with BCI experience; someone with a criminal investigation background would be appropriate.

Mr. Troyer said we should advertise to get the best person possible.

Mr. Mencini stated he did not know if the sheriff went in or what he looked for and asked if a citizens' committee with a Member of Council on the committee, or someone retired from our police department familiar with our operations, do the investigation?

Ms. Horvath commented it would be one person not associated with the city, with white collar crime background, or someone previously involved with investigations;

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS AND PUBLIC OFFICIALS: CONT.

either in this county or other counties concerning issues of this type. Or, someone who worked previously as an investigator with the attorney general. Mrs. Horvath will generate a list, but only one person needs to be appointed who will ask appropriate questions, find facts and report to Council.

Ms. Powers asked exactly what was being investigated, why, and how can we possibly investigate ourselves. How can the law director investigate Council when she is part of the city? This needs someone from outside the City.

Ms. Horvath agreed that someone from outside the city with investigative experience was appropriate. Her January 24th memo states areas for possible investigation would be the altered legislation and some other legislation irregularities from November. Subsequent to November, there were issues regarding the minutes, which will be pulled off the table, and some suggestions were made that there may be some irregularities with Council's website. The investigator will look at the two areas, do a follow-up on the Sheriff's Department investigation, and report to Council.

Ms. Powers said to accomplish that it would have to be advertised and spelled out. If someone with the city recommends someone that would be considered city involvement and not impartial in selecting someone.

Ms. Horvath said it is almost a chilling thought to think that a city would advertise for someone to investigate any irregularities with Council. It is better to use our sources to search out those that are fully independent and get their resumes; this would not be a bidding situation from a monetary standpoint. The individual should be able to do what needs to be done rather rapidly and write a report quickly so we can put any issues to rest. We can reach out to the Sheriff's Department and County Prosecutor's office for names of three or four individuals to submit resumes with an idea of how much time and cost would be involved.

Mr. Astorino said he supported the investigation because nothing has been done wrong, but verbal approval does not provide specific framework or details on what is to be done. What is the scope of the investigation? During the investigation of the legislation at the Sheriff's Department, he was not questioned and he is the office administrator and Council President who dealt with the legislation; the prosecutor determined there was no need to pursue it criminally. He was told by the detective that they pulled the plug on the investigation and said to do it internally and he was possibly on the list to be talked to. The Mayor likes to Facebook about what is going on with wages, allegations and accusations are made about Council operations on Facebook; are we doing an investigation based on innuendoes made on Facebook?

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS AND PUBLIC OFFICIALS: CONT.

Mr. Scott made the motion to do this and has no answer or details about what is actually being looked for. It is like throwing a big net over things and seeing what happens, if that's the case, then throw a really big net and have all operations of Council reviewed; no improper actions will be found. You will find out that the accusations being made around town are false and made up to make certain people look bad or to make Council look bad. Do the investigation but verbal approval of investigation of Council operations requires a disinterested party and their first interest will be what is the scope and am I looking for? The answer will be, well, you know it is this or that. There are no details. It is ill prepared or are we just approving that we are going to do it and maybe develop a plan and come back later?

Mr. Scott said a few months ago Mr. Astorino made a motion to do an investigation with no pretense or motive and he made a motion to do all of Council that failed. Why was that okay at that time and now we have alterations of documents? Who did it and why?

Mr. Astorino asked if that was all that was being looked at. It was talked about before at a Caucus meeting under discussion; Now we are at a Council meeting providing verbal approval of an investigation of Council operations with no outline on how that is to be accomplished. This should be fair with input from all involved parties and not want someone who will selectively exclude people from the investigation, it is too vague. The verbal approval should be passed, but not rushed into, and set up to address what is actually being investigated and how it will be conducted.

Mr. Scott asked who stated it had to be rushed into?

Ms. Horvath stated this would be a follow-up to the Sheriff's Department report involving things she would not fully discuss as it would cause problems for whoever is investigating it. It would be answering questions and finishing the incomplete investigation primarily dealing with the altered legislation and how that occurred. The investigator would have preliminary materials to look at and probably do a bit of follow-up investigation; it would be limited to the unanswered questions from the sheriff's investigation regarding the altered legislation.

Mr. Salvatore said the law director should be instructed to seek a disinterested third party to conduct an investigation and move forward once the individual is identified with what questions should be asked and what should be looked into, and as a follow-up with what the sheriff already started, look at that and then move in the same direction.

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS AND PUBLIC OFFICIALS: CONT.

Mr. Mencini concurred with Mr. Salvatore, we have been through the Sherri's Department so he thought a private investigator or a retired detective from the Cleveland Police Department would work.

Mr. Troyer was in favor of that motion and said once a decision is made as to what will be investigated, everyone should provide three priority topics they want investigated. It has to be the whole thing, but the investigator needs to know what they are looking for. Recommendations will probably be to have a few more rules and a better understanding of how things should go. The public should know we are not breaking laws and are doing what is right. If there is a question about how something needs to be done differently, we will decide that. This is not to be done based on a random subject and we will all have our own topics. That would take care of all the issues and everyone would have an answer to what they feel is an issue.

Ms. Horvath said she, the chief and safety director could meet to find names for Council along with recommendations of who is best, which could be done quickly.

The clerk called the roll on the motion by Mr. Scott, supported by Mr. Burgio, to verbally approve the Investigation of Council office operations.

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

2. Citizen of the Year Committee:

Motion by Mr. Salvatore, supported by Mr. Mencini, to designate Councilman Scott as Council representative.

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

Mr. Scott stated a memo was distributed to Council asking for their committee member and to have the name in to the clerk by the end of the month

3. Council Office Personnel:

Motion by Mr. Burgio, supported by Mr. Troyer, that Council hire a temporary clerical employee and bring on court reporting assistance to complete the minutes; not to exceed thirty (30) days.

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

INTRODUCTION OF NEW LEGISLATION:

1. A Resolution in support of Unique Enterprises, Inc. applying with the Cuyahoga County Department of Development for a grant to perform an environmental impact study for property, listed by the Cuyahoga County Fiscal Officer at 6090 West 130th Street, PPN 344-24-121 and declaring an emergency. Introduced by Mayor Coyne **Placed in Legislative Committee**
2. A Resolution in support of MNA Properties II, LLC, and the city applying with the Cuyahoga County Department of Development and/or State of Ohio Bureau of Underground Storage Tank Removal (BUSTR) for grant funds to perform an environmental impact study and/or to undertake environmental remediation of the property known as 6286 Engle Road, PPN 342-09-011 and to take all further necessary action to remediate the property and declaring an emergency. Introduced by Mayor Coyne **Placed in Legislative Committee**
3. An Ordinance amending Section 141.02 of the Brook Park Codified Ordinances entitled, "Composition Executive Head." Introduced by Council President Astorino. **Placed in Legislative Committee.**
4. A Resolution urging First Energy to continue health care coverage for retirees of Utilities Workers Union of America. Introduced by Council President Astorino. **Placed in Legislative Committee.**

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

Motion by Mr. Salvatore, supported by Mr. Mencini, to recess at 9:45 p.m. for ten minutes.

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

NAYS: None. The motion carried.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING)

1. ORDINANCE NO. 10067-2017, AMENDING SECTION 1805.01(2) (A) AND (B) OF THE BROOK PARK CODIFIED ORDINANCES COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. Astorino stated Ordinance No. 10067-2017 has had first reading.

Mr. Scott asked if this was a housekeeping issue?

Mr. Cingle responded it relates to verbiage changes due to House Bill 5.

2. ORDINANCE NO. 10068-2017, AMENDING SECTION 1809.01 (i)(2) OF THE BROOK PARK CODIFIED ORDINANCES RETURN AND PAYMENT OF TAX AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):
CONT.**

Motion by Mr. Troyer, supported by Ms. Powers, to place Ordinance No. 10068-2017 on the February 14 caucus meeting.

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

NAYS: None. The motion carried.

- 3. RESOLUTION NO. 2-2017, HONORING MARIO LEANZA FOR HIS 45 YEARS OF SERVICE AT BROOKGATE AS LEANZA'S QUALITY SHOE SERVICE AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Mayor Coyne, Councilmembers Scott, Mencini, Burgio, Powers, Troyer and Council President Astorino **Note: Moved by motion to the beginning of the meeting.**

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

- 1. ORDINANCE NO. 10026-2016, AMENDING SECTION 121.01 (a) and (b) OF THE BROOK PARK CODIFIED ORDINANCE, RELATING TO THE PRESIDENT OF COUNCIL AND MEMBERS OF COUNCIL AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.

Motion by Mr. Troyer, supported by Ms. Powers, to place Ordinance No. 10026-2016 back in committee until companion pieces regarding looking at all officials are ready.

ROLL CALL: AYES: Troyer, Powers, Mencini.

NAYS: Scott, Burgio, Salvatore. The motion tied with a vote of 3-3 and Mr. Astorino voted yes.

- 2. ORDINANCE NO. 10052-2016, AUTHORIZING THE CITY OF BROOK PARK TO PROVIDE A JOB RETENTION & BUSINESS EXPANSION GRANT TO DRABIK MANUFACTURING, INC., 15601 COMMERCE PARK DRIVE. Introduced by Mayor Coyne.

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

Ms. Powers said Mr. Drabik invested over 1.2 million dollars in the plant and equipment since 1990 and has generated over \$500,000 in payroll with nine full time and one-part time employee; city money is not needed because the business and payroll have been successful for many years. The machine has already been ordered with financing being secured already and when received will Mr. Drabik sill employ the same nine to twelve people with the same 500,000 in payroll; or will salaries be cut. Mr. Drabik supposedly is in an area expansion for eradicating and mitigating blight, but the company is up and running very well and is not eradicating and mitigating blight in the City and does not need this money. Mr.

THIRD READING OF ORDINANCES AND RESOLUTIONS: CONT.

Drabik stated that the company will maintain the fifteen years of the useful life of this machine with the same number of employees; no one can say how many employees there will be fifteen years from now. With the changes in manufacturing Drabik may be able to do the same work with fewer employees. Mrs. Powers commented that after last week's meeting an irate resident contacted her about giving money to someone who does not need it and informed her that Brookgate is the city's only shopping area. This resident told stated that the city needs to concentrate on getting more businesses' there and attract more shoppers. The resident also stated it is the economic development areas that need help rather than a company that is successful and not located in a brownfield redevelopment area.

Mr. Mencini said this is an expansion grant and the market is very competitive and businesses are always looking to relocate. Mr. Drabik has been in the city for a long time, this is not an award grant, it is a business grant. That will keep this company in the city and by word of mouth will tell other businesses Brook Park is a good place to do business and that is the reputation this city wants. The Mayor mentioned Ford but Brook Park will not be the only place being considered and sometimes things have to be done to get businesses into the city to help businesses and the community thrive; that will encourage people to buy houses.

Ms. Powers called this corporate welfare that does not cause this company to remain in Brook Park but plans to stay since he ordered and received financing for the machine; this is not trying to entice someone to relocate to the City. It is rumored that a car dealership that received special consideration about a year ago is moving out of the City and just because a company says they will remain here another fifteen years does not mean they will. If the city owns a part of the machine, which is not a good investment, they can dismantle a part, throw it on the floor, and say there is your part and move away. The city should not be buying companies to stay in the city and are not buying someone to stay in the city; this is giving a gift and does not condone corporate welfare gifting.

Mayor Coyne responded there was no need to disparage a business owner. The city offered to help Brookgate Shopping Center with improvements, which was done with Plum Market, a small return on the city's investment but provided jobs. The same in this instance and the city is here for any business, big or small, wanting assistance and it is important to maintain existing businesses as well; this is a good incentive for a long time employer to investment in the community. Brookgate is limited by the shopping centers in the area and have unique problems and demanding lease requirements have made it prohibitive for restaurateurs to locate in Brookgate and encouraged Brookgate's owners to contact Mr. Dolan if they need assistance. Mr. Drabik is one of the outstanding

THIRD READING OF ORDINANCES AND RESOLUTIONS: CONT.

leaders of the Chamber of Commerce and is involved in the community and there is no reason for Council to reject his request.

Mr. Troyer stated the business was not being disparaged; it was actually being pointed out how well it was doing. The machine has already been in service six to eight months and a new employee has already been hired. Mr. Troyer stated he was not in favor of the legislation as it is flawed; it had third reading, went back to committee and appeared on a couple of Caucus agendas and is still flawed along with the flawed agreement.

Mayor Coyne asked where it was flawed; payroll numbers were clarified to be sure Mr. Drabik was not over extending his commitment. Mr. Drabik has been patient and has conformed to the city's requests and should be provided with the funding to be made whole with an investment to the city.

The clerk called the roll on the motion by Mr. Scott, supported by Mr. Burgio, to adopt.

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

NAYS: Troyer, Powers. The motion carried with a vote of 4-2, Ordinance No. 10052-2016 is adopted under Third Reading.

Mr. Astorino recused himself from the Chair and stated he will not be participating regarding item number three due a potential conflict of interest.

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. Mencini asked Law Director Horvath if a ruling has been received from the Ohio Ethics Commission?

Mrs. Horvath responded she spoke with Ohio Ethics today and they are currently working on this, so possibly this could be moved to the next Council agenda.

Motion by Mr. Salvatore, supported by Mr. Scott, to place on the February 21dy Council meeting under third reading.

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

NAYS: None. The motion carried.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Ms. Liz Sayers

23065 Cedar Point Road

Mrs. Sayers objected to the rules changing so often and commented on the audience having little rights and had multiple questions but was unsure of how to comment due to these rule changes.

Mr. Mike Vecchio

14417 Park Drive

Mr. Vecchio stated Council Rule 28 was adopted January 4, 2016, and the following quote is from those minutes, "Mr. Astorino stated the way I'm reading is that information shall be posted by a person or persons designated by Council. Anything Council determines to be posted to the website shall be posted by somebody Council designates. The intent was not that everything has to be posted but anything posted will be done by a person designated." Mr. Vecchio asked when Council of the Whole was informed of a designated person or voted to designate a person to be administrator of the webpage. There was nothing found in the January - July, 2016 posted minutes and asked what was the vote tally? The Council webpage domain name was created on November 9, 2015, one day after the election, how was that possible when the oath of office had not yet been administered and Council seats were not official? No powers were granted to Mr. Astorino by Charter, Codified Ordinances or Rules of Council, which expired December 31, 2015, something Mr. Astorino adamantly stated during the organizational meeting. At that juncture, he was Jim Astorino, NLFS President, and the estranged Councilwoman was Julie Ann McCormick. Is it a coincidence that ClevelandLeader.com and Brookarkcitycouncil.com domains both had identification number 146 assigned to them by the Internet Assign Number Authority? In his February 6, 2017 email, Mr. Astorino stated, "The at large Councilwoman initially set up the web site (installed Word Press, configured settings, and customized design, etc.)." There was no cause for this and was done by using her ClevelandLeader.com domain through GoDaddy.com to operate the Council website, which she had previously paid for. Mr. Vecchio distributed and explained copies of invoices along with emails to Councilmembers that showed Ms. McCormick payment for the website to be hosted through Geek Storage, but there is no cost associated with the GoDaddy.com use, which would include Word Press to design the webpage. Having a City Council website associated with a political publication would be a conflict of interest. The Council website mysteriously developed technical difficulties on December 9, 2016, as conveyed by the Council clerk to all Members of Council via email, the very same day the estranged Councilwoman submitted her resignation. On January 9, 2017, one month later and the week following your collusion of the return of the estranged Councilwoman, an email is sent to the Council clerk stating, "The City Council website is back up and running. I updated all the pages so they are current and am working on the calendar. I was just wondering if you could look over the page

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

for approved minutes and let me know if I missed anything there. There may have been some files I never got, not sure. Also the Council email addresses are also working again so I would think that we should go back to using those primarily. Thanks, Julie". Mr. Vecchio continued on January 10, 2016, he and Mr. Astorino began a series of back and forth emails regarding this website and Mr. Astorino stated to him on January 17, 2017, at 3:13 p.m. in his initial response, "The website is provided through Geek Storage. The cost for 2017 is \$93.53 and I worked with the Council clerk on the content of the page." Are these statements in fact not the truth as told by Mr. Astorino? On January 19, 2017, Mr. Vecchio sent a follow-up email thanking Mr. Astorino for the partial reply and relisted the questions to be more specific with areas to answer them stating, "Let me restate my questions in simpler terms so that you can provide me detailed answers to the questions I've asked." Mr. Astorino then responded to him on January 23, 2017, with, "Mr. Vecchio, allow me to answer the questions you stated in simpler terms. Working with the Council clerk I put information on the Council website. The information I place on the site was the agenda packet that was posted, adopted minutes and adopted legislation. The cost for 2017 is \$93.53, which averages out to less than \$8.00 per month. As was stated before, the website is provided through Geek Storage." Mr. Astorino's quoted statement from the last quoted email seems to contradict that in the email sent to the clerk from the estranged Councilwoman dated January 9, 2017. Mr. Vecchio said prior to our email engagement, this to me, Mr. Council President, seems to be a problem with willful intent, which falls within the scope and meaning of misfeasance which is "the willful inappropriate action or intentional incorrect action or advice." He said Mr. Astorino knowingly provided misinformation to him, which he has now conveyed to the residents Mr. Astorino was elected to serve. This was done with intent to deceive and was something he asked Members of Council, the law director and the Mayor to have investigated immediately.

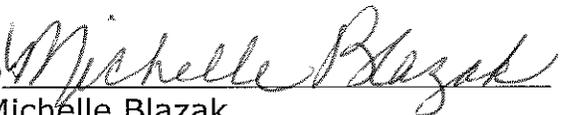
Motion by Mr. Troyer, supported by Ms. Powers, to adjourn.

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

NAYS: None. The motion carried.

There being no further business to come before this meeting Council President Astorino adjourned at 10:33 p.m.

RESPECTFULLY SUBMITTED


Michelle Blazak
Clerk of Council

APPROVED



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

9184 words

