

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, MARCH 28, 2017**

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 Cayet, Finance Director Cingle and Building Commissioner Hurst.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON OCTOBER 11, 2016.

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

ROLL CALL: AYES: Powers, Mencini, Troyer, Astorino

NAYS: Scott, Burgio, Salvatore. The motion carried with a vote of 4 -3 with Mr. Astorino voting AYE to break the tie.

2. REGULAR CAUCUS MEETING HELD ON OCTOBER 25, 2016.
3. REGULAR CAUCUS MEETING HELD ON NOVEMBER 15, 2016.
4. REGULAR CAUCUS MEETING HELD ON NOVEMBER 22, 2016.

Mass Motion by Ms. Powers to accept, supported by Mr. Troyer.

Mr. Scott stated the minutes are incomplete, there were many pages where a voice was not identified.

Ms. Powers stated that it doesn't make a difference. They were accurate.

Mr. Scott stated it should be known who was speaking due to the motions made, supported and discussions that took place.

Mr. Mencini concurred with Mr. Scott.

ROLL CALL: AYES: Powers, Troyer

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

5. REGULAR CAUCUS MEETING HELD ON AUGUST 9, 2016.

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

ROLL CALL: AYES: Powers, Troyer

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

6. Regular Caucus meeting held on January 24, 2017.

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

Mr. Scott stated on page 8, number 5 change Dolan to Drabik.

Approval of Minutes of Preceding Meetings (cont.):

Mr. Burgio stated that on page 6, in a roll call, Powers was mentioned both in the AYES and NAYS. Also, on page 8, on the motion made by Mr. Mencini, the support should be by Mr. Scott.

Motion by Mr. Salvatore, supported by Mr. Mencini, to accept the amendments.

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

NAYS: None. The amendments carried.

The clerk called the roll by Mr. Scott, supported by Mr. Mencini, to approve as amended.

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

NAYS: None. Motion carried.

7. Regular Caucus meeting held on February 14, 2017.

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

Mr. Burgio stated that between the fifth and sixth paragraph on page 7, Mayor Coyne's point of order change I never made 'us that statement to', I never made that statement.

Motion by Mr. Burgio, supported by Mr. Scott, to amend page 7.

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

NAYS: Troyer, Powers The amendment carried.

The clerk read the motion by Mr. Mencini, supported by Mr. Scott to approve the minutes as amended.

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

NAYS: None.

ABSTAIN: Troyer, Powers The motion carried with a vote of 4 and 2 abstentions. Approved.

DISCUSSION:

1. CODIFIED CHAPTER 937, SENIOR CITIZENS AND PHYSICALLY DISABLED SERVICES. Per Council President Astorino.

Mr. Astorino said at the last Caucus meeting there was legislation in committee that dealt with the same issue, the Mayor provided information. Council passed a motion that those items were read in committee. One councilperson said they wouldn't be opposed to reviewing this, but didn't like knowing that legislation was already drawn up. Now that the legislation has been read in committee, it is important that Council review these programs. For many years this was provided as in-house, for one year wasn't provided at all and now it's being outsourced to private contractors.

Ms. Powers stated that when it was being done in-house, it was much cheaper and many more residents were involved. The change was also made from the age 60 to 70 with no provisions for disabled persons. When the program was privatized it was more expensive and the Finance Director should be able to verify that.

Mr. Astorino distributed information from the Finance Department dated September, 2014. The cost of senior services grass cutting was \$38,184, the senior snow removal was estimated at \$3,400 per snow event; that didn't include the cost for plowing on holidays and weekends. Senior transportation was \$71,305 year-to-date.

Discussion (cont.):

The next page is a summary sheet provided by the Mayor that shows what happened in 2014, showing the total per day wages, cost of trucks and fuel; each snow event was \$66,851 with 1,149 driveways being done. The third page compares the grass cutting program currently (2016) to the old information (2014) with a cost of the 2014 season being \$38,184 with an estimation from the Mayor of the city cutting about 300 lawns at a cost of about \$127 per cut. The cost for the 2016 season was \$74,698 and 183 lawns with a cost to the city of \$408 per lawn; with the difference of about \$51,000. The cost for the driveway snow removal program was \$68,851 with 1,149 driveways; for a cost per driveway of about \$58.00 and cost per event of about \$5,100.00. This past year the cost was \$76,750 and 307 driveways with a cost per driveway of about \$250.00. Combining the two shows that in-house the city would have reduced costs by about \$110,000. Under the heading of HMO lite, the top half is the price cost given by the Mayor at the last meeting, for a new employee HMO lite hourly rate is \$21.59. The cost for a new employee would be about \$65,000 for a family or \$56,000 year for single benefits. There is a lot of information to absorb and this is for discussion purposes only.

Mr. Salvatore asked the Finance Director what the increase would be over the past two years?

Mr. Cingle replied one change would be the hourly rate, the grass cutting service is mainly provided by high school and college students, plus a foreman. The foreman received a 2% salary increase and the minimum wage was increased to \$10 an hour.

Mr. Salvatore stated that when the contractor goes on the job today two people are sent. Mr. Salvatore asked the Safety Director how many students were sent to each grass cutting job?

Mr. Byrnes replied a one-man crew was sent.

Mr. Troyer stated that when the city was cutting the grass the homeowner had to be home to unlock their lawnmower and gas, there was someone else on site.

Mr. Mencini said that this is a very good comparison and anything the city does should be done in-house. When contractors are hired for grass cutting the residents don't have to be at home, the service also runs two months longer than when the city did it. From 2013 through 2/14 the city 1,149 driveways and in 2016 there were 307. Perhaps not all of the 1,149 qualified and some were getting the generosity of the municipality. Would the contractors come into the city if there over 1,000 driveways who knows because they also have other contracts to fulfill.

Mr. Troyer asked for confirmation that for the snowplow/driveway program provided by contractors is over four times the amount per driveway then when done in-house?

Mr. Astorino replied using the information provided by the Mayor, yes.

Discussion (cont.):

Mr. Scott asked Service Director Cayet in 2014 the grass cutting was from the beginning of June to the middle of August?

Mr. Cayet responded correct, with the private contractor residents get service from May to October, the city provided service from the beginning of June to the end of August.

Mr. Mencini stated when there is a heavy winter crews could be out 14 to 18 times causing wear and tear on the vehicles, there could be a maintenance obligation that may be invisible.

Mayor Coyne stated there is not enough sufficient personnel in the Service Department to do this program and when the city did this enforcing eligibility requirements was a nightmare. In the equation the Chairman has it appears that the city would be saving money. Using your figures for the snow removal program, multiply that yearly cost by three; it is two-thirds (2/3) of the appropriation. More people would have to be hired to do this work and looking at the budget. The city is at the point by having a stable workforce that maximizes the ability of people to do their jobs with adequate compensation and to deliver a high level of service, price per push is really unpredictable. This legislation says that the residents get their service after all of the streets are plowed; senior citizens want their service to be fast and reliable and the city had a lot of complaints when providing this service, with the outside contractors the city does not receive any complaints. The same could be said for the grass cutting program because the seniors are getting landscapers to cut the grass and they're getting the service all season long on a regularly scheduled basis.

Ms. Powers wanted to know the number of contractors and the number of trucks that each contractor had, the number of employees that came out with their trucks to do driveways. If the private contractor has seniors grass to cut, or has a commercial parking lot to plow, what is the first priority, the numbers speak for themselves.

Mr. Astorino stated that he has worked for the city for over 32 years and has lived here since 1960. Everyone that was sitting in these chairs were proud of the services that were offered to the community. It goes against common sense to bring in a for-profit private company and think they're cheaper than doing these in-house. The city doesn't have profit built into these programs the city has service built in these programs. The cost has gone up significantly to the city and that may be okay but it is the responsibility of Council to review these things.

Mayor Coyne replied that when he came to the city in 1959 there was nothing and he played a major role in putting together the services the city has. If Council is prepared to hire nine people in the Service Department at a cost of \$600,000, please do so. It is much cheaper to provide these services for \$160,000 a year, elected officials have to face the reality of the needs of the city that we don't have the excess to provide these services anymore. Yes, contractors make a profit and they don't pay the benefit cost

Discussion (cont.):

that the city does. Council should review everything in the budget every single year on that we all agree. Is the administration's recommendation going forward the current program be kept in place; it is a must.

Mr. Astorino asked regarding the real cost, if the city did have nine people doing the 1,149 driveways we had 9 people doing 1149 driveways, how do you make a statement that Council would have to hire nine employees to do this for 307 driveways?

Mayor Coyne replied that using three employees, 3x \$65,000 is \$195,000, that is more than appropriated for both programs together. By taking the lower rate for a single person at \$168,000 that is close to where the city is. Most of the contractors are using two-man crews to ensure reliability and safety.

Mr. Astorino asked if the Mayor considered the fact that the city is paying contractors \$75,000 for six instances where the snow has been over 2 inches. If the city did this in-house the Service Director would have his three new employees plowing six days and then could use them to provide whatever other service is needed; the actual cost is not just for those six days, the city would have those services for the full 365 days.

Mayor Coyne said to Mr. Astorino you are always on social media stating the fact that the present system is more expensive than the other. The budget is based on 137 employees in the city and the Service Department was hit the hardest with cutbacks. You are saying more than review and I would expect you to review but I do not see how the city can have the Service Department do this work for less money than contractors. We have a good budget and he is not anticipating adding any more employees to this budget.

Mr. Mencini stated that most of our neighboring communities don't have these services and wants to do whatever it takes to keep these services whether we do it in-house or by contractors.

Mr. Troyer questioned why the Mayor wants to hire nine people to do these jobs when the new hires would also be working for the city for the rest of the year, perhaps repairing streets. Mr. Troyer is sure that when the city did have the 1,100 driveways the nine people weren't sitting around the rest of the year doing nothing. Most contractors now use 3/4-ton pickups with long beds and have the right equipment. In 2013 the city purchased two new F-250 trucks and have backed drag set ups on them.

Mr. Astorino stated the city is spending a little over \$163,000, when the city service was first discontinued the residents were only paying \$10 and were willing to pay more to keep the service. The city now has \$163,000 that is currently going to the contractors, so the city would have to come up with another \$30,000. If it's going to cost the city \$30,000 to have three more employees available for the entire year, that's a good bargain. Under Street Construction and Maintenance Repair the city brings in about \$750,000-\$800,000 in revenue; in the last few years the city only spent about \$600,000, so there is money that could be used to repair streets.

Discussion (cont.):

Mayor Coyne stated it would take nine people to do the 1,149 driveways and three additional people to do the 307 driveways; the administration has provided for this program in the budget. There is no need to hire three more people and the city doesn't need to hire three more people. The biggest mistake the city could make is to go back to the old ways, the city has the best Service Department in the state.

Mr. Mencini mentioned when there were 1,100 driveways perhaps the right parameters or regulations weren't set or being followed. Now with the 300 driveways, maybe the city did a better job reviewing who qualified for the service. Mr. Mencini concurred with Mr. Troyer on the streets but you sell the service garage short a bit. Crews are working on the streets and do multiple other jobs working in the parks, sewers, parking lots etc.

Ms. Powers stated that we have a full-time year-round Service Department. If you are a senior and do not qualify income wise, you can buy into the services by paying the full cost. If the cost per driveway of snowplowing is \$250 and the cost for senior grass cutting is high, no senior would pay that price.

Mr. Astorino asked if anyone knew if anyone was buying into this program, paying the full price.

Mayor Coyne replied there aren't a lot but there are some and would provide that information.

Mr. Astorino said that if the city offered the same buy-in option that could be an additional source of revenue.

Mr. Troyer said that he is not selling the service department short, in no way, shape or form and doesn't want anyone to think that.

Motion by Mr. Salvatore, supported by Mr. Scott, that item number one was discussed.

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

NAYS: None. The motion passed.

FINANCE COMMITTEE – CO-CHAIRMAN, TROYER:

1. ORDINANCE NO. 10070-2017, TO PROVIDE FOR THE APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR FISCAL YEAR ENDING DECEMBER 31, 2017. Introduced by Mayor Coyne.

Mayor Coyne - Point of order, this item is on a Special Council meeting agenda this evening. By what authority is it in the Finance Committee there was no vote to place it in Committee.

Finance Committee – Co-Chairman, Troyer (cont.):

Mr. Astorino replied the Mayor's point of order will not be accepted, this item is your budget. Just because it appears on a Caucus agenda doesn't mean that it's not going to have third reading later this evening. It actually helps to make the process faster in

case there are any amendments proposed at the special meeting; also this is the appropriation ordinance and it deserves the attention of Council.

Mayor Coyne said that even if there are amendments proposed at the special meeting the legislation has to go back to a Second Reading. A majority of Council people voted to put it on the special meeting agenda, that's where it belongs and this shows a disrespect for the Members of Council.

Mr. Astorino said that the Mayor waited until March 14th to provide the appropriations. After arguing between the Mayor and Council President on whether the legislation is properly placed on the Caucus agenda. Mr. Mencini asked how the legislation was placed on the Caucus agenda?

Mr. Astorino replied the vote last week was to put the ordinance on third reading for the special Council agenda this evening and that was done. That vote does not preclude legislation from appearing on a Caucus Meeting agenda; there is nothing in the Council rules preventing this from being discussed in a Caucus meeting.

Mr. Salvatore stated the chairman of the meeting is the Council President not Mr. Troyer. If you would allow me to speak I will explain what went wrong here. Council had discussion before that piece of legislation cannot appear in two places at one time; Council never voted to place this legislation in the Finance Committee. Therefore, it cannot be in the Finance Committee under the chairmanship of Councilman Troyer while it's on a special Council agenda for passage on Third Reading.

Motion by Mr. Salvatore, supported by Mr. Scott, that the legislation be removed from this Caucus agenda.

Mr. Astorino said the legislation is not in two places at one time; right now it is on a Caucus agenda and later this evening will be on the Special Council meeting.

Mr. Troyer asked if the point is that the ordinance can't be in two places at one time, how can the budget be in two places at once? This is the budget and how can it have a second reading when there wasn't a first Reading? How can a meeting be called for third reading when legislation didn't have a second reading?

Mr. Salvatore said this legislation appears in the Finance Committee and was never placed in the Finance Committee.

Mr. Astorino reiterated Mr. Troyer's questions.

Finance Committee - Chairman, Troyer: cont.

Motion by Mr. Salvatore, supported by Mr. Scott, to call for a question.

Mr. Astorino said that this motion is not debatable and requires 2/3 of a vote to pass.

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

NAYS: None. The motion carried to call for the question.

The clerk called the roll by Mr. Salvatore, supported by Mr. Scott, to remove the legislation from the Caucus agenda.

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

NAYS: Troyer, Powers. The motion carried.

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER:

1. A RESOLUTION HONORING MIA ASHRIEM FOR WINNING THE PLAIN DEALER/CLEVELAND SPELLING BEE AND DECLARING AN EMERGENCY. Introduced by Councilmembers Salvatore, Burgio, Scott, Mencini, Troyer, Powers and Council President Astorino.

Motion by Mr. Salvatore, supported by Mr. Burgio, to place on the next Council agenda.

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

NAYS: None. The motion passed.

2. A RESOLUTION TO EXTEND THE BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW THE CITY ADMINISTRATION, COUNCIL, AND THE BROOK PARK PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE BROOK PARK ZONING CODE RELATIVE TO SUCH USE AND DECLARING AN EMERGENCY. Introduced by Councilmembers Salvatore, Burgio, Scott and Mencini.

Mr. Salvatore and Mr. Troyer asked the Law Director since the first moratorium expired does that law take effect and can't add another one, or should a change be to extend the moratorium?

Ms. Horvath replied that she is still in the process of researching that and suggested if Council wants to move forward, hopefully by next meeting she will have an opinion.

Ms. Powers stated the way the legislation is written it says not to exceed six months, and then allows the city to review and so on. All the statutes and criminal codes should be reviewed before bringing this in force. Why would a business come into the city and set up for six months not knowing the results of the city's review?

Mr. Troyer suggested placing back in committee for proper wording but not opposed to moving forward. Mr. Troyer asked what work has been done on this, what is the status; the city needs to get this right.

Legislative Committee - Chairman, Troyer: cont.

Mr. Salvatore stated that extending the moratorium is the right thing to do and will wait for the law director's final word on this matter.

Mr. Astorino stated Council passed a six-month moratorium in September, 2016 in order to allow the city administration, Council and the Brook Park Planning Commission time to review everything. Was anything done in the past six months?

Mr. Troyer said it was never on the agenda.

Mayor Coyne said they are waiting for the rules to be written by the Department of Commerce from the state legislature.

Motion by Mr. Salvatore, supported by Mr. Troyer, to place on the next Council agenda.

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

NAYS: None. The motion passed

**EXECUTIVE SESSION FOR THE PURPOSE OF ATTORNEY CONFERENCES,
IMMINENT COURT ACTION AND COUNCIL OFFICE OPERATIONS:**

Motion by Mr. Mencini, supported by Mr. Troyer, to go into Executive Session.

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

NAYS: None. The motion carried at 8:55 p.m. with Councilmembers, Mayor Coyne, Finance Director Cingle and Law Director Horvath in attendance.

Mayor Coyne left the session at 9:20 p.m., Finance Director Cingle at 9:25 p.m. and Law Director at 9:30 p.m.

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

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

NAYS: None. The motion carried at 10:10 PM

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

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

NAYS: None. The motion carried.

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

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

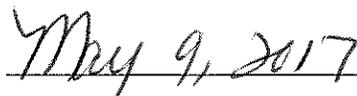
NAYS: None. The motion carried.

There being no further business to come before this meeting Council President Astorino declared this meeting adjourned at 10:12 p.m.

RESPECTYULLY 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.

