

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON TUESDAY, MAY 16, 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 responded:

**SCOTT, BURGIO, SALVATORE, TROYER, POWERS, McDONNELL, MENCINI**

Also in attendance were Mayor Coyne, Law Director Horvath, Service Director Cayet, Engineer Piatak, Finance Director Cingle, Building Commissioner Hurst, Recreation Director Fields.

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**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Revised Regular Council Meeting held on October 4, 2016.

**Motion** by Mr. Mencini, supported by Mr. Scott, to approve the revised minutes as presented.

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

**ABSTENTIONS:** McDonnell.

**NAYS:** None. The motion carried with a vote of 6 with 1 abstention.

2. Special Council Meeting Minutes held on March 28, 2017

**Motion** by Mr. Mencini, supported by Mr. Troyer, to approve the minutes as presented.

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

**ABSTENTIONS:** McDonnell.

**NAYS:** None. Motion carried with a vote of 6 and 1 with one abstention.

3. Regular Council Meeting held on April 4, 2017.

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

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Mr. Burgio stated there is a typo on page 4 with Resolution No. 9-2017, the second roll call should include Scott.

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

**ABSTENTIONS:** McDonnell.

**NAYS:** None. The motion carried with a vote of 6 with 1 abstention as amended.

**APPROVAL OF MINUTES OF PRECEDING MEETINGS: cont.**

4. Special Council Meeting Held on April 11, 2017.

**Motion** by Mr. Mencini, supported by Mr. Burgio, to approve the minutes as presented.

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

**ABSTENTIONS:** Powers, McDonnell.

**NAYS:** None. The motion carried with a vote of 5 with 2 abstentions.

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**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee – Chairwoman Powers

Mrs. Powers stated nothing on tonight's agenda and mentioned that residents should consider what is applied to lawns for the benefit of the insects.

Finance Committee – Co-Chairman Troyer

Mr. Troyer stated Finance Committee has one item is on tonight's agenda.

Legislative Committee – Chairman Troyer

Mr. Troyer stated Legislative committee has one item on tonight's agenda.

Parks & Recreation Committee – Chairman Mencini

Mr. Mencini gave his report that is attached to these minutes.

Planning Committee – Chairman Troyer

Mr. Troyer stated Planning Committee has one item on tonight's agenda requesting approval of a lot split and consolidation for Lucille and Switzer Roads

Safety Committee - Chairman, Salvatore

Mr. Salvatore stated nothing on tonight's agenda.

Service Committee - Chairman, Burgio

Mr. Burgio stated Service committee has four items on tonight's agenda.

Board of Zoning Appeals - Chairman, Scott:

Mr. Scott stated nothing on tonight's agenda and mentioned the 2017 Brook Park 2017 Brook Park Citizen of the Year Committee selected Ms. Tina Barr as the winner and will be honored at the Best of Brook Park event on May 4th. Mr. Scott thanked the committee for working diligently and picking out the best candidate, Ms. Barr will be the Home Day's Parade Grand Marshall.

**REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center – Trustee Salvatore

Mr. Salvatore stated no report but wanted to thank the doctors and nurses for a great job during his recent stay in the hospital, also thanked all the residents who came to visit.

Berea Board of Education Committee - Representative Burgio

Mr. Burgio stated at yesterday's meeting the board recognized students from Middleburg Junior High and the Big Creek fourth graders made a presentation regarding their daily morning news show which may be made available to the public. Two high school students showed the Board some examples of how the Stem-Science and Technology course works to solve problems; this course features innovation technology with professionals in various fields who are invited to attend and provide feedback and evaluations of the students. The Treasurer updated the five-year forecast and cited that due to continued phase out of Teacher Pay Teachers (TPT) reimbursement from the State of Ohio. The district revenue is projected to continue to decrease through fiscal year 2019; with minimal increases in revenue being projected for 2020 to 2021. In order to offset the loss of revenue from the state and address the continue decline in enrollment and create the most efficient and effective use of current facility. The district passed a 4.2 mil bond levy that will commence a school district reconfiguration beginning in 2019.

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**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Coyne urged residents to participate in the Memorial Day Services and to remember the true meaning of the day. Mayor Coyne acknowledged the passing of Mr. William R. Hufsey, Sr., and his importance in the community and involvement in recreation.

Mr. Mencini stated to Mayor Coyne that complaints have been received about speeding on the side streets and also expressed that residents are pleased with the courteousness of city workers who assisted them after the recent flooding, construction workers.

Mr. Troyer asked Mayor Coyne for an update on the Luni-Wurz property on Brookpark Road?

Mayor Coyne responded a new lease has been signed with the new entity and are waiting for the new company to move in. Building Commissioner Hurst sent notification about cleaning up of the property and landscaping issues.

Mr. Troyer commented that would be for Blue Line he questioned about Luni-Wurz where the Quonset Hut is located. Luni-Wurz was supposed to start construction of a new building on one acre of the lot.

Mayor Coyne responded Luni-Wurz did not comply with the city's timetable, therefore, will not get the grant and that can be reconsidered.

Mr. Troyer asked if it is still on the table for them possibly moving here?

Mayor Coyne responded if the company returns with a feasible business plan and timetable; the company was given ample time to get this done.

Mr. Troyer asked for an update on the Sheldon Road Quiet Zone?

Mayor Coyne responded the city is working with the rail authority, not only for a quiet zone, but the possibility of a grade separation at Sheldon and Route 237. There is a combination of problems with the Eastland crossing that requires substantial improvements. If there is a grade separation at the Eastland, Sheldon, State Route 237 crossing there will be no need for train horns to be blown in the city.

Mr. Troyer stated to Mayor Coyne at the April 4th meeting the question was asked about the Economic Development Director providing monthly reports. Your response was that everyone would be providing an annual report that week and Mr. Dolan would be coming forward to make a report.

Mayor Coyne stated Mr. Dolan has had some family issues and a date will be coordinated for Mr. Dolan to address Council.

**REPORTS AND COMMUNICATION FROM DEPARTMENT, COMMISSIONS AND OTHER PUBLIC OFFICIALS:**

Engineer Piatak

Mr. Piatak stated the Snow Road Phase I Resurfacing continues on the outside lanes from Fry Rd. to West 130<sup>th</sup> Street with full and partial depth repairs and catch-basin repairs being done. Concrete work continues near State Route 237 and this week or next the contractor will be performing a full- depth repair at Snow Road on the Smith Road side of the roadway, there will be a traffic pattern shift for one or two days on Smith Road. With the Brookdale Reconstruction Project three of the four mainline concrete pours were done yesterday and the contractor is working on the underdrains and hope to have residents back in their driveways by the end of the week; landscaping work has begun near West 130th Street. With the Fry Road Reconstruction Project mainline pours were done last week and the southbound lanes between Sylvia and Cynthia will be poured. Concrete aprons on the west side will come out of cure tomorrow and then the contractor will begin tearing out the other side of the road. The 2016 Sidewalk Repair Program continues to be a popular project and the contractor is moving with Phase III with a mid-June completion date anticipated. The Board of Control approved the contract this evening for the 2017 project and letters will be mailed to residents shortly.

Mr. Mencini commented that residents are happy with the men doing the work on Fry Road and asked what is the completion date?

Mr. Piatak responded mid or end of June.

Mr. Mencini asked if North Gallatin is included in the 2016 Sidewalk Program?

Mr. Piatak responded yes, the project includes anything east of Smith Road to West 130th Street; both north to south.

Mr. Troyer asked if the 2017 Roads' Program still on schedule?

Mr. Piatak responded he anticipates two of the projects being let out in two weeks and the other two projects will follow shortly after that.

**REPORTS AND COMMUNICATION FROM DEPARTMENT, COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Service Director Cayet

Mr. Cayet stated no report.

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Law Director Horvath

Ms. Horvath stated there is one pending legal matter involving a foreclosure that the city is a partner due to a tax lien. Other parties still need to file answers or other pleadings and is expected to take some time.

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Finance Director Cingle

Mr. Cingle stated the Finance Department is finalizing the 2018 Tax Budget and after review with the Mayor will be submitted to Council; the tax budget must be approved by July 20th and forwarded to the county for certification of the millage for the 2018 tax year. The audit is anticipated to continue for the next six weeks and will keep Council informed of the outcome.

Mr. Troyer stated to Finance Director Cingle there is legislation authorizing a \$65,000 change order for the 2016 Sidewalk Repair Program. During budget discussions he asked about getting money for crack sealing and amending the budget to possibly hire a few police officers as soon as it was feasible towards the end of the year. The city could not because we were trying to qualify for the bond and not able to change anything. Does the \$65,000 mean it is open business for adjusting the budget to get some things we need like police and more crack sealing?

Mr. Cingle responded monies for the \$65,000 change order will be appropriated from the 2017 Sidewalk Program because the bids for the 2017 program came in a lot less than forecasted; and will be able to re-allocate dollars within the Economic Development Fund. So increase the 2016 program and then not have to appropriate as much money for the 2017 program, therefore, will not have to adjust the current appropriation for that development fund.

Mr. Troyer: Since the bond has been addressed can we use some fund balances for safety issues and crack sealing? Are we past the point of concern or not?

**REPORTS AND COMMUNICATION FROM DEPARTMENT, COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Mr. Cingle: Council decides on adjustments to the 2017 budget, but the city is past the rating presentation with Fitch; the bonds were issued and the city paid for the issuance, the process is fairly complete. When some final expenses are paid we will reconcile all the proceeds accordingly.

Mr. Troyer asked it will not jeopardize the bond issue?

Mr. Cingle responded no.

Mr. Mencini concurred with that answer and stated it is obvious since the bond rating went through. Mr. Troyer is asking to pull money for three policemen and to do crack sealing. When is a good time of year to start looking into the budget to do things like that?

Mr. Cingle responded Council can review expenditures and amend the budget at any time. Adding more personnel will increase the appropriations for the general fund, which then would potentially reduce the amount of money that could be transferred for capital improvements or economic development needs. Ideally, the best time would be during budget discussions, January through March.

Mayor Coyne mentioned there is no money in the budget this year for additional police officers and cautioned Councilmembers of making statements that would cause people to believe there is money; other things would have to be adjusted in this budget. If you are talking about the 2018 budget that is something that can be discussed, but pay attention to what is happening with Ford Motor Company and see how sensitive these issues are; the city did not get here by expanding employee numbers. Go to Cleveland.com and see what is occurring with Ford, that is still the major part of how the budget is based on in the city.

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

**New Legislation:**

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BROOK PARK FIREFIGHTERS' ASSOCIATION, AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. **Placed in Finance Committee.**
  
2. A RESOLUTION HONORING TINA BARR FOR BEING THE 2017 CITIZEN OF THE YEAR. Introduced by Councilman Scott. **Placed in Legislative Committee.**
  
3. A RESOLUTION HONORING THE POLARIS CAREER CENTER CULINARY TEAM. Introduced by Councilwoman Powers and Councilman Troyer. **Placed in Legislative Committee.**
  
4. AN ORDINANCE APPROVING A LOT SPLIT OF PERMANENT PARCEL NO. 341-33-035 AND CONSOLIDATION WITH PERMANENT PARCEL NO. 341-04-015 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. **Note:** Pending approval from the Planning Commission at a Special Planning meeting held on Monday, May 15, 2017.

Mr. Astorino stated item number four is being introduced under Council Rule 12 and will be placed on First Reading and will appear under M-5 as ordinance No. 10086-2017.

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

Mr. Jack Thomas  
15913 Remora Blvd.

Mr. Thomas voiced reasons for objecting to the purchase of the Endless Pools and why residents did not use the pool in the past. A resident at a previous meeting claimed that she was raised with a built in pool apparently making her an expert because Council bought into it. Most of us were not privileged enough to have a built in pool and depended on public schools, instructors or parents to teach us. Swimming against the current when learning to swim and being fearful is the worst thing you can do to someone. To say if you can swim you will get used to it is ignorant. Mr. Thomas was in the pool practically daily and did not remember seeing that particular

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

resident at the pool or any of you in it either with the exception of Mr. Mencini. There was no data last year to show the members for that period; the decline in membership was due to things not functioning or needing repair, while new offices were being built for the director. Water basketball had to purchase their own nets and install them because no money was approved for it. The military basically took over the entire pool once or twice per month and we loved having them; in the old pool classes were taught at the end with Aerobics were taught at one end and swimming was done at the other. The water is not deep enough for swimming in the water park and a 15 X 15 size pool is not adequate. Where are the facts to back up that the pools accommodate eight to twelve people at one time? How will multiple settings accommodate everyone using the pool simultaneously? Where is the proof that pools are losing money? How much profit is made from weight lifting, using treadmills and elliptical? They do not face the same constraints put on those who chose water for exercising. Voters did not approve new taxes, but why is the pool the only item cut? Money was approved for new work out equipment and improvements for baseball fields, which are used four to five months per year. Money was not approved to restore the existing pool that could be used year round. The roof will not be replaced for the pool, but for helping to accommodate new ports and gym space. Conveniently the roof does not leak in the area where Endless Pools are being installed. Operating costs are associated with the pool but there are maintenance and utility costs for baseball fields and for equipment inside the recreation center. Why is baseball given a priority? Why were residents not given a choice as to how the newly configured center would look? One option was offered to take or leave. No new taxes were approved, but \$100,000 was put into equipment, \$148,000 into ball fields, and a new assistant recreation director was hired that was not necessary when both pools were operating. Four years of his salary would pay to restore the pool and have the Endless Pools. An option is to reopen the pool, but not the diving section install one of the Endless Pools in the diving section of the huge unused portion of the floor beside the existing pool; that would leave the diving section to be utilized in another fashion. When City offices move and the Community Center is complete, renovate these structures into multi-purpose rooms to be rented to businesses or leased out to citizens for special occasions.

Ms. Lavaine Cates  
15499 Remora Blvd.

Ms. Cates responded to Mr. Thomas' comments about her being privileged because she had a built in pool and said many residents do. Ms. Cates was not in the pool but her children were at the recreation center all the time and she was a coach. Ms. Cates mentioned that she never saw Mr. Thomas at the recreation center and also mentioned that some do not want to believe the facts.

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

- 1. ORDINANCE NO. 10081-2017, AUTHORIZING THE CITY OF BROOK PARK'S PARTICIPATION IN THE ODOT COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF ONE PLOW ASSEMBLY FOR A 2018 WESTERN STAR 4700SB TRUCK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

**Motion** by Mr. Salvatore, supported by Mr. Burgio, to suspend.

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

**NAYS:** Powers, Troyer. The motion failed with a vote of 5-2.

Mr. Astorino stated Ordinance No. 10081-2017 has had first reading.

- 2. ORDINANCE NO. 10082-2017, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HENDERSON PRODUCTS, FOR THE PURCHASE OF ONE 2018 DUMP BODY AND PLOW PACKAGE FOR WESTERN STAR TRUCK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

**Motion** by Mr. Burgio, supported by Mr. Scott, to suspend.

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

**NAYS:** Troyer, Powers. The motion failed with a vote of 5-2.

Mr. Astorino stated Ordinance No. 10082-2017 has had first reading.

- 3. ORDINANCE NO. 10083-2017, AUTHORIZING THE CITY OF BROOK PARK'S PARTICIPATION IN THE STATE OF OHIO PURCHASING PROGRAM, FOR THE PURCHASE OF ONE SEWER VACTOR TRUCK WITH A TRADE-IN OF A 2007 VACTOR TRUCK AND DECLARING AN EMERGENCY. Introduced by Mayor Coye.

**Motion** by Mr. Burgio, supported by Mr. Scott, to suspend.

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**Motion** by Mr. Troyer, supported by Ms. Powers, to amend.

Mr. Salvatore stated to the Chairman, I don't think you can amend under Suspension only under adoption.

Mr. Astorino responded a motion to amend can be made at any time per Council Rules and if amendment is approved it may affect the votes on suspension.

Mr. Troyer stated in Section to read 'the money needed for the aforesaid transaction shall be paid from funds theretofore appropriated or to be appropriated for said purposes the total amount of the purchase of said sewer Vactor truck is

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

**cont.**

\$344,157.91 and to be paid from Funds 401 and 429 Capital', this inserts the cost of the truck per City Charter.

Mr. Cingle stated that is the vendor's purchase price and the sewer Vactor truck will be leased. In the budget the proposal was a six-year lease and taking the interest into account the dollar amount would be a little short of \$372,000. Mr. Cingle recommended the legislation read 'in an amount not to exceed \$372,000', that incorporates the interest along with the purchase price.

Mr. Astorino clarified the legislation would read purchase of said sewer Vactor truck is \$344,157.91 it should be not to exceed \$372,000.

Mr. Cingle concurred and stated the Vactor truck will be leased for six-years the quote is at \$61,969.44 times six (6) which is a little shy of \$372,000. Once the legislation is passed I will be contacting local financial institutions to see if the city can get a lower interest rate that may bring the number down.

Mr. Troyer stated the amendment would be, 'the money needed for the aforesaid transaction shall be paid from funds theretofore appropriated or to be appropriated for said purposes the total amount of the purchase of said sewer Vactor truck is...

Mr. Astorino interjected that Mr. Cingle is looking for the legislation to read the total amount not to exceed \$372,000; do not list in the purchase; for said purposes the total amount of the purchase is not to exceed \$372,000.

Mr. Troyer questioned the purchase of the Vactor truck should be omitted?

Mr. Astorino responded no, leave the total amount of the purchase not to exceed; remove the purchase of said truck.

Mr. Troyer stated the amendments would read 'the money needed for the aforesaid transaction shall be paid from funds theretofore appropriated or to be appropriated for said purposes the total amount of the purchase not to exceed \$372,000 and to be paid from Funds 401 and 429 Capital.'

The clerk called the roll on the motion by Mr. Troyer, supported by Mrs. Powers to amend.

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**ROLL CALL: AYES:** Troyer, Powers, McDonnell, Mencini, Scott, Burgio.

**NAYS:** Salvatore. The motion carried with a vote of 6-1.

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

Mr. Troyer asked Mr. Cayet if there is a rush on this since the current Vactor is working. When this legislation is passed the city will trade in and get the new one?

Mr. Cayet responded the truck has to be built so when Council approves the funding that gives the okay to start building the unit.

Mr. Troyer asked the current Vactor is functioning properly?

Mr. Cayet responded yes, the truck was out today and will be out tomorrow.

Mr. Mencini stated there are at least ten pages of parts and things that are warrantied. If there a lot or training that goes with the Vactor?

Mr. Cayet responded there is training for operations and maintenance.

Mr. Mencini stated with the good weather crews have been cleaning and vacuuming the sewer systems? Also, there are probably things being put on the new Vactor that are not on the Vactor the city has now?

Mr. Cayet responded the new unit will have added features that are not on the existing one.

Ms. Powers asked the following questions: What is the cost and were quotes obtained from more than one company? How many Vactor trucks does the city have and how many are needed? What is the life expectancy of one of these trucks?

Mr. Cayet responded the life expectance is usually ten years. The city now has one and in the past had two that did not have the same type of workings that the new trucks have. More than one quote was obtained and this is under the State Purchasing who shops around for the best price.

Mr. Troyer stated there are several pages of accessories and the city is only getting about 3% to 5% of the items listed.

Mr. Cayet responded the truck was specked out to how the machine would be capable for city usage.

Mr. Troyer asked what is the benefit of getting this done right away verses a couple of weeks to get the proper readings in?

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

Mayor Coyne stated if the Councilman is looking for justification for three readings you can find it; the earlier the truck is ordered the earlier it is received.

Mr. Troyer stated there are some options on the new truck that the old truck does not have that will enhance the ability to clean sewers.

Mr. Cayet concurred.

Ms. Powers stated the existing Vactor truck is in good working condition, but a new one is needed because this one is ten years old so this is planning ahead before there is an emergency.

Mr. Cayet responded the city's Vactor truck is in working condition.

Mr. Mencini commented is there an enhancement with as Mr. Troyer said 3% to 5% and one or two of those items could very much enhance the work in progress one of these vehicles; the Vactor is a key vehicle

Mr. Cayet commented it is like the firemen having a fire truck, it helps with their job.

Mr. Troyer stated he gets information the best he can by what is given to make a decision. Since there are some extra added pieces the new truck will work better than the current one since the city has issues with the sewer systems.

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

**ROLL CALL: AYES:** Burgio, Scott, Salvatore, Troyer, McDonnell, Mencini.

**NAYS:** Powers. The motion carried with a vote of 6-1.

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

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

**NAYS:** None. Ord. No. 10083-2017 has passed under Suspension of the Rules as amended. Adopted.

4. ORDINANCE NO. 10084-2017, AUTHORIZING A CHANGE ORDER FOR THE 2016 SIDEWALK REPAIR PROGRAM AND DECLARING AN EMERGENCY.

Introduced by Mayor Coyne.

**Motion** by Mr. Burgio, supported by Mr. Scott, to suspend.

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

**NAYS:** None. The motion carried.

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

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

**ROLL CALL: AYES:** Scott, Burgio, Salvatore, Troyer, Powers, McDonnell, Mencini  
**NAYS:** None. Ord. No. 10084-2017 has passed under Suspension of the Rules. Adopted.

Item number 5 was added to the agenda tonight under Council Rule 12. It was posted on Friday with the regular postings; therefore, it does not need to be read in its entirety. A motion to change the number from 10086 to 10085 is in order.

**Motion** by Mr. Troyer, supported by Mr. Mencini, to amend item number 5 by changing the Ordinance number to 10085-2017.

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

- 5. ORDINANCE NO. 10085-2017, APPROVING A LOT SPLIT OF PERMANENT PARCEL NO. 341-33-035 AND CONSOLIDATING WITH PERMANENT PARCEL NO. 341-04-015 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

**Motion** by Mr. Burgio, supported by Mr. Mencini, to suspend.

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

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

**ROLL CALL: AYES:** Troyer, Mencini, McDonnell, Powers, Salvatore, Burgio, Scott  
**NAYS:** None. Ord. No. 10085-2017 has passed under Suspension of the Rules. Adopted.

**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

- 1. ORDINANCE NO. 10078-2017, AUTHORIZING AND APPROVING THE MAYOR TO ENTER INTO A CONTRACT WITH THE MUSCO LIGHTING, LLC., FOR THE PURCHASE OF CERTAIN ITEMS AND INSTALLATION OF AN OUTDOOR LIGHTING SYSTEM, WITHOUT PUBLIC BIDDING, TO BE INSTALLED AT HUFSEY AND FORBES FIELDS AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

**Motion** by Mr. Burgio, supported by Mr. Scott, to suspend.

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Ms. Powers stated this is another no bid contract and it comes to us from a company in Iowa. The animal control vehicle came from Iowa and took almost a year to complete. This city must get away from picking someone without public bidding, suspending rules and passing things the night presented or shortly thereafter. This has not been talked about and the cost has not been discussed and is not an emergency.

**SECOND READING OF ORDINANCES AND RESOLUTIONS: cont.**

Mr. Scott stated this was discussed before because it appears under Second Reading.

Mayor Coyne didn't understand what the animal control vehicle and this legislation related to Iowa. Musco is the general contractor and is unique to the system and install the system. Discussions were held during budget hearings that Council had over a period of time and explained what had to be done. Musco sought three proposals of qualified electrical contractors and received two; one refused to make a proposal so Musco was determined to be the lowest and best bidder. Musco installed the system at Wedo Park that will be moved to Kennedy Park and is well qualified to do the work. The cost is \$160,000 to put new lights on the two fields that would probably run about \$300,000 each. Utilizing this equipment and bringing in line operational costs is bringing all of activities up here, that is the reason for the improvements to Kennedy Park. It has been legally processed and is a legal sole source of professionalism by Musco who received the proposals and were presented to Council.

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

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

**NAYS:** Troyer, Powers. The motion failed with a vote of 5-2.

Mr. Astorino stated Ord. No. 10078-2017 has had second reading.

- 2. ORDINANCE NO. 10079-2017, AUTHORIZING AND APPROVING THE MAYOR TO ENTER INTO A CONTRACT WITH ENDLESS POOLS AND RADIANT HEAT SYSTEMS FOR THE PURCHASE AND INSTALLATION OF TWO (2) DUAL PROPULSION ENDLESS POOLS AND SYSTEMS, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. Astorino stated that Ord. No. 10079-2017 has had second reading.

**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

- 1. ORDINANCE NO. 10073-2017, AMENDING ORDINANCE NO. 9993-2015, ENTITLED 'AUTHORIZING THE IMPLEMENTATION OF THE BROOK PARK HOME MAINTENANCE ASSISTANCE GRANT PROGRAM (HMAP) AND DECLARING AN EMERGENCY. Introduced by Council President Astorino.

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

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**THIRD READING OF ORDINANCES AND RESOLUTIONS: cont.**

Ms. McDonnell going back to the legislation about the pools; is there a reason why there was no suspension?

Mr. Astorino responded no motion was made to suspend, therefore, the legislation had its Second Reading.

Mr. Astorino returned to Ordinance No. 10073-2017 that is before Council.

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Mayor Coyne stated Council received a comment from Economic Development Commissioner that addresses the problems so the Administration is asking for this legislation to be defeated.

Mr. Astorino asked when was there a letter from Mr. Dolan?

Mayor Coyne responded this was sent to Mr. Burgio, Mr. Mencini and Ms. Horvath on April 17, 2017 and discussed at Council meetings. Mr. Dolan is recommending that term number eight (8) should be removed because it does not treat low income households fairly.

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Mr. Scott mentioned that amendment was previously made and the verbiage is removed.

Mayor Coyne stated I was not aware of that amendment.

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**ROLL CALL: AYES:** Troyer, Scott, Burgio, Salvatore, Powers, McDonnell, Mencini  
**NAYS:** None. The motion carried. Ordinance No. 10073-2017 is adopted.

Mr. Astorino stated the legislation in the packets is not the correct legislation and copies of the correct legislation was provided this evening.

Mr. Salvatore asked if the correct legislation posted?

Mr. Astorino responded no, it was not.

**THIRD READING OF ORDINANCES AND RESOLUTIONS: CONT.**

2. RESOLUTION NO. 10-2017, TO EXTEND THE MORITORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATS OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECITVE 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, Troyer, Powers and Council President Astorino.

**Motion** by Mr. Troyer, supported by Ms. Powers, to adopt.

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

**NAYS:** None. The motion carried. Res. No. 10-2017 is adopted under Third Reading.

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**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

Ms. Joan Markusic  
13911 Bellbrook

Ms. Markusic stated she is impressed with the Snow Road construction project. Ms. Markusic asked how far in advance information is available to be discussed at meetings and why do Councilpersons still not have information before they arrive? Residents endlessly hear the same questions asked repeatedly and stated the President of Council should see that Councilmembers have the information and know about every question they have before voting or making decisions. Council is not aware of all of the issues being presented and tonight Council was out of the loop regarding four issues because of being without proper information, does not recall discussions on information and have no idea about what is going on.

Ms. Liz Sayers  
23065 Cedar Point Road

Ms. Sayers thanked everyone for helping with flowers to be planted at the City Hall gazebo on Saturday. Ms. Sayers wished everyone could get along better and would appreciate anyone having anything to say about the flower planting to talk to her directly.

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**Motion** by Mr. Mencini, supported by Ms. McDonnell, to address the audience.

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

**NAYS:** None. The motion carried.

**REMARKS FROM THE AUDIENCE ON ANY SUBJECT: cont.**

Ms. McDonnell stated no one knows who has been at the pool when and where, everyday it has been open and closed. Ms. McDonnell suggested forming a committee to figure out what the city would like to do with the Recreation Center. It is unfortunate not having swimming lessons and lifeguards, but there should be an opportunity to use and create a facility that we desire. Surveys have not been made available to poll the community to see what residents really want and to analyze what direction they want to go. Ms. McDonnell's children used the pool and one received a lifeguard certificate; so it is pointless to argue about who was there and when, etc. We need to come together with enthusiasm and devise a plan everyone is happy with and not everyone will be happy with all of the plan, but residents want a say and to be part of the conversation.

Mr. Mencini stated questions should be asked during Caucus meetings discussions; the Berea School Board does a good job running their meetings. Mr. Mencini agreed with Mr. Thomas' comments and stated there were years when people did not use the recreation center pool. The schools were the only ones using the diving area seasonally and the other part of the pool could be used for something, but with the high ceilings it is a lot to heat. The seniors just want to get in the pool to move and most people do not swim, but go in the pool to have fun, therapy, or aerobics.

Ms. Powers addressed Mr. Thomas' comments about the pools and stated she has done some research on them. Mrs. Powers asked Finance Director Cingle for the numbers of what it cost to run the big pool per year. Mrs. Powers continued that she did some research online about the Endless Pools because Council was told this is the only one around. There is a huge list about Endless Pools and the very first one that came up was Endless Pools at \$299.00 for a huge 15 x 24 pool, including installation from [Blueworldpools.com](http://Blueworldpools.com); which proves that there needs to be a little more investigation before entering into a no-bid contract. Mrs. Powers stated her children grew up using that pool and agreed with Ms. McDonnell that a survey should be done asking residents what they want. When talking to residents she asks people about Endless Pools versus the big pool and residents want the big pool and doesn't think that the city should cater to three, four or five people at a time while the rest of the city has nothing; children need a place to learn to swim and the outdoor pool is inadequate. Mrs. Powers also asks residents about the dog park and 20 to 1 are against it for being a nuisance, too many problems attached with it, too expensive and most people would rather have their dogs in the backyard or walk around the block. The pools would be great if most people could use them and if it is going to cost \$7,774.32 a year for two pools maybe the big pool could be opened to accommodate any resident that wants to swim at any time for swimming, exercise, etc., so this matter should be researched further.

**REMARKS FROM THE AUDIENCE ON ANY SUBJECT: cont.**

Mr. Troyer stated being clueless should not be mistaken with being uninformed. Three readings of legislation are held in order to obtain information and to think about what will be coming up so there can be questions and answers in order to form opinions on how to vote. An example of how difficult it is to get information at times is this information that was provided today was requested last week regarding energy used to operate Endless Pools. The information was requested last week from the salesman who gave it to the administration instead of the person requesting it and was received in the Council office May 16 at 6:37 p.m. This is an example of how information is disseminated and processed through our system and sometimes it is something that did not come up that was thought of from the week before and the question is asked. Suspension can be a good idea but should not be an everyday occurrence just to hurry legislation through, there should be a reason to suspend. With asking questions and receiving information a good decision is made earlier than usual and all that he is looking for is correct information to make a decision.

Mayor Coyne stated the Councilman is correct that information was received this evening the supplier sent the information to the Administration with the calculation of energy uses. The supplier had no idea what the costs were in Cleveland, Ohio with all the different energy providers. The finance department spent the whole day determining that cost was going to be for usage, whether it is .6 or 11 depending on what factor has changed. When the gentleman was here he said it would cost a couple hundred dollars a month for the pool and his equation is pretty close and the city always goes on the high side and could be between \$4,000 and \$7,000 for the pool. The Administration presents the information at Council work sessions and every Council meeting is a work session; it is legislative process and determines how Council moves forward. Mayor Coyne continued with Mr. Thomas' comments and Mr. Thomas' monologues who has a right to his opinion based on what he thinks are the facts and another person may have their opinion of what they think are the facts. There will be no pool opportunities if there is no Endless Pools, they meet the city's needs and are a sole source due to their dual propulsion and what they can do; they can adjust to just about anything. All these things about the steam and whirlpool, this is part of creating the spa atmosphere for exercise. Mayor Coyne agreed with Mr. Thomas pool people want the pool, baseball people want fields, some people want bocce courts, some people want more policemen and firemen. They want new facilities because the accommodations they work in are not very good but no one wants to come up with solutions on how to pay for them. The citizens defeated the senior and recreation levy with a higher vote than anything seen in this city and will not pay for it because they never have. It could have been easy for me to just close the building and from an economic standpoint, that is what should have happened but did not happen. Renters were found to finance the improvements that was

**REMARKS FROM THE AUDIENCE ON ANY SUBJECT: cont.**

properly and legally provided and people who speak on the no bid issue is nonfactual, everything was done properly under the auspicious of state law. That building was built with no pool and throwing a huge 23,000 square foot mud flap on it to solve all the problems did not work; condensation still built up in there and it leaked and when it was analyzed there was a metal roof put on top of that. Doing an infrared analysis of the total building, just the roof over that portion of the pool, costs over \$800,000 to rip off the exterior and put a new roof on; that is not even dealing with the existing interior wood of that building. It makes no financial sense now, or in the future, to expend that money designed for swim meets. We contacted every private group out there to come and lease the pool and the YMCA looked at taking over the facility but when looking at the numbers said they can't make it work; I was criticized when leasing out the building that took in \$40,000 to \$50,000 annually to keep the city going. Looking at the costs of the pool let's say it's \$7,000 annually to operate these two pools that will provide people with exercise and facilitate many things in total it costs \$240,000 a year to put the pools and roof in and do everything to secure this facility so citizens have this opportunity; it will cost about \$41,000 if we staff it, which is not required under law. Looking at the old pool the avoided costs between utilities and staffing averages have been between \$140,000 and \$180,000 annually since it has been closed, that is a lot of money that this city cannot afford. Residents are telling me fix the roads and I don't see any resolutions to these problems that doesn't involve the expenditures of money, either we get more money or make choices and that's what the administration has done. To the new Councilwoman if a committee is formed this will not get done because committees keep looking at the plan on the wall. We mailed and did a Code Red of the city's membership to get people to the recreation center telling them their input is needed, there were about 400 people. The district is closing schools and consolidating and the city made the argument to the district why partner with Baldwin-Wallace when the city has a pool tailor-made for the schools; we have exhausted everything to provide what is needed to a community like Brook Park. The children are not here but are coming, the city is getting new residents, property values are going up and foreclosures are down, we're getting them. How can we provide the menu of amenities that make people want to live in this city? This does that. There are two things that residents are concerned with and that is the streets and resolutions to the flooding issues and there is going to have to be creative resolutions that need to be attained to get take care of some of these problems. To Councilwoman Powers, not sure who you are speaking with but the residents that I speak with are excited about the dog park and you haven't even looked into what it is all about before criticizing it. This is something people want and is all part of the menu that needs to be offered to the citizens. Council has to go forward and made decisions and it is the administration's job to present resolutions to problems and that is what we will continue to do to move this city forward. Mayor Coyne appreciates everyone's criticism but the reality is you can

**REMARKS FROM THE AUDIENCE ON ANY SUBJECT: cont.**

come to the microphone and say you want but these are things that are being provided for in a different way. At some point in time the approach to the people will be with a very honest question: What kind of city do you want to live in and what are you willing to pay? This city should have a two and one half percent (2 1/2) city income tax and it would not cost eighty- percent (80%) of the residents one dime and that is a crime. But because the other issues we have with this deliberative body, this legislative body, to bring that before the people would be certain failure when they have doubts about the leadership up here.

Mr. Astorino stated a question was asked to me about how far in advance information is provided. The Council President works with the clerk on Friday to prepare the agenda that provides all the information provided to the Councilpersons. If I'm able to find information I share with all Councilpersons but each one of these Councilpersons also is independently elected so they don't need to rely on the Council President for information, they can obtain it themselves. If Councilmembers ask the administration or manufacturers or make phone calls, that is up to them.

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**Motion** by Mr. Salvatore, supported by Mr. Mencini, to adjourn.

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

**NAYS:** None. Motion carried.

There being no further business to come before the meeting Council President Astorino declared the meeting adjourned at 9:07 p.m.

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.



Brook Park Council Meeting  
Tuesday, May 16, 2017

- The Best of Brook Park Ceremony was held on Thursday, May 4 at the Boss Pro Kart Facility.
  - Congratulations to our nominees Tom Sensel and Chris Green.
- Youth Tennis started on Saturday, May 6<sup>th</sup>, 2017.
- Our Senior Bocce Ball League started on Tuesday, May 9<sup>th</sup>, 2017 out here at Kennedy Park.
- Wednesday, May 10<sup>th</sup> started our Junior Gold Program, Also May 10<sup>th</sup> was the start of our Men's Softball League.
- On Wednesday, May 10<sup>th</sup> in collaboration with Officer Kos, the Brook Park Police Department and Ford Elementary School we had a Bike Safety Training with over 75 participants all receiving a free helmet.
- Adult Co-Ed Softball started their season on Friday, May 12<sup>th</sup>.
- All youth baseball and softball teams have started practicing and getting ready for the upcoming summer season which kicks-off Tuesday, May 30<sup>th</sup>
- On Monday, May 15<sup>th</sup> in collaboration again with Officer Kos and our police department we held the Click or Ticket event to remind everyone to wear their seatbelts.
- You might have noticed the Spirit Rock out in front of the recreation center.  
Designed and signed by all of the officers that participated in the click it or ticket kick-off.  
  
This Rock will be made available for teams and community organizations to apply to decorate and design the rock to acknowledge accomplishments or upcoming events.
- Memorial Day Parade- Monday, May 29<sup>th</sup>, 2017 will start at 10:00am at the Brookgate Shopping Center and ending at the John F. Kennedy Park Memorial.

*Maryann Fields, Recreation Director*

