

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, JULY 18, 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, Safety Director Byrnes, Service Director Cayet, Finance Director Cingle and Building Commissioner Hurst.

Council President Astorino excused Councilwoman McDonnell from tonight's meeting.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR COUNCIL MEETING HELD ON JUNE 6, 2017.

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

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

NAYS: None. The motion carried.

2. SPECIAL COUNCIL MEETING HELD ON JUNE 14, 2017.

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

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

NAYS: None.

ABSTAIN: Burgio. The motion carried with a vote of 5 with one abstention.

3. REGULAR COUNCIL MEETING HELD ON JUNE 20, 2017.

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

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

NAYS: None. The motion carried.

REPORTS FROM STANDING COMMITTEES:

Aviation & Environmental Committee – Chairwoman, Powers

Ms. Powers reported that the airport has been busier thanks to a nationwide bowling tournament in town.

Finance Committee –Co-Chairman, Troyer

Mr. Troyer reported nothing on tonight's agenda.

Legislative Committee – Chairman, Troyer

Mr. Troyer reported two items on tonight's agenda and any items in committee to be pulled out please notify him or the clerk.

Parks & Recreation Committee – Chairman, Mencini

Mr. Mencini gave an oral report that is attached to these minutes.

Reports from Standing Committees: cont.

Planning Committee - Chairman, Troyer

Mr. Troyer reported the meeting was cancelled due to a lack of approval requests.

Safety Committee – Chairman, Salvatore

Mr. Salvatore reported there are two items on tonight’s agenda and encouraged Council to vote on suspension.

Service Committee – Chairman, Burgio

Mr. Burgio stated nothing on tonight’s agenda.

Board of Zoning Appeals – Chairman, Scott

Mr. Scott reported the Board of Zoning met on July 10th and approved a request for a four-foot side lot variance pool variance and also approved a six-foot fence variance on Smith Road; a variance request for Sheldon Road was re-tabled.

REPORTS OF SPECIAL COMMITTEES:

SOUTHWEST GENERAL HEALTH CENTER – TRUSTEE MR. SALVATORE:

Mr. Salvatore reported that at the last Board meeting the 2017-2018 renewals were approved. Southwest received the Lantern Award for being one of the top places to work. Mr. Salvatore was named to the President’s CEO Committee.

BEREA BOARD OF EDUCATION COMMITTEE – MR. BURGIO:

Mr. Burgio reported that at last night's board meeting the superintendent gave a facilities update and mentioned that architects are visiting several sites this week in Middleburg Heights and Brook Park. Also, on the agenda was a resolution for spending not to exceed \$15 million with several union members in attendance expressing concerns with CT Taylor, the construction company. The next board meeting will be held on August 7th.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne offered condolences to the families of former city employee MaryAnn Brown and Recreation Director Fields who recently lost loved ones. Mayor Coyne stated there are productive conversations with Ford Motor Company about the redevelopment of their facility; discussions include a mixed-use facility at the site. The City of Brook Park is the lead city for the Plasma Energy Group, which would create thousands of jobs in the city; the Plasma igniter replaces spark plugs and would eliminate emission problems in cars and trucks.

Reports and Communication from the Mayor: cont.

The President has reinstated the Space Council which is good news for NASA Glenn the city's largest employer. Mayor Coyne thanked everyone for all their hard work during the Home Days celebration.

Ms. Powers asked for an update on the Snow Road construction, the new driveway at the Best Western and Howard Johnsons.

Mayor Coyne responded the Snow Road project is on schedule and the new driveway for Best Western will be located on Fry Road; as of this date Howard Johnson's is closed and does not foresee it reopening soon.

Mr. Mencini asked about purchasing some of the Ford property and expressed concerns with the timing of the lights on Snow Road.

Mayor Coyne responded that two people have presented proposals to Ford but there are some concerns with the cost of clean-up of the property and who is going to pay for it; one of the people offered to post a bond and assume the responsibility. Ford has been burned by this in the past and currently the city is working towards a resolution. The engineer looked at the traffic lights on Snow Road with ODOT (Ohio Department of Transportation) representatives and necessary adjustments were made.

Mr. Mencini asked about the state of the pool is that meeting still on for September? Is there any progress residential basement flooding?

Mayor Coyne responded yes, the meeting for September is still on and so far with the residential flooding issues the city has looked at every report and most of the problems is water coming through the walls. The city may be able to put together an aggregate program to assist homeowners with waterproofing of basement walls.

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

Mayor Coyne responded yes, all the programs are bid out and contracts have been signed.

Mr. Troyer asked if the grass taken out of the front of the hotel will be reseeded?

Mayor Coyne responded anything taken away by construction crews must be replaced.

Reports and Communications from The Mayor: (cont.):

Mr. Troyer stated with the Blue Line project (the Whites) nothing has come forward to the Planning Commission to date, there is still mounds of debris in the back of the lot.

Mayor Coyne responded that city personnel will be over their tomorrow to take a look.

Mr. Troyer asked about the quiet zone near the Sheldon Road overpass and the intersections of Route 237 and Eastland. There are no turn signals and with the increase in traffic motorists are cutting through the businesses to avoid traffic.

Mayor Coyne responded that ODOT and the City of Berea have to be involved and it has to be determined whether it will be an overpass or an underpass; also to install signals at intersections require a state warrant. Mayor Coyne will have the city engineer take a look at the area.

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS AND OTHER PUBLIC OFFICIALS:**Safety Director Byrnes:**

Mr. Byrnes stated no report other than to appreciate all the safety forces.

Mr. Burgio asked about the Pulse Point that is available to the city.

Mr. Byrnes replied that Pulse Point is an application that can be downloaded to cellphones so when there is a cardiac emergency and you are certified in CPR, a signal will appear on your cellphone for the rendering of assistance until paramedics arrive.

Mr. Mencini expressed a resident's concern on Delores regarding motorists cutting through the side streets to avoid the Snow, Smith and Holland Roads construction; is there any monitoring available?

Mr. Byrnes responded the police force have been addressing driving through the neighborhoods and extra policemen have been assigned, especially during rush hours, and Delores will be added for special extra attention.

Mr. Troyer complimented a police officer that found a way to stop speeding on Fry.

Law Director Horvath:

Ms. Horvath reported the city has two pending cases; one being a foreclosure that the city is involved due to a lien and the second is for 16644 Snow Road (Howard

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

Johnson Hotel), there are some motions pending before the court. Mrs. Horvath notified Council that the law department will be changing some of its procedures by investing an embossed law director stamp and watermarked paper for legislation. The department will also be going back to having a copy of every piece of legislation submitted to the Council office date-stamped; other procedures may be undertaken in the future.

Finance Director Cingle:

Mr. Cingle reported the annual audit was completed in June and are waiting for the Auditor of State to sign off on the audit, once that occurs the audit will be online and sent out to print. Mr. Cingle gave an update on the Income Tax collection through June 30th by stating the city is on pace to raise the budgetary amount of \$19,100,00. Mr. Cingle commented that he is working with the Mayor on amendments to the appropriation legislation that will update the Capital Improvement Budget and move some fund around in the General Budget.

Mr. Mencini asked if the \$19,100,000 was the projected amount?

Mr. Cingle replied yes, for this year it was.

Mr. Troyer asked about the leased purchase of the Tasers, is there an update for which funds are being used.

Mr. Cingle replied that will be a 50/50 split, the total this year is \$9,960 with \$4,980 coming out of the Capital Improvement Fund and \$4,980 coming out of the Law Enforcement Fund.

Mr. Troyer stated since there are additional funds from the bids on the Roads Program, could consideration be given for the appropriation of \$50,000 to the Crack Seal Program.

Mr. Astorino stated to Mr. Cingle with the Appropriations Report to explain the column entitled Excess C/O Budget? Under the Income Tax section on page 34 - Refunds, this year there was \$1.175 million dollars appropriated for refunds. If those monies are not spent is it still encumbered?

Mr. Cingle responded the Excess C/O is the amount that was carried over from last year, the refunds are not encumbered; if there is an excess of funds they remain in the Income Tax Fund.

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

1. A RESOLUTION INTRODUCED BY COUNCILWOMAN POWERS TO HONOR DOROTHY MAKUCH FOR CELEBRATING HER 100TH BIRTHDAY ON AUGUST 15, 2017. **Placed in the Legislative Committee.**
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MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

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

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 10091-2017, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH AXON ENTERPROSE, INC., WITHOUT PUBLIC BIDDING, FOR THE LEASE/PURCHASE OF 30 NEW POLICE TASERS AND THE TRADE-IN OF 30 USED POLICE TASERS AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. Troyer suggested an amendment to Section two as described earlier.

Mr. Cingle pointed out that his was a quote that expired on June 30th and may increase slightly. The monies will be paid 50/50 from Fund 401 - Capital Improvement and Fund 270 - Law Enforcement Fund.

Ms. Horvath's suggested adding the word "Equally".

Motion by Mr. Troyer, supported by Mrs. Powers to amend.

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

NAYS: None. The motion carried.

Mr. Troyer suggested an amendment to Section two to eliminate the words "or to be appropriated for said purpose".

Ms. Horvath prefers to leave the wording in, it is more important to be clarified than simplified.

Mayor Coyne - Point of Information; that covers if it is more than \$5,000.

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

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

Mr. Troyer asked why is there a need to suspend?

Mr. Salvatore stated because we are going into summer session and there is no reason to delay this.

Mr. Mencini stated that the police need our help in any way that Council can.

Ms. Powers asked why do we need 30 Tasers; one for each police officer that is on duty? Mrs. Powers also asked several questions about the use of the Tasers, how long is the warranty, and the disposition of the used Tasers, can they be rebuilt?

Mayor Coyne stated that the Police Chief already gave a lengthy report on these questions; this is a reasonable expense to protect our police and is preferable to a firearm.

Mr. Troyer noted that it takes six (6) positive votes for suspension.

Mayor Coyne stated he would speak for the Administration on this, these are just housekeeping issues. Why would you want three (3) meetings; all that does is lengthen the time to get these into the safety forces hands.

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

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

NAYS: None. The motion carried.

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

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

NAYS: None. The motion carried. Ordinance No. 10091-2017, has passed under suspension of the rules. Adopted.

1. ORDINANCE NO. 10092-2017, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BOB GILLINGHAM FORD FOR THE PURCHASE OF FOUR (4) NEW 2017 FORD UTILITY INTERCEPTOR SUVS AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

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

Mr. Troyer asked if there was a reason to suspend?

Mr. Mencini stated that the police cars run 24-hours a day and are heavily used; let's give the police force the tools needed. Let's not play games with the safety

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

forces, the police chief gave an eloquent explanation of why the Tasers and cars are needed.

Mr. Troyer - Point of Order, not discussing Tasers.

Mr. Astorino granted leeway.

Mr. Mencini stated let's move forward and get the best that we can.

Mr. Salvatore stated that the real question is why should Council not suspend?

Motion by Mr. Salvatore, supported by Mr. Scott, to call the question.

Mrs. Powers stated she always has a problem with "declaring an emergency" and the deadline to order police vehicles is July 15, 2017.

Mr. Troyer stated that the 'Call the Question' effectively ends discussion. These cruisers are already ordered and asked Safety Director Byrnes when the city can expect delivery.

Mr. Byrnes replied he is not aware the cruisers were already ordered and does not believe that any order has been forthcoming from the city yet.

Mr. Troyer stated that he was told that if the city did not order by July 15th, we would have to order 2018 models, at a greater expense. Then we don't need this legislation and we are avoiding state pricing and avoiding the bidding process. This legislation was introduced at a Caucus meeting, not at a Regular Council meeting and these amounts were passed in the budget last March. Why are we now acting like this is a rush? Mr. Troyer believes the cruisers are already ordered and would like to see better legislation passed where it states why we are not going with state pricing, etc.

Mayor Coyne stated that the city is still waiting for two (2) cruisers from 2016 and challenged the police chief to get local proposals for consideration, this action is proper. The retired cruisers are being repurposed within the city and he has signed no letter of intent.

Mr. Troyer stated that he is not satisfied that the wording of the legislation is laid-out well enough to explain what we are doing.

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

The clerk called the roll by Mr. Salvatore, supported by Mr. Scott, to call the question.

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

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

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

Mr. Astorino stated that Ordinance 10092-2017 has had its First Reading.

- 3. ORDINANCE NO. 10093-2017, APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PUBLISHING THE ENACTMENT OF SUCH NEW MATTER; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICE THEREWITH; AND DECLARING AN EMERGENCY. Introduced by Council President Astorino.

Motion by Mr. Troyer, supported by Mrs. Powers, to suspend.

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

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

ROLL CALL: AYES: Salvatore, Troyer, Powers, Scott, Burgio, Mencini
NAYS: None. Ord. No. 10093-2017, has passed under suspension of the rules. Adopted.

- 1. RESOLUTION NO. 19-2017, DESIGNATING JULY 28, 2017 AS THE ANNUAL APPRECIATION DAY FOR BROOK PARK SERVICE WORKERS IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore and Council as a Whole.

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

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

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

ROLL CALL: AYES: Scott, Mencini, Troyer, Powers, Salvatore, Burgio
NAYS: None. Res. No. 19-2017, has passed under suspension of the rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Lavaine Cates
15499 Remora

Ms. Cates expressed concerns with Councilman Troyer discussing police legislation when there is a case involving Mr. Troyer and the Brook Park Police Department.

Remarks from the audience on any subject matter: cont.

Frank Kosmerl
15952 Paulding

Mr. Kosmerl expressed concerns with the Snow Road construction project and the entrance and exit ramps to I-71.

Charles Troutman
16146 Rademaker

Mr. Troutman asked if Councilman Troyer is in attendance at meetings due to the discussions that took place earlier on legislation.

Liz Sayers
23065 Cedar Point Road

Ms. Sayers stated the police department equipment needs to be upgraded and the necessary equipment should be given to the police officers.

Roseann Neumann
6289 Schaaf Road

Ms. Neumann expressed concerns with the discussion on the suspension issue and stated that during budget talks Councilman Troyer in the 11th hour asked for more police officers be added to the force. Ms. Neumann asked Councilmembers to attend other cities meetings to see how suspension is done.

Motion by Mr. Troyer, supported by Mrs. Powers, to go into Executive Session for the purpose of Attorney Conferences - Pending Litigation.

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

NAYS: Salvatore. The motion carried at 8:50 p.m.

In attendance: Councilmembers, Mayor Coyne, Law Director Horvath and Finance Director Cingle.

Prior to moving to Executive Session Mayor Coyne responded to Mr. Kosmerl' s concerns with the Snow Road Construction Project.

Motion by Mr. Salvatore, supported by Mr. Mencini, to adjourn the Executive Session.

ROLL CALL: AYES: Salvatore, Mencini, Troyer, Powers, Scott, Burgio
NAYS: None. The motion carried at 9:07 p.m.

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

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

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

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

There being no further business to come before this meeting Council President Astorino declared the meeting adjourned at 9:10 PM.

RESPECTFULLY SUBMITTED Michelle Blazak
Michelle Blazak
Clerk of Council

APPROVED September 7, 2017
as amended

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

Parks & Recreation Committee

Mr. Mencini expressed condolences to Recreation Director Fields on the loss of a family member. The luau at the Water Park will be held on August 4th from 6:00 p.m. to 9:00 p.m.; the Dog Swim will be on August 19th from 11:00 a.m. to 1:00 p.m., Football, Cheerleading and Tennis registrations have been extended and this is the last week for baseball and softball teams. The Water Park is doing well and Home Days had great events and the parade was wonderful. Mr. Mencini stated that longtime Recreation Commissioner, Rich Kestranek, passed away a few weeks ago and will be sorely missed. The month of July is Shop in Brook Park month.

