

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, TUESDAY, SEPTEMBER 26, 2017 AT 7:00 PM**

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

SCOTT, BURGIO, SALVATORE, TROYER, POWERS, MCDONNELL, MENCINI

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

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON AUGUST 22, 2017.

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

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

NAYS: None. The motion carried.

Motion by Mrs. McDonnell, supported by Mr. Salvatore to add to tonight's meeting a discussion of the legislation about the two parcels that are available for sale on Brookpark Road.

Mayor Coyne asked that Council put this on the next Caucus meeting so that Mr. Dolan can be here.

Mr. Astorino stated this was just a formality, When the discussion comes up it will be moved to the next Caucus. This will appear as item VII after the Service committee items on the agenda.

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

NAYS: None. The motion carried.

DISCUSSION:

1. DEPARTMENT OF LIQUOR CONTROL – GRAB-N-GO DELI, LLC, DBA GRAB AN GO, 15266 SHELDON ROAD, BROOK PARK, OHIO 44142. **New C1, C2-Response postmark date 10.17.2017.**

Mayor Coyne stated he and the law director spoke about this and no one knows anything about this application; there has been no occupancy permit application.

Mrs. Horvath does not believe that they have applied for an occupancy permit; Council should take a bit more time with this.

Motion by Mr. Salvatore, supported by Mr. McDonnell to place this on the next Caucus agenda, requesting the owner to be in attendance to discuss plans.

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

NAYS: None. The motion carried.

Discussion: (cont.):

2. REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT AND MAINTAIN A TWO FAMILY DWELLING AT 6091 SMITH ROAD LOCATED IN THE U1-A5 ZONE. PER COUNCIL PRESIDENT ASTORINO. **In attendance, Erica Bogdan, 4450 Sir Richard Avenue, North Royalton, OH**

Mr. Troyer stated he was a no vote on this because he prefers these units be owned separately so they would less likely be rentals.

Mr. Mencini asked if the owners would live there.

Mr. Bogdan responded no, the grandchildren would be living there.

Mr. Mencini asked the owner if they spent money in this community before.

Mr. Bogdan replied yes.

Mr. Mencini stated this is an example of good development that the city needs and is in favor of this.

Mr. Salvatore stated in favor of the concept of two family units under one owner.

Mrs. Powers stated this is in a single-family zoned area in a known flood area; basements should not be put in flood zones. Mrs. Powers would prefer making the dwellings with no basements and put the garages between the two units for more privacy; design the unit with utility and laundry rooms on the main floor.

Mr. Salvatore asked if the Planning Commission passed this request.

Mr. Troyer responded yes, with one dissenting vote.

Mr. Burgio stated he was not aware of that parcel being in a flood zone and asked Mrs. Powers if she has knowledge of it being a flood zone.?

Mrs. Powers replied yes, last spring the city had two floods on Smith in the Pickway-Fayette area; that whole area experienced floods. How liable is the city if Council gives approval for a house to be put there and it floods?

Mr. Troyer commented this creates at least one rental and with the Glenway townhouse he owns the problem is that nothing is separated and the roofs are not divided. Mr. Troyer hopes for a firewall that goes through the roof of the house on the new building.

Mayor Coyne stated he is not aware of any flooding issues in the area and there is emergency legislation coming forward to fix one section of the Pickway-Fayette area; Regional Sewer is doing more testing in the area to tell us what must be done. Mayor Coyne does not believe this will add any flooding issues to this area. This is a good

Discussion: (cont.):

development. This property has been on the market a long time and does not see anything negative and the owner must follow the conditional use rules.

Motion by Mr. Salvatore, supported by Mr. Mencini, to have legislation drafted and placed on the next Council agenda.

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

NAYS: Powers, Troyer. The motion carried.

3. PROPOSED 2016-2017 COUNCIL RULE CHANGES – Councilman Salvatore

a) COUNCIL RULE NO. 7

Mr. Salvatore stated this just changes the Audience Participation for any subject from the end of the Council meeting to the beginning of the meeting.

Mr. Mencini stated at the orientation meeting this was his rule change and thinks Council should get business out of the way first. If people want to talk, Council can move audience participation to the front as needed and he would like to keep Council Rule No. 7 as stated.

Mr. Astorino reviewed prior Council rules and stated in 1974 there was one section for audience participation that continued through 1981. In 1982 audience participation was split into two areas of the agenda and in 2010 changed back to one place. Last year audience participation was moved back to two places, one for legislative matters and one for any subject.

Mrs. Powers concurred with Mr. Mencini and stated this is to conduct Council business.

Mr. Troyer stated he remembered when this came about last year, so that Council can take care of items that need to be discussed and then discuss items brought up at the end of the meeting.

Motion by Mr. Salvatore, supported by Mr. Burgio to place on the October 3rd Council agenda under Verbal Approval.

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

NAYS: Mencini, Troyer, Powers. The motion carried.

4. 2017 BUDGET/APPROPRIATIONS

Mr. Astorino stated the Finance Director and the Mayor have stated they are in the process of making some changes to the Appropriations and asked Mr. Cingle to focus on Funds 110 and 111. Under 110, Fund 523 - Professional Services Council had monies for the court reporters. There was \$14,000 appropriated and Council spent over \$10,500; there can be an adjustment made there. Also in Fund 111 - Clerk of Council in August we exceeded the appropriations for the part time salaries; so an adjustment is needed there. Where does the refund from the Bureau of Workmen's Compensation show up?

Mr. Cingle stated that is revenue and would appear as a reimbursement line item in the General Fund.

Discussion: (cont.):

Mr. Troyer stated a few months ago, Council was told we would get an amended budget on the Capital side; we should adjust quarterly, it is Councils' responsibility to watch the money. Council should get an amended Appropriations Budget around this time of year to know in each department where money is being spent as soon as possible.

Mr. Cingle stated there are items on tonight's Special Council meeting if approved will need appropriation changes. Each month Council receives the appropriations report, fund balance report and revenue report, if there is a specific question on an expenditure or line item, please ask.

Mayor Coyne stated they usually make changes in the cost centers and had to wait to see where the proposals for the city hall expenditures and parking lot. There are two sewer projects in capital costs and the police will cost a bit less. There is usually a beginning of the year budget and a third quarter review that we should be able to get to Council soon.

Mr. Astorino asked for an updated Capital Improvement Report.

Mr. Cingle concurred and stated in Fund 111 now that the salaries for the Clerk and Assistant Clerk have been decided, monies can be moved from the revenue salary line item to the part-time salary line item. If short, Fund 523 - Professional Services has excess dollars so we can place it on the amended ordinance and move the monies.

Mr. Troyer stated we are passing legislation to spend money that is not where it should be and even though the Mayor has a lot of leeway with the Capital Budget, this is what he is talking about and this should be kept on the up and up.

Mayor Coyne responded this is on the up and up. The total cost for the operation of Council has a general appropriation and every line item under that is something Council approves; the capital improvement was approved by Council. Sometimes things are moved between cost-centers and this works best and gives us the flexibility to operate.

Mr. Cingle stated that he has a draft version of the amended appropriations and the total effect of the appropriations is zero. When the Mayor proposes these changes, we know where we are taking the monies from to make these expenditures.

Mr. Astorino requested a report on these items and commented it would be nice for Council to have time to look at these items as well, decisions cannot be made if there are no reports.

Mr. Cingle stated he would get him the reports.

Motion by Mr. Salvatore, supported by Mr. Scott, to say item number six was discussed.

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

NAYS: None. The motion carried.

Discussion: (cont.):

5. INVESTIGATOR'S REPORT

Mr. Astorino stated the investigators report was presented last week and this was placed on the agenda for any comments from Council.

Motion by Mrs. McDonnell, supported by Mr. Salvatore, to move to the October 10th Caucus agenda.

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

NAYS: None. The motion carried.

6. AN ORDINANCE AMENDING CERTAIN SECTIONS 153.01 (a) (5) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'VACATIONS' AND DECLARING AN EMERGENCY.

Introduced by Council President Astorino – PER COUNCIL PRESIDENT ASTORINO.

(6/27/17 Removed by motion from the Caucus agenda)

Mr. Astorino stated item numbers 6, 7, 8 and 9 appeared on the June 27th agenda and Council asked the law department for more information that has not been received; this seems to be in limbo.

Motion by Mr. Scott that this was read in committee.

Mr. Astorino replied this is not in Committee, it is under discussion in Caucus.

Motion by Mr. Scott, supported by Mr. Burgio to say discussed in committee.

Mrs. Powers stated she did not think the city should give any more vacation time.

Mrs. McDonnell expressed concerns because these four items are the items that did not have the appropriate stamp and thinks they should be done away with.

Mr. Astorino stated these four pieces of legislation was turned over to the law department on February 28th and the Finance Director commented at one of the meetings that the former law director issued a verbal opinion that the ordinance that requires the city to credit a returning employee based on their prior years of service; Mr. Astorino thought we could exclude that by ordinance. On March 7th the law department sent it to a law firm to review and received a response on March 20th. In the beginning of April, Mr. Astorino met with the law director and received draft legislation and explained how he thought the law firm misunderstood some of his positions. He was also concerned about 9.44 (c) where they said the practice we were doing was opposed to this code. There were more discussions in May, and this was introduced in June. Regarding the stamp, Mr. Astorino had his draft copy in April and scanned it into the computer and sent it to the clerk asking her to create a word document removing hand-written notes; while doing that the stamp got altered because it did not read it well. When it was introduced he noted it was not approved by the law department but needed to get it into the system so that once it is in the system we could work with the law department for proper legal form; this was a work product not

Discussion: cont.

a forgery. On June 30th when he sent the questions over, he also noted that one of the Councilmembers noted that a Caucus meeting is a work session for Council to discuss and make changes; this legislation should be addressed. We need to cut corners and make changes in as many places as possible and this particular item appears to be opposed to 9.44 (c) and we seem to keep shutting this down.

Mayor Coyne - Point of Order. Isn't there a motion on the floor that this was discussed?

Mr. Astorino stated that every time this comes up, there is a motion to say this was discussed. Actually, this has not been discussed, there has been no discussion.

Mayor Coyne and Mr. Astorino disagreed on the point of order.

Mrs. McDonnell stated she preferred that these pieces of legislation should be properly done with because it was not presented to Council properly.

Mr. Astorino asked when Council would get the information since it was requested three months ago but not approved by the law director.

Mr. Mencini would like to hear from the law director because we have to look at these items and thinks this could go on for another six or eight months.

Mr. Astorino thinks that a new employee should not have four or six weeks of vacation, regardless of their previous work service.

Mr. Mencini asked the Finance Director if these employees are the city's top paid employees?

Mr. Cingle replied these are employees that have retired from OPERS (Ohio Public Employees Retirement System) that the previous law director ruled if they had 30 years of seniority, they were entitled to five weeks of vacation these individuals are in directors' roles.

Mrs. Horvath stated she would not address the pros and cons of these items and continued that she is going to address that these pieces of legislation did not follow the path that legislation normally takes. They were not presented to Council by the law department; they were presented by the Council President. That is not the way the rules say it should happen and she met with the Council President and there were four drafts with handwritten notes; indicating the changes to be made. The drafts appeared with no handwriting on them, therefore none of the discussed changes were made. It appears that one piece had a paragraph eliminated where two words were marked out. For this reason, she believes that all four are flawed and should not have been presented and all of these pieces were part of the investigation; the law department stamp is not on the documents. It is wrong to take something that had a certain intent, eliminate the intent and then present it to Council; this is not the way things are done. The law department had to change their procedures and she would not sign them.

Discussion: (cont.):

Mr. Astorino stated that he cannot get legislation through the law department that would save the city thousands of dollars.

Mayor Coyne stated if there was a comprehensive piece of legislation, he may support it. You are here to challenge the authority of the Law Director; you do not follow the rules.

Mayor Coyne noted that if this was brought out in a different way, the results would be different; tonight is the first time this information was brought out. Some of this is necessary to attract well qualified individuals into management roles and this should be discussed and voted against.

Mr. Astorino stated it's impossible for contractual employees to get these benefits once they retired from OPERS.

Mayor Coyne commented as an example, you could come back and be safety director, if I decided to appoint you, correct.

Mr. Astorino responded I shouldn't get five weeks of vacation because state laws says it should not be given.

Mayor Coyne stated we are a chartered city.

Mr. Astorino commented we're supposed to follow the laws.

Mayor Coyne stated what I'm saying is and think you might find a comprehensive thing that is fair.

Mr. Astorino right, to sit there and say if I came forward with something, I've been trying to get something to go through the law department and get nothing in return.

Mr. Troyer stated I believe this was not introduced.

Mr. Astorino replied it was introduced and placed in committee.

Mr. Troyer stated he would like to see this put back in committee, take them back to the law department have it drawn up with all of the proper wording, stamps and signatures.

Mr. Salvatore stated this is a controversial piece of legislation and concurred with Mrs. McDonnell to defeat them.

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

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

NAYS: Troyer, Powers. The motion carried.

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

NAYS: Troyer, Powers The motion carried that item number six was discussed in committee with a vote of 5-2.

Discussed. cont.

7. AN ORDINANCE AMENDING CERTAIN SECTION 153.01 (e) (2) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PRIOR SERVICE EMPLOYEE' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino – PER COUNCIL PRESIDENT ASTORINO. **(6/27/17 Removed by motion from the Caucus agenda)**

Motion by Mr. Scott, supported by Mr. Mencini to say discussed in committee.

Motion by Mr. Troyer, supported by Mr. Mencini to amend the motion to state item numbers 6, 7, 8 and 9 were discussed.

ROLL CALL: AYES: Troyer, Mencini

NAYS: McDonnell, Powers, Salvatore, Burgio, Scott. The motion failed with a vote of 2-5.

Mr. Astorino stated back to the original motion that item 7 was discussed.

Mr. Troyer stated we should immediately have the law department draw up legislation for these four items to be approved true to form and legalities.

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

NAYS: McDonnell, Powers. The motion carried with a vote of 5-2.

8. AN ORDINANCE AMENDING CERTAIN SECTION 153.02 (a) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SICK LEAVE' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino – PER COUNCIL PRESIDENT ASTORINO. **(6/27/17 Removed by motion from the Caucus agenda)**

Motion by Mr. Mencini, supported by Mr. Scott to say discussed in committee.

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

NAYS: Powers, McDonnell. The motion carried with a vote of 5-2.

9. AN ORDINANCE AMENDING CERTAIN SECTION 153.02 (c) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SICK LEAVE' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino – PER COUNCIL PRESIDENT ASTORINO. **(6/27/17 Removed by motion from the Caucus agenda)**

Motion by Mr. Mencini, supported by Mr. Scott to say discussed in committee.

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

NAYS: Powers, McDonnell. The motion carried with a vote of 5-2.

Motion by Mr. Troyer, supported by Mrs. McDonnell, to request the law department to draft new legislation to replace items 6, 7, 8 and 9.

Mrs. McDonnell stated she would agree to the motion if that meant the prior four items are defeated.

Mr. Troyer concurred.

Discussion: (cont.):

Mayor Coyne stated the administration should be able to propose this to Council.

Mr. Troyer stated that is what he is trying to do, the law department is going to draw it up; you are trying to usurp Councils' authority.

Mayor Coyne replied he is not usurping anything; he wants to bring forth a comprehensive piece of legislation that will address these issues. Council can do whatever they want, he wants to be in a position where he can support Council.

Mr. Troyer stated that within his motion it is a given that the law department will draft the legislation with input from the Mayor.

Mr. Astorino stated that he thinks they both agree, but are speaking a different language. His intention is to get legislation to the floor of Council and does not care who authors it.

Mr. Salvatore stated he would like to see these items on a Caucus for discussion prior to drafting so that there could be some direction given. What is the timeframe going to be?

Mr. Astorino stated from what was submitted before Council has a memorandum from the law firm of Walter & Haverfield that outlined a lot of things; there is already plenty of direction on what to do. To simply say put it on a Caucus for more discussion will cause more delay.

Mayor Coyne concurred and stated if Council will allow, I know what you're trying to achieve and most of what you're trying to achieve I concur with. If Council would allow the administration to draft legislation so no one can abuse this and give us the flexibility to attract new managers or other management people, I will do that. There are things that I totally agree with in this legislation and think it can be combined into one.

Mr. Astorino asked for a timeframe for this to be completed; Council's rules say two weeks and I'm fine with that but not good with waiting six or seven months.

Mr. Troyer stated it was stated that there should be something to look at and that what the four pieces of legislation was tonight. If the Councilwoman will rescind her support he will rescind his motion to request the law department to draft new legislation to replace items 6, 7, 8 and 9.

both were rescinded.

Motion by Mr. Troyer, supported by Mrs. Powers, to have the law department draw up like legislation for items 6, 7, 8 and 9 using the help of outside counsel, the Mayor, the administration and anyone else the law department sees fit to get this right.

Mr. Mencini stated give them more than two weeks I think it should be presented for the October 24th Caucus agenda.

Discussion: cont.

Motion by Mr. Mencini, supported by Mrs. McDonnell, to amend the motion to have like legislation drafted for the October 24th Caucus.

Mrs. Horvath asked why Mr. Troyer doesn't just send her a request for legislation with the understanding that she will discuss it with the Mayor, she does not really think a motion is needed.

Mr. Astorino stated this will be done by motion.

Mr. Scott stated Council is putting a timeframe and asked if the draft was supposed to be done by October 24th Caucus. I don't like putting a deadline on something like that. Depending on what the law director has on the table how do we know that October 24th is going to provide adequate time for presentation of a draft.

Mayor Coyne clarified that the former legislation is no longer and suggested that he will draft the legislation and present it to the law director and bring back to Council as soon as we can.

Mr. Troyer stated again, that is you usurping Council's authority.

Mayor Coyne interjected I have the right to introduce legislation just like Council, you draft your piece and I'll draft mine and we'll debate it. I know what the Council President is trying to achieve.

Mr. Troyer - Point of order.

Mr. Astorino - we don't need a point of order we're at the end of discussion.

The clerk called the roll on the motion to amend by Mr. Mencini, supported by Mr. Troyer, to have legislation drafted for item numbers 6, 7, 8, 9 on tonight's Caucus agenda and have them back to the Council office before the October 24th Caucus.

ROLL CALL: AYES: Mencini, McDonnell

NAYS: Troyer, Powers, Scott, Burgio, Salvatore. The amendment failed with a vote of 2-5.

The clerk called the roll on the motion to have the law department draft like legislation for item numbers 6,7,8, 9.

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

NAYS: Scott, Salvatore The motion carried with a vote of 5-2.

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER

Motion by Mr. Troyer, supported by Mr. Mencini to take a five-minute recess.

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

NAYS: Scott The motion carried with a vote of 6-1 at 8:54 p.m.

Motion by Mr. Troyer, supported by Mr. McDonnell to take go back to the regular order of business.

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

NAYS: None. The motion carried.

1. AN ORDINANCE AMENDING SECTION 1348 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED FRONT PORCHES AND DECLARING AN EMERGENCY.
Introduced by Mayor Coyne.

Mr. Scott requested Building Commissioner Hurst speak on this.

Mr. Hurst stated the legislation for the Planning Commission to review front porches causes an undue burden on the residents. First, they have to pay \$75.00 to appear before the Planning Commission with regulations set forth in the building and zoning code of Brook Park. The city has regulations on how the porch must be built and it cannot be built otherwise. Usually residents start in May and don't get to the Planning Commission until June or July for approval. Then construction documents have to be submitted and by the time the porch is starting construction it is September or October. A house can be built in this city without going to the Planning Commission in this city without going to the Planning Commission, but residents cannot build a front porch with the rules set forth that creates a hardship on the residents wanting to build a new porch.

Mr. Troyer stated understands what Building Commissioner Hurst is saying but tends to disagree, because being on the Planning Commission and talking to a resident about the front porch and made a suggestion to offset that the resident decided was something he would like to do. The reason this is supposed to go through the Planning Commission since 1999 I don't want it going to one person making that decision, it should be a committee. Residents may be late in getting items in there but special Planning Commission meetings can be called.

Mayor Coyne stated that Mr. Troyer is making statements that are challenging the people on the Planning Commission that have nothing to do with this legislation and asked to speak on this issue.

Mr. Troyer said he is not disparaging the Planning Commission I'm just saying special meetings can be called if that is what needs to be done.

Mr. Mencini stated to Mr. Hurst everything reads as is, the front porch with the concrete and all the other things, can't be made out of wood.

Legislative Committee - Chairman, Troyer: cont.

Mr. Hurst stated the only thing that has changed in this ordinance is residents won't have to have Planning Commission approval; they still have to be continuous footers, block, brick and masonry with concrete cap, no wood. Why do residents have to come

to the Planning Commission to build something, you have told them how to build but I still have to come before the commission and show a picture. The Planning Commission doesn't control or regulate the building codes. We have never had a problem at the Planning Commission whether we're approving or disapproving; it's a matter of timing and it's always an issue. Anything that goes to the Planning Commission must have public notice, so that takes up time, by putting it in the paper and the costs of money to send certified letters; these monies are futile.

Mr. Troyer stated there are some good things in this legislation but some things do change because there's added wording. There is mention of composite or synthetic material in two places and also states with the exception of handicapped ramps to be constructed with womanized wood, composite and synthetic, must be stained or painted to match the house; that's allowed on a ramp. In Section 1 the date is July 1, 1999 and in Section 2 the date lists July 14, 1999.

Mrs. Powers stated composite materials are good, durable and almost maintenance free; why wouldn't those materials be used. This takes away individuality from the homes so as long as good durable material why not allow people to go with their choice of materials.

Mr. Troyer stated the Planning Commission is for aesthetic approval and if something doesn't look right, the Planning Commission can reject it; the commission makes sure the porch fits in with the neighborhood. Mr. Troyer expressed concern about 1348.01 (b) that reads Basic Standard giving amnesty to porches that have already been installed, and would like to see this amended.

Mr. Hurst stated he brought this up in response to residents who are complaining about the length of time this takes.

Mr. Troyer read the basic standards listed in full.

Mr. Mencini stated sees a lot of good porches but cannot have them unsafe; the city must keep them aesthetically correct.

Mayor Coyne stated they are not illegal porches because they were built before the ordinance was effective, it was not amnesty, there is a design standard that must be followed. The Zoning Board of Appeals can rule if there is a dispute. Most residents do not have bad plans for their houses, they have good plans.

Mr. Troyer stated we should go back to the original date of the ordinance for the Planning Committee for aesthetic approval.

Legislative Committee - Chairman, Troyer: cont.

Motion by Mr. Scott, supported by Mr. Mencini to put it on the October 3rd Council agenda.

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

NAYS: Troyer. The motion carried.

2. AN ORDINANCE AMENDING SECTION 153.03 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'LEAVE OF ABSENCE FOR TEMPORARY MILITARY TRAINING' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mayor Coyne stated speaking with the Council President earlier this evening, anything pertaining to 'Employees Generally' the law director and I will work on the legislation with the other issues and have one Caucus meeting that deals with 'Employees Generally' and nothing else. Do this comprehensively all the different issues so that they are dealt with fairly. Mayor Coyne suggested placing this legislation back in committee and have the Council President make arrangements once the drafted legislation dealing with all of the 'Employee Generally' issues at one meeting, with nothing else on the agenda to take the time for good discussion.

Mr. Troyer asked how many employees are affected by this?

Mayor Coyne responded currently one.

Motion by Mr. Scott, supported by Mr. Mencini to place back in Committee.

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

NAYS: None. The motion carried.

3. ORDINANCE NO. 10069-2017, AMENDING CERTAIN SECTIONS OF 153 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLES 'EMPLOYEES GENERALLY' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. Per Council President Astorino.

Mr. Troyer asked Law Director Horvath with the next item 'Employees Generally' do I need to recuse myself on this; are there any police involved in this?

Mrs. Horvath responded I'm sure there would be but because this also includes other employees in general I would say that you would not have to; this is broad enough that you would not need to do so.

Mr. Troyer stated I'm going to be more careful than that and recuse myself.

Co-Chairwoman McDonnell took over the Legislative Committee by reading Ordinance No. 10069-2017 into the record.

Motion by Mr. Salvatore, supported by Mr. Mencini to put it back in Committee.

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

NAYS: None. The motion carried.

Mr. Troyer returned to the dais for the rest of the meeting.

SERVICE COMMITTEE – CHAIRMAN, BURGIO:

1. AN ORDINANCE AUTHORIZING THE CONSULTING ENGINEER TO PREPARE AN APPLICATION TO PARTICIPATE IN THE YEAR 2018 OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM(S) FOR FINANCIAL ASSISTANCE ON THE HOLLAND ROAD RECONSTRUCTION PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mayor Coyne stated this legislation allows the city to prepare an application for funding for Holland Road from Engle to Fry Roads.

Mrs. Powers noted that was a very small piece of road; how much will it cost?

Mr. Piatak replied the current estimate is around \$2.1 to \$2.2 million, a little over 12,000 square yards of concrete; with anticipation of a complete removal and replace of the pavement section.

Mr. Burgio asked will this include catch-basins, curbs, etc.?

Mr. Piatak concurred

Mr. Mencini noted that section of Holland Road is a very busy area in the mornings and afternoons with the schools. Anytime financial assistance can be given on a road like that he is in favor.

Mr. Burgio asked will this tie-in with the new school being built?

Mayor Coyne replied we hope so, if we get the money then we need to solve the problem, think it is already solved.

Mrs. Powers asked what the cost of Sylvia Drive cost from Engle to Smith...

Mr. Mencini - Point of order, that's not what this legislation is about.

Mr. Burgio - this is not legislation for that.

Mrs. Powers - if we know what one area cost then we would know whether or not this one is a bit out of line and this is a very short distance for an over-inflated price.

Mr. Burgio commented I don't think, the engineer would know better, that you can compare those two streets; they are different streets and widths so I don't know how you could compare the costs, but I could be wrong.

Mr. Astorino noted in Section 2 there is no mention of the funds are coming for said purpose.

Mr. Troyer stated the legislation states this will cost \$3,850 for the Consulting Engineer to apply for the public works money.

Service Committee - Chairman, Burgio: cont.

Motion by Mr. Troyer, supported by Mr. Mencini, to place it on the October 3rd Council agenda.

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

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

2. A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE YEAR 2018 OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Motion by Mr. Salvatore, supported by Mr. Mencini to place it on the October 3rd Council agenda.

Mr. Troyer asked for elaboration of the legislation for the residents'.

Mr. Piatak stated this legislation allows us to prepare the application and for the Mayor to execute a contract with Public Works and is necessary if the city is awarded the monies. If the city were to be successful there would be legislation coming forward authorizing the plans and specifications to be developed and the Mayor to go out to bid; this is preliminary ground work dealing with the Public Works Commission.

Mr. Troyer mentioned this is a companion piece to item number one.

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

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

FINANCE COMMITTEE – CHAIRWOMAN, MCDONNELL:

Mrs. McDonnell stated one piece of legislation should have been placed on tonight's Caucus agenda for discussion of two parcels that are available for sale on Brookpark Road. Several Councilmembers submitted questions along with other submitted questions.

Mayor Coyne asked that Council put this on the next Caucus meeting on October 10th so that Economic Development Commissioner Dolan can be in attendance.

Mr. Troyer commented he hoped to have the information prior to the October 10th Caucus meeting.

Mayor Coyne stated some questions may be able to be answered but there may be some that can't be answered due searching of old documents.

Finance Committee - Chairwoman, McDonnell: cont.

Motion by Mr. Mencini, supported by Mr. Scott to put it on the October 10th Caucus agenda.

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

NAYS: None. The motion carried.

There being no further business to come before this meeting a **motion** by Mr. Salvatore, supported by Mr. Scott to adjourn.

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

NAYS: None. The motion carried.

Council President Astorino declared the meeting adjourned at 9:40 p.m.

RESPECTFULLY SUBMITTED



Michelle Blazak
Clerk of Council

APPROVED

ad
October 24, 2017 amended

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