

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, OCTOBER 3, 2017 7:30 PM**

The meeting was called to order by Council President Astorino at 7:30 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, Safety Director Byrnes, Service Director Cayet, Engineer Piatak and Finance Director Cingle.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. SPECIAL COUNCIL MEETING HELD ON SEPTEMBER 12, 2017.

Motion by Mr. Mencini, supported by Mrs. McDonnell to approve as printed.

Mr. Troyer stated on page 2, middle of the paragraph second last line reads Mr. Astorino thinks he can advance legislation when it's actually Council's determination to do that. Mr. Astorino should be changed to Mayor Coyne. Also, on page 4, fifth line, the word avigate should be changed to **abrogate**.

Mr. Salvatore and Ms. McDonnell asked for clarification of the changes.

The clerk will re-listen to the tape for clarification.

The clerk called the roll on the amendments

ROLL CALL: AYES: Mencini, Troyer,

NAYS: McDonnell, Powers, Salvatore, Burgio, Scott. The motion failed.

2. SPECIAL COUNCIL MEETING HELD ON SEPTEMBER 16, 2017.

Motion by Mr. Scott, supported by Mrs. McDonnell, to approve as printed.

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

NAYS: None.

ABSTAIN: Powers. The motion carried.

3. CAUCUS PRIOR TO THE COUNCIL MEETING HELD ON SEPTEMBER 19, 2017.

Motion by Mr. Mencini, supported by Mrs. McDonnell, to approve as printed.

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

NAYS: None. The motion carried.

4. REGULAR COUNCIL MEETING HELD ON SEPTEMBER 19, 2017.

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

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

NAYS: None. The motion carried.

Approval of Minutes of Preceding Meetings: (cont.):

Motion by Mr. Salvatore, supported by Mr. Mencini that the September 12th Special Council minutes be amended and placed on the October 10th Caucus agenda.

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

NAYS: None. The motion carried.

REPORTS OF STANDING COMMITTEES:**Aviation & Environmental Committee – Chairwoman, Powers**

Mrs. Powers stated no report.

Finance Committee –Co-Chairwoman, McDonnell

Mrs. McDonnell stated no report.

Legislative Committee – Chairman, Troyer

Mr. Troyer reported the Legislative Committee has three items on tonight's agenda.

Parks & Recreation Committee – Chairman, Mencini

Mr. Mencini's report is attached to these minutes.

Planning Committee - Chairman, Troyer

Mr. Troyer reported the committee has one item on tonight's agenda and at last night's Planning Commission meeting a request was denied for installation of a pool with no fence. The second request was approved for building construction at the corner of Middlebrook Blvd. and West 130th Street, that will be forwarded to Council. Mr. Troyer voted no on this request due to an issue with having a drive-thru close to residential houses.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated the Safety Fair was a huge success and thanked everyone who participated.

Service Committee – Chairman, Burgio

Mr. Burgio stated no report.

Board of Zoning Appeals – Chairman, Scott

Mr. Scott reported the board met last night with one item on the agenda requesting a variance to waive the fencing requirement to secure an above ground swimming pool.

REPORTS OF SPECIAL COMMITTEES:**SOUTHWEST GENERAL HEALTH CENTER – TRUSTEE MR. SALVATORE:**

Mr. Salvatore reported improved quality and safety measures remain a priority, employee satisfaction improved and six new doctors will soon be on staff. The health center will have a da Vinci surgical robot and the advantage of the robot is to make smaller incisions for quicker patient recovery; this will grow surgical volume and recruit new doctors. Through August, the operating income is at \$7.5 million that exceeded our budget. Mr. Salvatore will be attending several meetings for Healthcare Reform in October and also will attend a CEO Oversight Committee meeting and will be calling for a nominating meeting.

Reports of Special Committees: cont.**BEREA BOARD OF EDUCATION COMMITTEE – MR. BURGIO:**

Mr. Burgio reported at the September 25th school board meeting presentation was given by a member of the personnel department concerning Civil Service. There has been discussion as to the role of the Brook Park Civil Service Commission plays in the certification process; pros and negatives were discussed. The agreement with Brook Park has been enforce since 1985, the city with the most population is used to select what Civil Service Commission is selected, some say it is a duplication and slows down the process. Also on the agenda was a technology purchase of 551 latitude Dell Chrome Books and charging security cards totaling \$140,102.77. In the facilities update the superintendent stated there will be one more meeting with the large group and then smaller groups. Superintendent Sheppard stated that work is being done at the Junior High as well as Big Creek and reminded that the facilities update is available on the school's website.

REPORTS OF BOARDS AND COMMISSIONS:**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:****REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Coyne appreciated everyone that participated in the Safety Fair event; about 90 families took advantage of the identification program with the Cuyahoga Prosecutors Office. Mayor Coyne saw a vehicle for the police department that the federal government is giving to cities.

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

Mr. Piatak reported the Snow Road Resurfacing completion date is the end of this month, the 2017 Sidewalk Repair program continues, the Bowfin and Kalvin projects are complete except for a final inspection and landscaping. With the Middlebrook Reconstruction, the southbound lane has been installed and the contractor started on the removal of the northbound lane; the final mainline pour is one week from today. Sylvia Drive had the first pour today and there will be follow up this week and next week; please avoid if possible. The Holland Road Issue 1 Public Works legislation is on tonight's agenda and the application will be submitted by the end of the day on Thursday.

Mr. Mencini stated the residents on Middlebrook are happy with the street repair and the residents on Sylvia are looking forward to having this done.

Mr. Troyer asked when the crack-sealing project will begin?

Reports and Communications from departments, commissions and other public officials: cont.

Mr. Piatak responded the contract has not yet been put out to bid and anticipates that process to begin next Tuesday.

Service Director Cayet

Mr. Cayet reminded residents that Monday is Bulk Monday and to please call the service department prior to 12:00 noon the Friday before at 433-7189

Mr. Scott asked about leaf pickup.

Mr. Cayet stated one truck starting leaf pickup in the Park, Kathleen area; leaves are coming down and the trees are stressed out from the drought; generally, leaf pickup doesn't begin until the end of October.

Mr. Burgio shared a resident's appreciation of a tree being removed.

Mr. Cayet stated crews have taken down or pruned several hundred trees this year, there is still more to get done.

Mr. Mencini asked for the parameters of when crews may take a tree down or not.

Mr. Cayet replied the first parameter of taking a tree down is roots getting into sewers, diseased or dying trees will be taken down and trees are not being replaced at this time.

Mrs. Powers asked about Stonecrest and on West 149th Street there are a lot of trees that have a huge growth on them and look like they are diseased. Can crews look at these trees.

Mr. Troyer asked what is the reason with the new rubbish trucks having two seats?

Mr. Cayet replied it is safer for crews to drive on the correct side of the truck when transporting from the city to the transfer station or dump.

Mr. Troyer stated about three months ago a request was put in to remove some trees on Cambridge due to the balls making a mess and clogging of the sewers and also because people are tripping on them; seven or eight residents want those trees taken down. requests?

Mr. Cayet stated will look into to this but doesn't see anything wrong with those trees; thinks there are only seven or eight trees on the street leaving no trees on the street.

Mr. Troyer mentioned this is a request from the residents because in the spring the droppings are getting into the gutters and are messy.

Reports and Communications from departments, commissions and other public officials: cont.Safety Director Byrnes

Mr. Byrnes thanked everyone for their support and participation in the Safety Fair.

Mr. Salvatore read a statement from a resident thanking Mr. Byrnes for making his son's birthday a success; the visit from Officer Duncan and Sgt. Sulminski saved the day.

Mr. Byrnes thanked Councilman Salvatore and stated that's great to hear. Officer Duncan is a great ambassador for the City of Brook Park and the police enjoy doing those kinds of things. Mr. Byrnes will make sure that both Officer Duncan and Sgt. Sulminski hear about it.

Mr. Burgio thanked Mr. Byrnes for the adoption of the Autistic Safety Roster and maybe the city can improve this or expand it even more.

Mr. Mencini expressed thanks for all the Safety forces and mentioned residents have stated to him how cordial the police and fire are and provide explanations when needed.

Law Department Director Mrs. Horvath

Mrs. Horvath reported on the status of the subpoenas with regards to the Council website that were signed on September 21st and sent via fax to the two entities on September 22nd. Domains by Proxy assigned a case number and finally today the day the information was supposed to be due. An email address was provided so I suspect the information will be forthcoming and will continue to keep Council aware of the situation and when or if any information is received Council will be provided with that. Another topic I became aware of on September 22nd we had a resident who had requested some records requests. The resident wanted to know how many record requests a particular individual has made. In looking at his request and responses and so forth I became aware for the first time that what we really have is a tsunami of records request in the city. I suppose I was focused on the law department and hadn't looked at the other departments and I think that's something that needs to be looked at. I will try and get information from the other departments to see how many we have and get some information with regard to that similar to the information shared with Council as to how many Ordinances and Resolutions were passed in 2015 and how many were passed in 2016. I need to report to Council that the city now has a new Civil Case filed with the Ohio Court of Claims. The caption on the case is James P. Astorino vs. the City of Brook Park and this particular matter involves records requests. Other than to note that the existence of this new matter to Council I will not elaborate further with regard to this particular matter.

Mr. Salvatore asked Law Director Horvath will handle the Council President civil suit or will outside legal counsel be needed?

Mrs. Horvath replied she does not believe outside counsel will be needed and believes at this point in time since it is in the Court of Claims I would anticipate a mediation procedure rather than active litigation; so at this point in time I will be handling it.

Reports and Communications from departments, commissions and other public officials: cont.

Mr. Salvatore stated mediation would be a good thing.

Mrs. Horvath stated I can guarantee that will be their first step and agree that is a good thing.

Finance and Tax Director Mr. Cingle:

Mr. Cingle reported the monthly reports for September will be issued in the next few days and included in those reports will be the itemized Capital Improvement report.

Mr. Troyer asked if any money will be added for crack sealing since the bid will be going out for bid next week. Can this work? This is something that Council agreed to do at budget time.

Mr. Cingle stated he would work with the Mayor on Capital Improvements and will move monies around and try to move some money there.

Mayor Coyne stated he does not recall Council saying anything would be added but does remember Mr. Troyer stating this. The final proposals on the two sewer projects have not been received yet so after that is when the determination of what we have.

Mr. Cingle stated my recollection is that Councilman Troyer did verbalize that during budget discussion but don't know if that was supported by any other Member of Council; and Councilman Troyer also verbalized that several times throughout the year.

Mayor Coyne stated with final proposals for those projects I don't see any monies being there for crack-seal.

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

1. AMENDMENT TO COUNCIL RULE NO. 7.

Motion by Mr. Salvatore, supported by Mr. Scott, to verbally approve.

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

NAYS: Troyer, Powers, Mencini The motion carried with a vote of 4-3.

Mr. Astorino asked Mr. Salvatore when will this rule go into effect.

Mr. Salvatore replied at the next Council meeting of October 17th.

NEW LEGISLATION:

1. AN ORDINANCE AUTHORIZING FABRIZZI TRUCKING AND PAVING COMPANY TO COMPLETE STORM SEWER REPAIRS NEAR 14527 FAYETTE BOULEVARD. Introduced by Mayor Coyne. **Placed in the Service Committee.**

2. A RESOLUTION REPEALING RESOLUTION NO. 16-2016. Introduced by Mayor Coyne. **Placed in the Legislative Committee.**

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

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

Brandy Reynolds
6060 Middlebrook Blvd.

Ms. Reynolds encouraged Council to pass the Breast Cancer Awareness Month legislation and think it's important to say it's not only women but also men can get breast cancer. This breast cancer awareness for October has been established many years ago and all we're doing is showing support for that. As far as saying it was to cure or support cancer it doesn't matter the city is showing support for those people who are suffering, have survived, died or continuing their fight and this resolution shows 100% being behind those people.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 11002-2017, AMENDING SECTION 1348 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'FRONT PORCHES' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Motion by Mr. Burgio, supported by Mrs. McDonnell, to suspend.

Mrs. Powers stated this legislation should be discussed before voting for suspension. This makes all houses conform to the same design. The city needs more diversity with so many different materials available that are durable as concrete and sees no reason to limit to concrete.

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

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

Mr. Astorino stated 11002-2017 has had its First Reading.

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

2. ORDINANCE NO. 11003-2017, 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.

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

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

Motion by Mr. Troyer, supported by Mr. Mencini, to amend Section 2, remove word funds and insert 'shall be paid from Capital Improvement Fund (401) thereto be appropriated or be appropriated for said purpose'.

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

Motion by Mr. Scott, supported by Mr. Troyer, to adopt, as amended.

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

2. RESOLUTION NO. 24-2017, GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT AND MAINTAIN A TWO FAMILY DWELLING AT 6091 SMITH ROAD, LOCATED IN THE U1-A5 ZONE AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

Motion by Mr. Salvatore, supported by Ms. McDonnell, to suspend.

Mrs. Powers stated Council should not grant this because it has a basement and that area floods because people in that area tell me there is a flooding problem.

Mr. Salvatore - Point of Order the Councilwoman's opinion should be done under adoption, not suspension of the rules.

Mr. Astorino concurred with Councilman Salvatore.

Mr. Troyer stated he is going to vote yes on suspension and no on adoption because his constituents' having more rentals.

ROLL CALL: AYES: Salvatore, McDonnell, Mencini, Troyer, Burgio, Scott
NAYS: Powers. The motion carried

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

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

Mrs. Powers continued this is a two-family with a basement and if it floods the owner could sue the city for damages. As to Mr. Troyer statement, the residents in that area of the city to not want rentals in the area. As the owner stated this is being built for grandchildren. What will happen when the owner's grandchildren move out?

Mr. Mencini stated in favor of this and there is flooding across the street from where I built but can't stop from moving ahead or development. The owner wanting to build this home has invested a lot of money in this community and we can't stop that investment or moving ahead. There are a lot of variables that can stop someone from doing anything but this is part of Brook Park moving forward, I don't want anyone to get more water in the basement but the risk is there and probably will happen. Home values are going up and the Building Department keeps a rental registry and does a great job with the interior-exterior and must keep on that. This is part of moving ahead someone wants to build a home here.

Mr. McDonnell asked Mr. Piatak if that area is not sufficient for a basement, would that be discussed when plans are submitted to Planning. Would the owners be advised that it's not a good idea?

Mr. Piatak responded yes, when the lot toe-pole for building the elevation of the sewer and basement and take that into consideration. The city did the Smith Road Sanitary Project in a number of different phases and the sanitary sewer in that area is deep and large. As far as sewer backup on the sanitary end I am not all concerned with a sanitary backup; the storm sewer backup shouldn't get into basements because they are not connected to the inside. While backup would exert pressure on the foundation and walls but with new construction, pipes and tight seals on the conduits Mr. Piatak feels confident it will stay dry for a long time.

Mrs. McDonnell is in favor of this and commented just because there is a rental situation doesn't mean it will attract bad neighbors. I lived in a rental and it was the best time of my life and having an autistic son a duplex might be something we look at in the future so that my son can be as dependent as possible and we could have our own home.

Mr. Salvatore is in favor of this and stated he wished that when the city was first laid-out there was a section of the city designated for two families; it would provide more affordable housing for young people.

Mr. Burgio is in favor of this and stated this home will enhance the area and the city will do its due diligence making sure that all the plans are carried out the way they should be. I live around the corner and am not aware of any flooding in that area.

Mrs. Powers stated she is not trying to impede progress; she is trying to avoid a problem. Build the home without a basement and invited everyone to talk to people in that area that there is a flooding problem in the area; the residents are told it comes through the walls and residents say it comes through the pipes.

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

Mr. Troyer reiterated his constituents don't like rentals and this creates a rental.

Mr. Mencini commented most residents want to have nice new homes in their neighborhoods.

The clerk called the roll on the motion by Mr. Burgio, supported by Mr. Salvatore, to adopt Res. No. 24-2017.

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

NAYS: Powers, Troyer. The motion carried with a vote of 5-2. Res. No. 24-2017 has passed under Suspension of the Rules. Adopted.

- 3. RESOLUTION NO. 25-2017, 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. Troyer, supported by Mr. Scott, to suspend.

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

NAYS: None. The motion carried

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

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

NAYS: None. The motion carried. Res. No. 25-2017, has passed under Suspension of the Rules. Adopted.

- 4. RESOLUTION NO. 26-2017, DESIGNATE THE MONTH OF OCTOBER 2017 BREAST CANCER AWARENESS MONTH IN THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Councilmembers Salvatore, Powers, McDonnell, Mencini, Burgio, Scott, Mayor Coyne and Council President Astorino.

The clerk read the Resolution in its entirety, since it was not properly posted.

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

Motion by Mr. Troyer to amend, supported by Mrs. McDonnell in the second Whereas and in Section 1 delete the year 2017.

Mayor Coyne asked what is the purpose.

Mr. Troyer responded so this will be continuous and automatic every year and more timely.

Mr. Salvatore stated as sponsor of the legislation I prefer it be left alone.

Mayor Coyne commented this should be done by Proclamation if it is going to be ongoing. My understanding is for Council to have the authority to pass a resolution.

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

Mr. Troyer stated this should be ongoing and why a Proclamation would be needed, Brook Park will show support by lighting up the pavilion with pink lights, that is done every year in October to commemorate this would also allow for this to be automatically and won't be brought up last minute to get it done. By taking the year 2017 out it's automatic that the lights go up.

Councilmembers Scott stated as a sponsor of this legislation I concur with Mr. Salvatore to leave the legislation the way it is written.

Mr. Burgio stated having this come up every year gives us more publicity by promoting it every year. Mr. Burgio thanked Mr. Salvatore for all the work he's put into this and agree to keep this the way it is.

Mr. Salvatore reiterated he prefers that this remain as written so that it doesn't fall between the cracks and doesn't get any exposure. It's only October 3rd so this is in a timely fashion being it's for the month of October. Every year this may change by adding or taking out something. This is to make people more aware of what we're trying to do here and hopefully every year more and more people will get involved in this awareness.

Mr. Troyer stated one way to do that is to bring it back to amend it every year like this year the pavilion being lit up with pink lights and maybe next year the Bras Across the Bridge event and this could be advertised in a newsletter. This is a good amendment to have this automatic and in a timelier fashion and possibly Council could possibly discuss this at the end of August.

Mrs. Powers commented on the Bras Across the Bridge and just an observation from last year my son told me that there was rubber-necking traffic due to the Bras Across the Bridge and causing a driving hazard, the Bras Across the Bridge was not a good idea.

Mr. Salvatore stated the gentleman for Bras Across the Bridge came to City Hall and asked Brook Park to participate in that program and there were more than 2,000 women who donated bras for this project for more awareness, the gentleman had to stop taking bras because so many women wanted to donate and be a part of this.

Motion by Mr. Mencini, supported by Mr. Scott to Call for the Question.

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

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

The clerk called the roll on the amendment by Mr. Troyer, supported by Ms. McDonnell.

ROLL CALL: AYES: Troyer, McDonnell

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

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

The clerk called the roll by Mr. Salvatore, supported by Mr. Mencini, to suspend.

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

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

Mr. Astorino stated Resolution No. 26-2017 has had its First Reading.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

- 1. RESOLUTION NO. 23-2017, DECLARING SEPTEMBER BLOOD CANCER AWARENESS MONTH IN BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Councilmembers Salvatore, Scott, Mencini, McDonnell, Burgio, Troyer and Mayor Coyne.

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

Motion by Mr. Troyer, supported by Mrs. Powers to amend Section 1 by deleting the reference to the year 2017.

Mr. Salvatore encouraged everyone to vote down this amendment, vote for suspension and vote no on adoption since it is no longer September.

Mr. Troyer stated this is exactly why we should pass this without the year; next year it will be in effect and Council can do whatever is needed to advertise this. This was brought forward on September 19th, the middle of the month if the year is removed then every September this would be automatic.

Mr. Salvatore stated the reason it was introduced on September 19th is because that is when it came to his attention, this is a resolution. Why does everything have to be some sort of game, we supported someone celebrating her 100th year birthday and we suspended on the monarch butterfly legislation.

Mr. Mencini stated, it's cancer, we have played around with this too long, there may be people here tonight that might be battling this disease.

Mr. Astorino noted we had this discussion on the last resolution, no need to have it again, please call the roll on the amendment.

ROLL CALL: AYES: Troyer, Powers

NAYS: McDonnell, Mencini, Scott, Burgio, Salvatore The amendment failed by a vote of 2-5.

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

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

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

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

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

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

NAYS: Powers The motion carried. Resolution No. 23-2017, has passed under Suspension of the Rules. Adopted.

THIRD READING OF ORDINANCES AND RESOLUTIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Connie Scott
15580 Susan

Ms. Scott stated she thinks some people on the dais need to be educated on what cancer is, the Bras on the Bridge is total ignorance in my opinion, breast cancer is worldwide.

Mr. Astorino noted the audience was advised not to impugn anyone.

Mr. Mencini commented she didn't mention any names. October is National Breast Cancer Awareness month in the United States and it is disheartening hearing people voting that down.

Brandy Reynolds
6060 Middlebrook

Ms. Reynolds stated she is disappointed to hear that the Breast Cancer Awareness Resolution was not voted under suspension. This is absolutely ridiculous that we can't come together as a whole whether it was brought forward last week or last minute. Let's support the survivors, the fighters and the ones that have lost their battle to this disease and show we are behind them. National Breast Cancer Awareness month was established in 1985 and was established to promote mammography, one of the most effective ways to detect breast cancer. We are just showing support and should be brought up every year, let's remind everyone this is a big issue not only for women but also men.

Susan Booker
13855 Franklyn

Ms. Booker stated she is disappointed in Council to fuss over cancer, blood cancer, breast cancer, you name it. Cancer affects every individual one way or another. I forgot this was Breast Cancer Awareness month and this reminder to the community. Until you're touched with cancer you have no idea of the survivors or those that have passed and those families that still support these cancers. By hanging jock straps or bras on a bridge or flagpole it brings awareness and this has brought awareness to the citizens of Brook Park tonight and am disappointed that it did not pass tonight. That we have to go another week or two before it becomes reality in our city and by doing every year brings awareness.

Remarks from the audience on any subject matter: cont.

Joan Markusic
13911 Bellbrook

Ms. Markusic stated total amazement and congratulated all of Council. For seven months the Council webpage has been discussed at almost Caucus and Council meeting with no one saying anything or having any answers. Suddenly, a subpoena gets issued and all kinds of information comes out, the webpage is gone and people are starting to get caught up to speed with things that are happening. That is a total waste of the law department's abilities to be working on other issues in our city that need to be addressed. Ms. Markusic is very disappointed with the people who are associated with that web page and thinks all of them should be looked into by the law department, by Council as to why it takes a subpoena to get anything done or any answers on things that are debilitating our city and it's wasting time on other issues that are going on. Tonight, I heard three or four issues that were discussed at the last two months' meetings, at least. I heard Councilmembers say that this was this is the first time they heard about it when I've heard about it at least three or four times prior to coming today to hear about it again. Ms. Markusic stated start getting your act together because I'm tired of hearing the same fights every single week. As far as the cancer issue goes if you're ever affected by it and saying, doing and voting the way that you are remember that when asking someone for help.

Jennifer Roberts
5368 West 151st Street

Ms. Roberts thanked everyone for hosting the first Safety Fair and for including the Neighborhood Watch Group. The Neighborhood Watch Group is organizing a Sea of Blue Campaign to honor our police; it is crucial that officers know they have our support. We would like to cover all the main streets in Brook Park with blue ribbons and need volunteers to accomplish this. We invite everyone to join us on October 14th from 9:00 a.m. to approximately 12:00 PM to join us. We are meeting at the Recreation center and ask volunteers to bring a pair of scissors to cut the ribbons, even if you have only an hour to spare we would like to see you there. The next Neighborhood Watch meeting is Monday October 16th at the library and all are welcome to attend.

Callahan Ruebensaal
14240 Newton
Middleburg Heights

Mr. Ruebensaal stated last Thursday I had the honor of being one of the moderators at the first Mayoral Debate and apologized to Mrs. Powers by not noting that she respectfully declined the invitation. We planned on having a second debate for two days from now and about two or three weeks ago that had to be cancelled. The second debate would have been for the President of Council and the two contested Council positions for Wards 1 and 3. We decided to go against it because we knew that some candidates may not attend or could not speak on some subjects. Mr. Ruebensaal is in contact with the Cuyahoga County Democratic Party to hopefully set up a debate for the contested State Senate and State Representative run.

Remarks from the audience on any subject: cont.

Liz Sayers

23065 Cedar Point

Ms. Sayers stated she cannot comprehend when people build here a lot of people have basements built with good footers to not get flooded, but there is no guarantee it will not flood. There are many renters in my neighborhood and to tell someone they cannot build a basement is wrong. We are allowed to rent our homes and she will be moving and renting her home. She has someone interested in buying her home but wants to rent first because they like the city but do not like the politics in the city. There are a lot of homes on the west side that need to have their footers repaired. So far as the Breast Cancer Awareness month I'm aware and hopes others do also.

Mr. Troyer requested the Law Department to draw up legislation that mirrors Resolution No. 23-2017 and Resolution No. 26-2017 with the changes of eliminating the year, and adding language that it be brought up every June to decide what Council is going to do to raise awareness for these events and have it after November 7, 2017.

Mrs. Horvath asked Mr. Troyer to put the request in writing.

Mr. Salvatore asked Council President Astorino to explain the change to Council Rule 7 of where the audience will be allowed to speak.

Mr. Astorino stated that the change that was made earlier under Verbal Approval is all audience comments will be appearing under letter **L REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR RESOLUTIONS THAT PERTAIN TO ITEMS ON THE AGENDA, AND ALSO ON ANY SUBJECT MATTER**, there will no longer be Audience Remarks on any subject matter at the end of the meeting like we've been doing.

Motion by Mr. Troyer, supported by Mrs. Powers to reply to the audience comments.

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

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

Council/Administration response to the audience remarks:

Mr. Salvatore thanked everyone for coming this evening and for coming to the podium.

Mr. Mencini acknowledged that cancer affects everyone and mentioned that people can get paint at the Recreation center to paint a name on the rock in remembrance of someone.

Mr. Troyer stated the home that Council voted on tonight is for construction of a duplex on Smith Road and that area is zoned single-family and Council voted to have a duplex to add rental property. Mr. Troyer stated to Mr. Ruebensaal that's the first I'm hearing of a debate and wish something would have been said to because Mr. Troyer is very interested getting that done. The Blood Cancer Awareness resolution passed tonight, in two weeks, and he expects the Breast Cancer Resolution to pass in two weeks at the next Council meeting. The problem with them is that they weren't brought up soon

Council/Administration response to the audience remarks:

enough and I am for both of these and am on as co-sponsor. If I can get these new pieces drawn up would like to get them passed by the end of the year, so there won't be an issue of being late and fast-tracked that I don't want to see done, as well as a lot of residents don't want to see done. As far as the Breast Cancer legislation the Councilman mentioned that he is still in discussions with the gentleman about the Bras Across the Bridge event and if that comes to fruition the legislation will have to be amended. It's not about the topic, it is about how it was the legislation was brought up and I don't want to start a precedence of introducing at a Caucus prior to the Council and passing them the same night. Any legislation unless it's an actual, true emergency brought up this way I will vote no on moving it from the Caucus Prior to the Council and also will vote no on suspension.

Mrs. McDonnell thanked everyone for coming tonight and wants everyone to know her mother is a cancer survivor, two years running. The reason I wanted the 2017 year off and make it an annual thing is because, to me, October is Breast Cancer Awareness month. It never was that I don't support it or anything else it was just that this one, to me, is important enough to be a continuance. If something needs to be added that's fine but October is Breast Cancer Awareness.

Mayor Coyne stated there are time-honored traditions in the way we do things in this city and think we do them specially. I lost my sister to cancer just a few months after my mother passed away. So when someone comes up and says we want to use your bridge, fire truck, whatever it may be to make people aware of the situation, we respond, this needless and pointless and quite frankly shameful. Also, let me say this about impugning someone's character I never thought it was necessary for an elected official to go to the podium. We had a report that was given to Council by an outside consultant who I had nothing to do with hiring, that was by Council's authority, not mine. Whatever parameters were set, I believe, you set them when you hired him. I'm forced to sign the contract whether I like it or not but that individual rather than dealing with the issues his integrity was impugned. I think it was a sad display and no one stood up to talk about it. Finally, Mr. Ruebensaal, I don't know where you came up with folks not being able to participate in a debate unless they refuse to. Quite frankly, I think the most important issue that should be revealed and discussed about is whatever those conflicts may be because they've affected the operation of this city. So if those folks refuse to answer them they can say why and if they have an explanation they can do that as well. I don't know who the Brook Park News is but whoever they are, they should concentrate on getting those folks up there so people can see how the Mayor gets all the blame and praise when things go right. Mayor Coyne apologized to Council and stated that Mrs. Reynolds is a fine person and is a contractual employee to live cast these meetings and not here to give comment. While I agree with every single thing in her statement I apologize to Council because city employees while they are on the clock should not be engaging in giving opinions at the meetings.

Council/Administration response to the audience remarks:

Mr. Astorino stated the comment about impugning character, presenting documents is not impugning character it's how you interpreted it and I didn't interpret them I presented the documents. The comment that was made about me not being allowed to participate in a debate because I couldn't answer some questions. I don't know where you received that information from and don't know who told you that. If you were looking to do that I would suggest that in the future contact the people that you're thinking about because nobody from the debate or anyone trying to set it up contacted me to see if that could be done. I have no idea of why there's any restrictions on me answering any questions, it almost gives an impression that there is some sort of cloud; there is nothing that would restrict me from answering questions. That was bad information on your part and part of the learning process may be to follow through with it and ask the people actually involved. So far as the cancer discussions, sometimes because this affects everyone your passions may be impacted by what you hear. There were concerns about this being last minute and people are saying it's existed since 1985. It wasn't a case of the actual resolution it was a case of how it was presented to Council by being in our mailboxes when we came to this meeting; that's the part I think is last minute and had the concern of some people. It's not that Council is callous to this it's more of the process that was last minute that bothered some people.

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

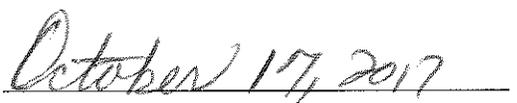
ROLL CALL: AYES: Mencini, McDonnell, Powers, Troyer, Salvatore, Burgio, Scott
NAYS: None. The motion carried.

Council President Astorino declared the meeting adjourned at 9:38 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.

Rcd 10/3/17

Brook Park Council Meeting
Tuesday, October 3, 2017

- Tackle, Flag Football / Cheerleading in under way we are in week 5- come out and cheer on your favorite football player and or cheerleader and team!
- Safety Fair- on Saturday, September 23rd was a huge success (thank you to all of the community organizations and vendors who came out and participated)
- Co-ed Volleyball (ages 8-17) and Co-ed Dodgeball (ages 6-13) registration has been extended the next two weeks.
- Basketball and cheer dance registration is currently underway and will continue the entire month of October.
 - This year we are a Junior Cav's affiliate- each participant will receive a ticket to an upcoming cav's game and cav's jersey. Please contact the recreation center for more information.
- Annual Youth Halloween party (ages 12 and under) will be Sunday, October 29 from 11:00am-2:00pm. Please bring a non-perishable food item so we are able to make a donation to Audrey's Outreach and make sure the kids bring something to collect their candy in.
- October is Half off yearly memberships- come on in and register today!
- On Thursday, October 12th from 9:00-12noon Giant Eagle will be offering Flu shots at the recreation center. No appointment necessary. Please be sure to bring your medical cards.

Maryann Fields, Recreation Director

