

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON TUESDAY, NOVEMBER 21, 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, McDONNELL, MENCINI**

Also in attendance were Law Director Horvath, Finance Director Cingle, Building Commissioner Hurst and Engineer Piatak.  
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**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. REGULAR COUNCIL MEETING HELD ON NOVEMBER 14, 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.

**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee – Chairwoman, Powers

Mrs. Powers stated no report this evening.

Finance Committee –Co-Chairman, McDonnell

Mrs. McDonnell reported the Finance Committee has one item on tonight's agenda.

Legislative Committee – Chairman, Troyer

Mr. Troyer stated no report this evening.

Parks & Recreation Committee – Chairman, Mencini

Mr. Mencini reported there will be a Youth Fun Day Wednesday November 22nd with a cost for non-residents of \$5.00, this will kick off the holiday season at the recreation center. Toys for Tots registration started today for youths 14 and under proof of residence is required. Registrations runs through December 15th, please contact Recreation Director Fields for further details. The Tree Lighting Ceremony will be held on Friday, December 1st at 6:00 p.m., there will be a Craft Show at the Recreation Center on December 9th from 10:00 a.m. to 3:00 p.m. On Thursday, December 28th, the seniors will be having their New Year's Eve Dance from 10:30 a.m. to 12:30 p.m. and the youths New Year's dance will follow on Friday from 10:30 a.m. to 12:30 p.m. Mr. Mencini wished everyone a very Happy Thanksgiving.

Planning Committee - Chairman, Troyer

Mr. Troyer reported the December 4th Planning Commission was cancelled due to no applications received.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated the Safety Commission has one item on tonight's agenda.

Service Committee – Chairman, Burgio

Mr. Burgio stated no report this evening.

Board of Zoning Appeals – Chairman, Scott

Mr. Scott reported the Zoning Board meeting for December 4th has been cancelled and the next tentative meeting is scheduled for January 8, 2018.

**REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center - Trustee, Salvatore:

Mr. Salvatore stated there hasn't been a meeting since the last report.

Berea Board of Education - Representative, Burgio.

Mr. Burgio stated the next school board meeting is November 27th, a report will follow after that meeting.

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**REPORTS OF BOARDS AND COMMISSIONS:**

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**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

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**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

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

City Engineer Piatak

Mr. Piatak reported the Snow Road Resurfacing zone is down and the contractor is working on finishing up permanent striping for the next week or so, weather permitting. The Sylvia Drive Reconstruction the last phase of the main line concrete pour is scheduled for this Saturday, weather permitting, with the alternate day being Monday. The Crack Sealing Project is scheduled to begin early in December. The preliminary rankings for the State Capital Improvement Program for Holland Road through the Ohio Public Works Commission (OPWC) came out last Friday. The Holland Road project came ranked number five out of 52 applications; so the city was within the first tier for project funding. Mr. Piatak is encouraged that the project will be funded through OPWC in accordance to the application submitted; final results are due at the end of December.

Mr. Burgio asked when the project on Sylvia Drive will the underground loop be repaired?

Mr. Piatak replied the loop is in the section of concrete that will be paved, as soon as that is done then the loop will be cut.

Mr. Scott asked if there are any parking restrictions on Middlebrook where the barrels are in the middle of the road. Several complaints have been received that cars are parked in the middle of the road and dodging barrels.

Mr. Piatak replied the zone is half set up and half taken down. The contractor has promised me that there was some asphalt work being done today and should be cleaned up by Wednesday; so currently normal parking is in effect.

Mr. Mencini asked with the Holland Road project, is that from Engle to Fry?

**Reports and Communications from Departments, Commissions and Other Public Officials: (cont.):**

Mr. Piatak concurred.

Mr. Mencini referred to the Middlebrook Blvd. barrels that are usually in place until the project for concrete pouring on certain days; so people park where they will.

Mr. Piatak replied comparing Sylvia to Middlebrook, Sylvia is a different state as far as progress for construction. We try to be lenient with the people that live there and allow them to proceed out of their driveways the best way possible. Sometimes, contractors may have a dump truck parked waiting to get loaded that obstructs the normal flow of traffic. Middlebrook needs to be addressed and with some of the work taking place today the contractors wanted the barrels up to keep the zone somewhat intact. So it was reinforced to the contractor both yesterday and today that the area needs to be cleaned up.

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Law Director Horvath

Mrs. Horvath reported at the last meeting, details were given on various cases for pending litigation; not much has changed in those cases so the last report stands. Regarding the issue that appeared on the Caucus agenda regarding the Ohio State Building Code and looking at the Ohio Revised Code it appears the section listed in the legislation is correct.

Mr. Mencini will be calling Law Director Horvath tomorrow for an update on some issues in the law department.

Mrs. Horvath responded absolutely, and one issue I am going to have the Board of Elections look at that.

Mr. Astorino asked Law Director Horvath about the legislation passed last week on the Medical Marijuana extension. To date the Mayor has not signed the legislation so it did not go into effect. Does Council need to pass another piece of legislation?

Mrs. Horvath replied she does not know when the date for a veto process would go into effect. She will confirm with the Mayor and send all of Council a brief opinion on that issue.

Mr. Astorino believes it is 10 days and the Mayor stated the night of the meeting that he is not going to sign the legislation but it wasn't clear if the Mayor meant that night or not all. The Mayor has ten days to veto or not sign at all and the legislation then takes effect. My question is the moratorium expired on Thursday and that legislation is not in effect because the Mayor didn't sign. so the question is does Council to change the legislation because the legislation passed was an extension and it is my understanding that currently there is no moratorium.

Mrs. Horvath replied Council may need to pass another piece of legislation and will confirm that as well.

**Reports and Communications from Departments, Commissions and Other Public Officials: (cont.):**

Finance and Tax Director Cingle

Mr. Cingle reported on Wednesday, November 22nd, the administration will be bringing two ordinances to Council for next week's Caucus agenda. One will be the 2017 final appropriations as well as the 2018 temporary appropriations for the first three months. Mr. Cingle mentioned if there are any questions before next Tuesday please contact him and wished everyone a Happy Thanksgiving.

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**Motion** by Mr. Troyer, supported by Mrs. Powers to recess to get a piece of legislation for introduction tonight.

**ROLL CALL: AYES:** Troyer, Powers, McDonnell, Mencini, Scott, Burgio  
**NAYS:** Salvatore. The motion carried with a vote of 6-1 at 7:50 p.m.

**Motion** by Mr. Troyer, supported by Mrs. McDonnell to go back to the Regular Order of Business.

**ROLL CALL: AYES:** Troyer, McDonnell, Powers, Mencini, Scott, Burgio  
**NAYS:** Salvatore. The motion carried with a vote of 6-1 at 7:53 p.m.

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

1. AN ORDINANCE AUTHORIZING B & BF CONTRUCTION TO COMPLETE SANITARY SEWER REPAIRS NEAR 21718 FORESTVIEW CIRCLE AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. **Placed in the Service Committee.**
  
2. A RESOLUTION HONORING ASTRONAUT AND SENATOR JOHN GLENN. Introduced by Councilman Troyer. **Placed in the Legislative Committee.**

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**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

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

Liz Sayers  
23065 Cedar Point Road  
Ms. Sayers wished everyone a Happy Thanksgiving and Merry Christmas.

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

1. ORDINANCE NO. 11006-2017, PROVIDING FOR A CONTRACT BETWEEN THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT AND THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

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

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

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

**ROLL CALL: AYES:** Mencini, Scott, Burgio, Salvatore, Troyer, Powers, McDonnell  
**NAYS:** The motion carried. Ord. No. 11006-2017, has passed under Suspension of the Rules. Adopted.

2. ORDINANCE NO. 11007-2017 REQUESTING CERTIFICATION TO ENFORCE THE 2017 OHIO STATE BUILDING CODES WITHIN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. Salvatore commented a letter was just received from the law and building departments stating that the code section mentioned in the legislation is correct, therefore, no amendment is necessary.

**Motion** by Mr. Salvatore, supported by Mr. Scott, to suspend.  
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Mr. Troyer stated as the Building Commissioner stated and this is already three weeks past; so another couple of weeks will not hurt anything. Mr. Troyer still has questions with the code section and still has questions to be asked so Council should not fast-track this legislation, it's not a true emergency.

Mrs. Powers concurred with Mr. Troyer, there is no reason to call this an emergency.

Mr. Mencini stated the Building Commissioner explained this thoroughly and disagrees that it doesn't make a difference and thinks Council should suspend.

Mrs. McDonnell stated I'm not a fan of making quick decisions and expressed concern if the city has a building project coming in this week or within the next two weeks using the old codes. What is the ramifications? Does the city have to pay for them to update the project if the codes are that different; or how would that work?

Mr. Astorino commented that earlier both the Planning Commission and Zoning Board members stated that the December meetings were cancelled, therefore, there are no projects before the city right now. Mr. Astorino doesn't think there would be an impact but could be wrong.  
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The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Scott to suspend.

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

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

Mr. Astorino stated that Ordinance No. 11007-2017, has had its First Reading.

**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

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

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

Council President Astorino declared this meeting adjourned at 8:02 p.m. and wished everyone a Happy Thanksgiving.

RESPECTFULLY SUBMITTED Michelle Blazak  
Michelle Blazak  
Clerk of Council

APPROVED December 5, 2017

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