

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, NOVEMBER 28, 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, Finance Director Cingle, City Engineer Piatak.

Councilwoman McDonnell was excused.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus Meeting held on November 14, 2017.

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

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

NAYS: None. The motion carried.

DISCUSSION:

1. 2018 CAUCUS & COUNCIL MEETING SCHEDULE – FOR THE FIRST THREE (3) MONTHS AND THE ENTIRE YEAR.

Mr. Astorino stated with the change in terms something needs to be done for next year.

Mr. Scott asked if there is an error with having the Caucus before the Council meeting on January 2, 2018 due to the rule change?

The clerk responded that has never been done in the past but can be added if that's Council's decision.

Mr. Salvatore stated it should be on the schedule and he is not prepared to approve a three-month schedule, would prefer a two-month schedule.

Mr. Astorino stated that currently there is no Caucus before the Council meeting on the schedule; with the way it is posted currently.

Mr. Salvatore stated there is a Caucus meeting before the Council meeting for November 14th.

Mr. Astorino clarified that's because there was no Council meeting held on November 7th due to Election Day; looking at November 21st there is no Caucus, just a Council meeting date.

Discussion: (cont.):

Mr. Mencini stated he is okay with the new meeting schedule and when the Organizational meeting occurs with the new Councilmembers they can provide input. Having four meetings in January would get Council customized and possibly in time there could be a change to have two meetings a month.

Mr. Astorino commented there has to be something scheduled for at least January, 2018.

Motion by Mr. Salvatore, supported by Mr. Scott to add the Caucus before the Council meeting to the schedule, and approve the schedule for the first two (2) months of 2018.

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

NAYS: None. The motion carried.

This will appear on the Caucus Prior to the December 5th Council agenda with changes.

2. DIVISION OF LIQUOR CONTROL – PAWUK REALTY LTD., DBA PAWUKS BAR, 15200 BROOK PARK ROAD, BROOK PARK, OH 44135 **C TFOL 6749239 FOR A D2, D2X, D3, D3A, D6.** (Note: per conversation with liquor control agent on 11/22/2017. TFOL is for a transfer of location – **former Fox's Den**). **Postmark date: 12/11/2017.**

Mrs. Horvath stated spoke with Mr. Pawuk earlier today and circumstances have changed; they're no longer looking to transfer this license. This would be for the Red, White and Blue Tavern, former Fox's Den. It appears there is someone now who is interested in leasing and opening a business at that location. In my discussions with Mr. Pawuk he asked if Council could table this for approximately two weeks because by then he will know if they are able to keep the license there.

Mr. Astorino noted responses must be posted by December 11th, so there is still time for a decision.

Mr. Salvatore suggested to have this placed on the December 5th Caucus Prior to Council. This gives the law director a few days to have an answer.

Motion by Mr. Salvatore, supported by Mr. Scott to place this on the Caucus Prior to agenda of December 5th.

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

NAYS: None. The motion carried.

3. AN ORDINANCE AMENDING ORDINANCE NO. 10070-2017, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. Cingle stated he will review the larger items of \$2,000 and up. The first item is an increase in salary to the part-time Clerk of Council salaries by \$5,000, mainly due to more part-time hours being worked. The same applies to the Mayor's Court showing an increase of \$4,200 due to more part-time hours being worked. In Public Recreation

Discussion: cont.

increase in part-time salaries due to more part-time hours being utilized but are reducing the Professional Service line item by \$10,000; so some of the costs used to be expensed out of the Professional Services line-item are being charged to part-time salaries line item. Home Days Celebration is being zeroed out because the festivities are completed. The Mayor's office is proposing an increase in part-time hours by \$4,000 due to more part-time hours being worked. Human Resources Professional Service proposed increase of \$2,050 for employment and drug testing. Contractual Facility (jail) proposes an increase of \$8,000 for cost to other communities that we pay to house female prisoners. Mechanics increase in regular salaries to \$6,000, mainly due to sick time pay-outs and also acting former rate charged there during this year. The Safety Building contracts proposes an increase of almost \$24,000 for Dispatch services to the City of Parma. Police Department regular salaries proposes an increase of \$40,000 mainly due to the Me-Too award that was settled in June of this year. Overtime 512 proposes an increase of \$20,000 for overtime being worked this year; due to some employees that have been injured increasing overtime. Fire Department regular salaries proposes an increase of \$51,000 mainly due to the Me-Too. Overtime proposing an increase of \$31,000 due to employee injuries causing an increase to overtime. The Building Department proposes an increase of \$4,000 in regular salaries due to comp pay-out, sick and vacation payout. Any questions on page 1.

Mr. Mencini asked to go back to the Home Days Celebration line item.

Mr. Cingle replied since the Home Days has been finalized all the expenses have been incurred; each line item is being zeroed out. Any excess being reduced, for example, equipment rental was proposed at \$1,500 with \$1,200 being spent there was a reduction of \$300.00 but in the regular salary line-item started with \$1,000 appropriation with the total cost being \$1,341.75. So we are increasing that amount to zero out that line item.

Mr. Mencini asked with the regular salaries for police and fire the Me-Too award accumulated to \$91,000.

Mr. Cingle concurred.

Mr. Astorino asked to go back to the Safety Building, is that the increase to the Dispatch contract?

Mr. Cingle concurred.

Mr. Astorino asked if that was an annual increase that was implemented?

Mayor Coyne replied they negotiated a pay raise, that part is the city's share.

Mr. Astorino questioned the overtime for the police and firefighters because based on the October month-end reports. The overtime for the police department had \$51,000 unencumbered and we need to add a \$20,000 increase. Is it anticipated to have \$71,000 over the next few months?

Discussion: cont.

Mr. Cingle replied based on our projections, that is the proposal to increase that line-item.

Mr. Astorino noted the fire department's unencumbered is \$72,000. Is there any information on overtime for November so far?

Mr. Cingle stated he thought he brought the Appropriation Report with him and will have at the next meeting.

Mr. Astorino stated there is a lot being put into overtime and would like to see why?

Mr. Cingle commented the other item is with the additional vacation and holiday overtime will make it a bit higher in both departments.

Mr. Astorino stated the overtime for the police during the first 10 months was \$175,000, about \$17,500 a month; with \$51,000 unencumbered, or three months unencumbered.

Mayor Coyne commented adjusting the appropriations doesn't mean it is expended, therefore, at the end of the year there may be balances in these funds. Like snow removal it is a guesstimate, so much monies are put in there. I'd rather appropriate and be safe then not due to a storm or lights knocked out for the police. What you will see going forward this year is the options of getting paid for that sixth week or using it. Next year you may have to hire people to fill vacations let alone provide services, this will have a tremendous impact on the workforce in the city.

Mr. Cingle stated on page two starting with the Animal Warden, overtime and part time salaries increased for more time worked. Service Building Miscellaneous Expense proposed increase is \$50,000, mainly for gasoline. What is done here is process a purchase order and initially the cost of the purchase order gets allocated to the Service Building. Once gas is utilized by departments the expense is then processed and paid through the departments. For example, with a \$50,000 purchase order and \$5,000 is used by the police department that cost is expensed to the police department; that adjustment is made once the fuel is utilized. The Sanitation Department Miscellaneous expense proposed increase to \$35,000 is mainly for dumping fees; tonnage is up this year. Trees and Tree Lawn Repair and Maintenance proposed increase of \$10,000 are for repairs to the leaf machine. Sewers and Drains proposed increase of \$12,500 is for overtime hours worked. Snow Removal proposed increase of \$15,000 for overtime as the Mayor stated we don't know what activity there will be in December and are preparing for the worst. Miscellaneous Expense is being reduced by about \$17,300 for salt expenditures. The Law Department part-time salaries proposed increase of \$10,000 is for the law director's legal services billed over salary. The Finance Department proposed increase of \$3,500 for Fringe Benefits for an adjustment of hospitalization is being reduced by proposing to reduce the Professional Service line item by \$3,500; for a zero impact to the General Fund. Retirees Fringe Benefits proposed increase of \$65,000 to pay retirees for Medicare reimbursement. Elections the proposal is to reduce the line

Discussion: cont.

item by nearly \$24,900; that is paid through the Property Tax settlements, only \$140 was charged this year for elections and may have an increase charged in 2018. Insurance and Bonding proposes increasing the insurance line item by \$14,358 for Cyber Insurance purchased this year. Based on the city's review and talking with the city's insurance consultant the city is taking in more credit card payments so this will protect against breaches. Miscellaneous Executive proposed increase on the Professional Service line item \$50,000 and in the Contracts line item \$50,000 for a total of \$100,000. What we would like to do before the end of the year is to close out the city's outside legal services; not sure what the dollar amount will be, hopefully we won't have to spend all the \$50,000 for Professional Services for outside legal fees; this just makes sure there is enough in there for the final payout. The Contracts line for Contingency proposal is \$25,700, for any emergencies before the end of the year; those monies may not be used but are there if an emergency arises. In the General Fund, Transfers and Refunds the proposal is to reduce the Transfer line item by \$15,000 and increase the Refunds by \$15,000. This is for the radio tower service for putting up towers reimbursed to the City of Brook Park. Those refunds are paid back to the communities that are part of Council of Governments (COG) like Middleburg Hts., Berea are due a refund. The total overall impact to the General Fund is an increase of \$550,000.

Mr. Troyer asked for a clarification, are we appropriating \$550,000 more than initially proposed in this year's budget?

Mr. Cingle replied correct.

Mr. Troyer asked to back to Animal Warden (419) on 512 Overtime. One thing noticed in last month's month-end report we actually spend \$846.79 more than appropriated and making up for that in these changes?

Mr. Cingle replied correct.

Mr. Troyer asked about the Service Building Miscellaneous Expenses (527) you said that was \$50,000 for fuel additionally. One of my concerns and one of the reasons I kept asking to have the budget brought forward and amended. Because there's been an unencumbered negative balance in this for months and I don't think this is a way the city should be doing business. Of buying needed fuel but at the end of last month we have \$45,642.55 that the city owed on fuel that wasn't appropriated. So monies were spent and items purchased with money that wasn't appropriated yet. This is why I kept asking that the budget be brought up and amended at least three times a year if not more. There are quite a few cases where the money was spent and it was never appropriated in that item. Some of it gets moved within the cost-center, that works, but this is one that is not moved within the cost-center. It is after-the-fact throwing \$50,000 for monies spent that were not appropriated; we're fixing it after the fact, that's not Council doing their job and hope the next Council does something about this and requires these budgets be amended throughout the year in a regular basis.

Mr. Cingle stated just a point of clarification, the money has not been spent. The encumbrance is made out of that department and has been made like that for years. A

Discussion: cont.

\$50,000 purchase order is processed and the processing is to the Service Building. When the fuel is used and it is paid that encumbrance gets reduced. For example, if all \$50,000 was for the Police Department, the expenditure would be out of the Police Department budget, not out of the Service Building budget. This encumbrance would become zero and the expense would be processed to the police department. So the police department Miscellaneous Expense line-item would go up \$50,000. The encumbrance Miscellaneous Expense line-item for the Service Building would go down \$50,000. So these monies have not been spent, they are being encumbered so fuel can be purchased.

Mayor Coyne stated, if you read this Ordinance you make a General Fund appropriation at the beginning of the year. What this says is the amounts appropriated for items expensed in 2017 are approving to be insufficient, while surpluses are developing in other appropriations. For the public what that means is this, we have a guesstimate of a budget and anticipate what those costs are going to be; so we appropriate accordingly. Mayor Coyne resents the implication that we are doing something wrong. We are finding in this point of the year that there are insufficient funds in the area for purchasing of gasoline. The Finance Director explained how this is done by putting in once cost-center, we appropriate it there to be charged against the people who use it. So no one is doing anything improper these are the way things are done. If the new Council wants to make appropriations every month they will spend more time doing that than anything else. Most people will tell you once you make the General Fund appropriation. As long as it is expended in the General Fund or as the Ordinance reads appropriated or to be appropriated i. e. projects. Council votes on the legislation that reads to be appropriated and the administration contracts for that project and makes the adjustments in the budget, that's your job. The city is not expending more than what is appropriated, we are making adjustments we need and as seen in the final quarter of the year. In the beginning of the year we didn't anticipate two sewer projects that are in here because emergencies cause that we have to repair them.

Mr. Mencini made a point of clarification, even though the weather is nice there is still the possibility for snowstorms and crews running 48-hours straight.

Mr. Cingle replied you are correct, if there is a snowstorm and \$20,000 of this \$50,000 is used for snow removal the expense will come out of Snow Removal Miscellaneous Expense line item. Looking back at the final Appropriation Ordinances for the last five to ten years you will see the Service Building line item on every one of them to have enough fuel to get through the end of the year.

Mr. Astorino asked if the purchase order has already been processed? Has the gasoline already been purchased for this?

Mr. Cingle replied the purchase order is processed and the service department orders the fuel. There is a computer system on the tanks so whoever is fueling up must punch in a code; a report is generated and used to allocate the expenditure by department.

Discussion: cont.

Mr. Troyer continued the point is we purchase and receive fuel so it's encumbered but the monies were not appropriated to pay for the fuel; it is Council's job to watch the money. The amount of \$35,000 in sanitation for dump fees with an unencumbered balance of \$36,000, that looks correct. With trees and lawns \$10,000 for repairs and another small example of appropriating after the fact. There is an unencumbered balance of \$8,101.82 but it appears the monies was already encumbered but the debt wasn't paid before monies were appropriated. If more money is needed in a certain area and can't be taken from the cost-center the budget should come back to Council for amendments to put the money where needed and not wait until the end of the year.

Mr. Cingle stated that was for the leaf machine and we are in leaf season so there have been many expenditures recently. With your comment, we would have to shut down the leaf machine and wait for Council approve the expenditure of those dollars. So leaves would not be picked up using your analogy.

Mr. Troyer stated the month before shows \$3,300 unencumbered balance so the unencumbered balance has been growing; months ago monies could have been added to be prepared.

Mr. Mencini stated he does not think this is the kind of paradox we want to get into with having come back to Council for repairs to the leaf machine. Mr. Mencini continued and asked Mr. Cingle is this an adjusted amount for when equipment fails is that reason for the increase for this time of the year?

Mr. Cingle replied this year there have been a purchase orders for emergency repairs to the leaf machine. Obviously more than previous years so we asking Council to appropriate the funds to pay for the expenditure to repair the leaf machine.

Mayor Coyne commented on the whole budget Council makes an appropriation of the General Fund expenditures of the city; the only thing that is dedicated is Capital Improvement monies. We have never exceeded our expenditures of the appropriation of the General Fund and in most times we've adjusted them because we had more revenue coming in. Fundamentally, we are nit-picking this budget that is an adjustment to show where actual expenditures have been made. In some of these cases Mr. Troyer is pointing out where we adjusted here and there. Mr. Troyer doesn't talk about where monies have not been spent money and don't talk about the extra pay that can be added up in the cost-center to see how much that costs. These are very simple appropriations so add them up Mr. Troyer. We didn't provide for those in the budget and have to make adjustments for them now because of your vote.

Mr. Troyer replied, Mayor, just because you say it is so does not make it a fact.

Mr. Coyne replied it is a demonstrated record and fact, your vote will indicate what you did and be responsible for it, four years you don't understand the budget process.

Mr. Astorino stated it would help Mr. Cingle if you would let us know the increase in expenditures because Council has been told you have been working on the budget since

Discussion: cont.

July and August but holding off for sewer repairs. So in reporting if adjustments were made in August that would possibly eliminate one of the Councilman's questions.

Mr. Troyer commented I do understand the budget and does not like how we have been doing things. The comment was made that we are passing this budget so we can pay for it or so it could be done but earlier it was said it had to be done. We bought a new leaf machine to replace the old machine. The question is the service department using the old machine that was going to be replaced and now have a problem with it. Monies have been spent that weren't appropriated and understand why it was done and it wasn't time because it was different amounts over a few months. What we should do if we haven't appropriated the monies to a large extent, which this is, that the budget should be brought to Council more often for amendments. So Council has a better idea of what is going on and can approve things like Council is supposed to. Council is supposed to watch the money and approve where it's spent. It will work out fine and is on the up and up legally but I'm just saying Council should appropriate the monies prior to being spent. The Mayor mentioned the cost-centers and for example with snow removal there was a transfer of \$17,317.50 taken out of Miscellaneous and moved those monies to Overtime and Fringe Benefits. There are some instances where if you look at the monthly report there are negative unencumbered balances. Moving on, Fund 429 Sewers and Drains line-item 512 - Overtime.

Mr. Cingle commented more overtime spent within that cost-center.

Mr. Troyer stated it looks like the month-to-date expenses are \$3,5000. Are more monies being put there?

Mr. Cingle responded November is going to be a bigger month.

Mr. Troyer stated okay, just be careful we don't want to come back after Christmas?

Mayor Coyne asked if this is an Appropriation Ordinance.

Mr. Astorino stated it is an Appropriation Adjustment Ordinance.

Mayor Coyne commented if the Councilman does not think the adjustment is fair or appropriate, he should vote no. he is reviewing things the Finance Director has already reviewed.

Mr. Astorino commented this is a Caucus meeting, it is under discussion. If Council has questions he does not see why they should not be asked.

Mayor Coyne stated that the Councilman is answering his own questions.

Mr. Troyer under the Law Department 513 - Part-time salaries were for the law director?

Mr. Cingle concurred.

Discussion: cont.

Mr. Troyer continued it shows the October month-to-date expenses were over \$11,000 and are adding \$10,000 and an unencumbered balance of \$28,000. Is there a reason another month's cost is being added?

Mr. Cingle replied speaking with the Law Director we asked if there were any legal billings that we will be paying by the end of the year. If so, how much? Mrs. Horvath responded \$10,000 so we are asking Council to increase the appropriation by \$10,000 per the recommendation of the law director.

Mr. Troyer stated there is already an unencumbered balance of \$28,000.

Mr. Cingle interjected there is still the November payroll and three payrolls in December, for a total of five payrolls to be processed.

Mr. Troyer stated so this is the part-time salaries as originally appropriated with \$10,000 being for other legal matters to be paid to the law director or someone else?

Mr. Cingle responded to the law director.

Mr. Troyer continued the Mayor and Finance Department were a wash by taking \$3,500 from Professional Service and put into Fringe Benefits.

Mr. Astorino asked Mr. Cingle for an explanation about 831, the Auditor-Treasurers fee.

Mr. Cingle stated the majority of those are paid through property tax settlements; the fees that are charged. There are also fees for the State Auditor's office to review the city's annual audit, they costs came in higher than previous years.

Mr. Troyer asked about 874 - Miscellaneous Executive you stated some costs are expected to be higher at the end of the year; 523 - Professional Services \$50,000 is being added. Originally, there was \$150,000 and now adding \$50,000 totaling \$200,000 for Miscellaneous Executive. Mr. Troyer expressed concern with having an unencumbered balance of over a negative \$25,000. After the fact, we are appropriating the money for Executive Professional Services and this is definitely one Council should be aware of before being encumbered. Last month no monies were spent on contracts in 529 -Miscellaneous Executive and are now adding \$50,000 to the \$34,000 showing. What kind of expenses are expected?

Mr. Cingle asked what the negative balance for that?

Mr. Troyer stated \$34,533.00.

Mr. Cingle stated we can move monies from the contract line to professional services. The negative \$25,000 can be taken from the contract line and move it to the professional services line item internally. So the entire department is not overspent. The monies can be moved and wasn't done, I think the same thing happened in trees and tree lawns. There are monies in the contract line item that could have been moved

Discussion: cont.

up to repair and maintenance to eliminate the negative. The reason that wasn't done is because we knew an appropriation change would be brought forward to Council.

Mr. Troyer commented I understand, by looking at this that isn't showing.

Mr. Cingle stated there are going to be additional expenses in trees and tree lawns so the entire cost-center needs to be looked at. In professional services the large expenditures are in outside legal fees, mainly for union negotiations. The law firm is still working on a few matters and I didn't get the final billing but would like to close that out and pay them by the end of the year so there aren't any outstanding liabilities with that firm going into 2018. That's why we're asking for \$50,000, I don't know if it's going to be that high but would rather be safe.

Mr. Troyer commented if I would have seen that in the cost-center that would have helped with that issue.

Mr. Astorino asked Mr. Cingle about the Contingency line; that is just for emergencies, correct?

Mr. Cingle concurred and stated if a department is overspent monies can be moved. Hopefully, we won't use it but would rather be safe.

Mr. Astorino stated nothing is there it's just so you don't have to come back in December with something?

Mr. Cingle concurred.

Mr. Mencini asked Mr. Cingle about Fund 830 - Elections.

Mr. Cingle stated line-item gets paid through the property tax settlements with only \$134.90 being charged to the city for elections; property tax settlements are done for 2017 so the appropriation was reduced since it wasn't needed.

Mr. Astorino asked if there was a Special Election the city would have been charged?

Mr. Cingle concurred.

Mr. Cingle moved on to the City Income Tax Fund proposed increase of \$350,000 in the transfer line item. Reason for that is we are increasing Income Tax Revenue projection. Started the year with \$19.1 million dollars and increasing the projection to \$19,450,00. Reason for this is the tax court that is being operated on a monthly basis the projected increase is roughly \$106,000 over the amount estimated earlier this year. I can't say it enough, Mary Maykut and the individuals in tax department along with Magistrate, Joe George have done a wonderful job with tax court. Exceeded my expectations but they do a great job and because of their efforts there is an increase to the Income Tax Revenue projection by almost \$106,000. Business Net Profit projection increased at \$185,000 higher than the initial projection. Withholding payments through payroll

Discussion: cont.

projected increased by approximately \$70,000. The good news is the income tax projection will increase by \$350,000 and more than 80% of that going to the General Fund to offset the proposed \$550,000 appropriation increase. Seeing no questions on Income Tax, Mr. Cingle continued with Street Construction Maintenance Repair is a net-zero. Moving money from the construction contracts as they are winding down, in talking with the city engineer. We moved \$20,000 from the Construction Contract to the Repair Maintenance line item. The State Highway Improvement Fund proposed increase of \$50,000 for repairs on Route 237. We have one joint contract currently with the City of Berea for Route 237 and Sheldon Road for repairs being done; that's the reason for the increase in this fund. The Permissive Tax Fund the construction contract season is winding down and in speaking with the city engineer he agreed to reduce the Construction contract by \$20,000 and increase the Miscellaneous Expense line item by \$20,000 for road materials; leaving a zero balance in the Permissive Tax Fund. The Waterpark fund is done for the year and part-time salaries were a little higher than appropriated but Miscellaneous Expenses ran a little less than appropriated; having a zero impact on Waterpark Fund.

Mr. Mencini asked how much tax revenues are projected to be lost with Nissan closing on Brookpark Road.

Mr. Cingle didn't have the information with him but stated that will be part of the 2018 projection.

Mayor Coyne commented that they had difficulties with the franchise and it's been indicated that probably by the end of the first quarter in 2018 there will be a new operator in the Nissan dealership.

Mr. Cingle continued to page 3, the Law Enforcement Fund net impact is zero by moving \$1,500 into the Travel and Education line item and an initial \$1,000 in Miscellaneous Expense line item and reducing the equipment line item by \$2,500. With the Bond Retirement Fund there is a little over \$120,000, an increase to the Professional Services line-item of nearly \$162,000 and then the Interest line item of \$92,315.00. Starting with the Professional Services line item by working up and then back down. The \$162,000 roughly was the bond issuance cost for the Recreation project. Working down the page to the Fund 544 - Community Center Improvement Fund. The proposal for Professional Services line item is reduced to zero. Initially, there as an appropriation of \$220,264.00 and are proposing to reduce that entire amount down to zero. The Professional Services as it relates to the community center improvement will be expensed out of the Bond Retirement Fund. So, initially a little over \$220,000 was budgeted for Professional Fees with the actual cost was roughly \$162,000; for a savings of roughly \$59,000 and change.

Mr. Astorino asked if that has been paid.

Mr. Cingle replied yes, the Professional Services have been paid. Those were paid when the bonds were issued when the city received payment.

Discussion: cont.

Mr. Astorino asked was that in April?

Mr. Cingle responded April or May, continuing the principal line-item shows an increase of about \$120,000, we are making the first Principal interest payment on the Community Center Improvement on December 1st. So \$100,000 of the \$120,000 is for the Community Center improvement payment and the \$92,000 in interest is also for the Community Center Improvement. The other \$20,000 in Principal is the loan repayment for Phase 3 through the loan for that project. We did not have the amortization schedule at the time the budget was made, that came later in the year; that payment will be made also on December 1st. Seeing no questions, Mr. Cingle continued the Capital Improvement net impact is zero. Walking through the line-items, the proposed increase in Council of \$2,262 and change for the new audio and visual equipment that will be purchased and installed at the community center. With the Safety Building - land building improvements proposal is to reduce that appropriation by \$75,000. The roof repair that appropriated earlier this year by City Council the actual cost came in less than what was budgeted. So to take advantage of that we are reducing the appropriation by \$75,000. Sewers and Drains Construction contracts are proposed to increase by \$50,000 for Forestview and Fayette. Snow Removal and Equipment proposed increase the equipment line-item by \$9,600 for the lease of the truck purchased earlier this year. With General Government Lands Special Services increased from zero to \$50,000 for the pool roof analysis and the engineering fees for the parking lot renovations. Miscellaneous Expense increased from zero to \$2,000 for advertising for the parking lot and the contracts would be increased for testing for the parking lot. To zero-out the fund from an impact perspective we will reduce the equipment line-item in General Government Lands and Buildings, because those dollars were appropriated earlier this year but will not be utilized by year-end.

Mr. Mencini asked how much money was saved for the roof at the Safety Building?

Mr. Cingle replied \$220,000 was appropriated, the encumbrance and project amount is \$81,800, about \$138,200 less than what was initially appropriated.

Mr. Mencini asked for an explanation on the savings of the Government Lands and Buildings equipment.

Mr. Cingle replied mainly because the parking lot project bid has not been awarded yet. Seeing no questions, Mr. Cingle continued with the Sound Insulation Fund Professional Services line item shows a \$25,000; for the attorney fees for the potential litigation on the west end of town. Fund 541 - West 150th Smith Road Phase 4 fund we are proposing to reduce the Construction Contract line item by a little over \$254,000, that project is winding down. In speaking with the city engineer there was a grant and a loan from Ohio Public Works that was received for this project. We will not be using the loan monies, good news, and the project came in less than originally budgeted. Also, we will not be using the entire grant proceeds as well. So we are proposing to reduce the Construction contract line-item to reflect not utilizing all the grant and loan monies; and mirror that being close to the actual expenditure. The Police and Fire Pension line items, there is a \$15,000 increase to the police pension and a \$10,000 increase to the

Discussion: cont.

fire pension, due mainly to the salaries and overtime. With the Southwest General Fund, the city receives monies from the property tax collections for the hospital at the voted millage voted by the people in Brook Park; those monies get passed through to Southwest General. In the Building Standards Board Fund, we are proposing to reduce the refunds line-item by almost \$2,500 because the revenues are coming in less than originally projected at the beginning of the year; we are matching revenue to expenditure for that fund.

Motion by Mr. Salvatore, supported by Mr. Mencini to place this on the December 5th Council agenda.

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

4. AN ORDINANCE TO PROVIDE FOR THE TEMPORARY APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO FOR THE THREE MONTHS ENDING ON MARCH 31, 2018 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Mr. Cingle stated this ordinance allows for spending authority for the first quarter of 2018. We looked at the 2017 expenditures for the same period and considered items that we know will change, for instance, salary increases of 2%.

Mr. Troyer stated he would like to see one basic change on this for the next meeting. I would like to fund the Home Maintenance Assistance Program (HMAP) on the temporary budget and also fund one street to be chosen early next year. So the engineer will be able to get things going. What I would like is Fund 880 - Transfers change that from \$300,000 to \$1.4 million dollars. Then add a line for HMAP for \$100,000 and \$1 million dollars for the 2018 Road Program, I will be calling you to discuss this.

Mr. Cingle stated you can either call me or make it in a form of a motion.

Mr. Troyer responded that he did not want to make a motion until he has proper wording.

Mr. Salvatore commented this is a temporary appropriation. The current Mayor and his Administration laid it out how they believe it will be done; this will be for the new Council and Administration to work out.

Motion by Mr. Salvatore, supported by Mr. Scott to place this on the December 5th Council agenda.

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

Motion by Mr. Salvatore, supported by Mr. Mencini to go Out of the Regular Order of Business to address the West 130th Street project.

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

PLANNING COMMITTEE – CHAIRMAN, TROYER:

1. REQUEST FOR PROJECT APPROVAL TO CONSTRUCT AND A CONDITIONAL USE PERMIT TO OPERATE A MULTI-TENANT BUILDING AT PERMANENT PARCEL NUMBER 344-16-008. (Vacant lot at the corner of West 130th Street and Middlebrook Boulevard in a U3-B zone.)

Mrs. Powers stated in past meetings we have heard how people in that area feel about this project. There are safety issues with children because of increased traffic and there will be increased inconvenience to the residents there because of increased traffic and noise as well as an increase to lights and noise overnight. This is zoned for office, leave it zoned for office. Mr. Abdullah said he wants what he wants, and he will keep coming back until he gets it. Mrs. Powers hopes that the people here will keep coming back until they get what they want which is the opposite of what Mr. Abdullah wants. What is best for the citizens is for them to tell you what they want; they want the peaceful enjoyment of their own homes. It is a dangerous situation to have another driveway on West 130th Street, the driveway should be on Snow Road. Mr. Abdullah is not interested in what is good for the residents there.

Mr. Salvatore stated it was totally unnecessary to bring everybody here, nothing has changed and doesn't know how this came on the agenda. The gentleman that wants to develop it has a clear understanding that Council wants him to bring a project that is solid and I believe he is trying to do that. We have a new Administration and Council coming in that will address this and the developer has an understanding now that he has to follow the rules and ordinances of the City of Brook Park.

Motion by Mr. Salvatore, supported by Mr. Burgio to say this was Discussed.

Mr. Troyer stated he will not accept that motion while other Councilmembers still want to speak.

Mr. Mencini stated he has heard the arguments on what is going in there and it is not the place for a Starbucks or Chipotle. Mr. Mencini is not worried about his job, he is worried about doing what is best for the residents and will always vote in the best interest of this city.

Mr. Troyer explained this was placed on the agenda because some residents don't want to sit through the holidays wondering if this is going to happen. Over a month ago Council left this as needing more information, there may be some changes needed and have heard nothing. The residents want to know why this is sitting in limbo. Mr. Troyer asked the residents to send emails letting Council know how they feel they want this taken care of. Nothing is preventing Mr. Abdulla from coming in with another proposal, so far, he has not done so. Mt. Abdulla can talk to the residents of the area at the next Council to see if something can be worked out. If a proper proposal is presented to be office as is currently allowed, Mr. Troyer believes the residents will be happy with that.

Planning Committee – Chairman, Troyer: (cont.):

Mayor Coyne stated the proposal as is gives Mr. Abdulla the ability to market his property. Notwithstanding the resident's feelings, to make sure it addresses your concerns it should be done under a Conditional Use Permit. If proposal came and the criteria we set down, it would revert to what it is now. He complied with most of the things the resident's said they wanted. To the residents, it is not in your best interest for this property to be developed under a traditional plan. However it gets done, he hopes something gets done. Do it under a Conditional Use Permit and the city will have much more long-term ability to make sure that what is promised on that property will happen. Whatever happens on that corner should be done under a Conditional Use Permit.

Motion by Mr. Salvatore, supported by Mr. Burgio to place this back in Committee.

Mr. Troyer stated he thinks this is inappropriate because the residents are going to have to sit through the holidays and not know what is going to happen with this property.

Mr. Salvatore stated you are absolutely wrong.

Mr. Troyer stated Point of Order.

Mr. Salvatore stated he did not care about a Point of Order; you are misleading the public.

Mr. Astorino stated hold on to your words. Mr. Troyer is chairing the Committee, but he is chairing the meeting.

Mr. Astorino and Mr. Salvatore argued over whose job it is to address a Point of Order.

Mr. Mencini made a Point of Order, lets finish the meeting.

Mr. Astorino stated a Point of Order is not giving direction in a meeting. A Point of Order is a rule violation. If a Councilperson continues to talk, they are in violation of parliamentary procedures.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Burgio, to place in committee.

ROLL CALL: AYES: Salvatore, Burgio, Scott

NAYS: Mencini, Powers, Troyer. Tie-vote with Council President Astorino voting No. The motion failed by a vote of 5-3.

Motion by Mrs. Powers, supported by Mr. Troyer that it was Discussed in Committee.

ROLL CALL: AYES: Powers, Troyer, Mencini

NAYS: Salvatore, Burgio, Scott Tie vote with Council President Astorino voting Yes. The motion carried.

Mr. Astorino explained to the audience that the motion the item was discussed in committee means the issue is defeated for right now. Mr. Abdulla can come back with another request at a later time.

Motion by Mr. Troyer, supported by Mr. Mencini to go Back to the Regular Order of business.

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

NAYS: None. The motion carried

AVIATION & ENVIRONMENTAL COMMITTEE – CHAIRWOMAN, POWERS:

1. A RESOLUTION URGING RESIDENTS OF THE CITY OF BROOK PARK TO CEASE THE USE OF TOXIC PESTICIDES. Introduced by Councilwoman Powers.

Motion by Mr. Scott, supported by Mr. Mencini to say Read in Committee.

Mrs. Powers stated she would like to have a vote on this tonight because pesticides kill the good insects as well as bad. Pesticides get into the water supply and endangers animals and humans.

Mr. Mencini stated this has been here for quite a while and has not been acted on, this could be more clarified as to what kind of pesticides.

Mr. Astorino stated the legislation recommends the use of natural pesticides, not toxic ones. There is no binding order under this, or enforcements, it is for awareness of the issue.

The clerk called the roll by Mr. Scott, supported by Mr. Mencini, that the legislation was Read in Committee.

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

NAYS: None. The motion carried

FINANCE COMMITTEE – CO-CHAIRMAN, TROYER:

1. AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR EMPLOYEES OF THE CITY, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER NEGOTIATED LABOR CONTRACTS AND DECLARING AN EMERGENCY. Introduced by the Finance Committee.

Motion by Mr. Scott, supported by Mr. Scott to have Read in Committee.

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

NAYS: None. The motion carried

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER

1. A RESOLUTION REPEALING RESOLUTION NO. 6-2016 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Motion by Mrs. Powers, supported by Mr. Troyer to say Read in Committee.

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

NAYS: None. The motion carried

2. A RESOLUTION DESIGNATING THE MONTH OF OCTOBER AS BREAST CANCER AWARENESS MONTH IN THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

Mr. Troyer stated this is the Resolution he said he would bring forward allowing for Council to discuss the issue in June of every year as to what other activities there would be.

Mr. Mencini commented this is introduced by Council as a Whole.

Mrs. Horvath stated that may be an error on the Law Department's part and is something that needs to be cleared up now.

Mr. Salvatore, Mr. Scott and Mr. Burgio indicated they did not want to be sponsors.

Motion by Mrs. Powers, supported by Mr. Troyer to place on the next Council agenda.

ROLL CALL: AYES: Powers, Troyer, Mencini

NAYS: Salvatore, Scott, Burgio. Tie vote with Council President Astorino voting yes. The motion carried.

3. A RESOLUTION DECLARING NOVEMBER AS NATIONAL DIABETES AWARENESS MONTH IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY.

Introduces by councilman Salvatore and Council as a Whole.

Motion by Mr. Salvatore, supported by Mr. Mencini to place Back in Committee.

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

NAYS: None. The motion carried

4. A RESOLUTION RECOGNIZING PROJECT EVERGREEN'S GREENCARE AND SNOWCARE FOR TROOPS INITIATIVE AS THE PREFERRED PROVIDER FOR FAMILIES OF DEPLOYED MILITARY PERSONNEL AND POST 9/11 DISABLED VETERANS WITH A SERVICE-CONNECTED DISABILITY IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mayor Coyne commented this was done at the request of the Council President-elect.

Mr. Troyer asked if this was just a Resolution for recognizing Project Evergreen's program, not an expenditure.

Mayor Coyne concurred and stated there would be no expenditure.

Motion by Mr. Mencini, supported by Mr. Burgio to place on the next Council agenda.

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

NAYS: None. The motion carried

5. A RESOLUTION HONORING ASTROAUT AND SENATOR, JOHN GLENN, AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.

Mr. Troyer stated this is to honor John Glenn for all that he has done.

Mr. Mencini asked how Mr. Troyer plans on doing this.

Mr. Troyer replied by forwarding the Resolution to NASA.

Motion by Mrs. Powers, supported by Mr. Troyer to place it on the December 5th Council agenda.

Mayor Coyne stated that everyone should understand how important this gentleman was. The whole Aerospace Technology Park and Brook Park's involvement with that was because of his encouragement. Senator Glenn's should have his picture in the book of American heroes because there was not a better patriot than John Glenn; who flew in the same formations with Ted Williams. The Glenn Research Center has maintained its presence here and it has been a constant fight to keep it open here.

The clerk called the roll on the motion by Mrs. Powers, supported by Mr. Troyer, to place on the next Council agenda.

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

NAYS: None. The motion carried

SERVICE COMMITTEE – CHAIRMAN, BURGIO:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GREATER CLEVELAND AUTO AUCTION, PUBLIC AUCTIONEERS, FOR THE PURPOSE OF DISPOSING OF OBSOLETE CITY VEHICLES AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mayor Coyne stated this is basically a housekeeping issue, most of the cars are over ten-years old, this is the method used to dispose of these cars.

Mrs. Horvath stated she received a call from the service department foreman that another vehicle needs to be added to the list. An updated list will be provided for the next meeting.

Mr. Troyer asked if Mrs. Horvath knew what vehicle was?

Mrs. Horvath replied it is the old Animal Warden vehicle.

Motion by Mr. Mencini, supported by Mr. Salvatore to place it on the next December 5th Council agenda.

Service Committee - Chairman, Burgio: cont.

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

NAYS: None. The motion carried

- 2. AN ORDINANCE AUTHORIZING B &BF CONSTRUCTION TO COMPLETE SANITARY SEWER REPAIRS NEAR 21718 FORESTVIEW CIRCLE AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mayor Coyne visited the site and can clearly see why this needs to be done and feel that we have a good bid in the amount of \$18,600.

Mr. Troyer concurred with the Mayor.

Motion by Mr. Salvatore, supported by Mr. Mencini to put it on the December 5th Council agenda.

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

NAYS: None. The motion carried

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

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

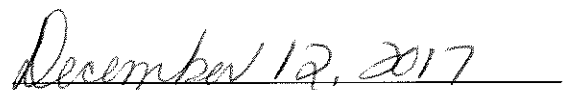
NAYS: None. The motion carried.

Council President Astorino declared the meeting adjourned at 9:08 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.

